

**As Passed by the House**

**131st General Assembly  
Regular Session  
2015-2016**

**Sub. H. B. No. 64**

**Representative Smith, R.**

**Cosponsors: Representatives Amstutz, Anielski, Baker, Blessing, Boose,  
Brown, Buchy, Burkley, Dovilla, Ginter, Green, Hackett, Hagan, Hambley, Hill,  
Kraus, Maag, McClain, Perales, Reineke, Romanchuk, Scherer, Sears,  
Sprague, Speaker Rosenberger**

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**A B I L L**

To amend sections 1.05, 9.312, 9.333, 9.83, 9.833, 1  
9.90, 9.901, 103.412, 105.41, 109.57, 109.572, 2  
109.77, 109.79, 113.07, 118.023, 118.04, 119.12, 3  
121.03, 121.22, 121.36, 121.372, 121.40, 122.121, 4  
122.17, 122.171, 122.174, 122.175, 122.177, 5  
122.64, 122.85, 122.87, 122.95, 122.951, 123.10, 6  
123.28, 123.281, 124.14, 124.15, 124.181, 124.392, 7  
125.02, 125.04, 125.041, 125.05, 125.07, 125.08, 8  
125.081, 125.082, 125.10, 125.11, 125.112, 125.13, 9  
125.27, 125.28, 125.31, 125.36, 125.38, 125.39, 10  
125.42, 125.43, 125.45, 125.49, 125.51, 125.58, 11  
125.601, 125.607, 125.609, 125.76, 125.901, 12  
128.021, 128.40, 128.54, 128.55, 128.57, 131.34, 13  
131.35, 133.01, 133.04, 133.05, 133.34, 140.01, 14  
149.04, 149.43, 153.08, 153.70, 156.01, 156.02, 15  
156.04, 173.391, 173.47, 173.48, 173.522, 173.523, 16  
173.543, 173.544, 173.545, 174.02, 191.04, 191.06, 17  
319.63, 339.06, 340.03, 340.034, 340.04, 340.05, 18  
340.07, 340.12, 340.15, 355.02, 355.03, 355.04, 19  
505.101, 718.01, 718.05, 718.07, 718.37, 737.41, 20

902.01, 903.01, 903.03, 903.07, 903.09, 903.10,	21
903.11, 903.12, 903.13, 903.16, 903.17, 903.25,	22
918.41, 955.12, 955.121, 955.14, 955.15, 955.20,	23
955.27, 1306.20, 1309.528, 1321.20, 1347.08,	24
1349.04, 1501.01, 1501.011, 1505.10, 1509.01,	25
1509.06, 1509.11, 1509.23, 1509.27, 1509.33,	26
1513.07, 1513.16, 1531.35, 1533.10, 1533.11,	27
1533.12, 1548.11, 1561.04, 1707.01, 1707.14,	28
1711.15, 1711.16, 1713.02, 1713.03, 1713.031,	29
1713.04, 1713.05, 1713.06, 1713.09, 1713.25,	30
1724.04, 1739.02, 1739.03, 1739.05, 1739.07,	31
1739.12, 1739.13, 1739.20, 1739.21, 1751.18,	32
1751.65, 2106.19, 2113.35, 2151.011, 2151.3514,	33
2151.421, 2301.03, 2305.231, 2925.03, 2929.13,	34
2929.18, 2929.20, 2935.33, 2951.041, 2967.14,	35
2969.14, 2981.12, 2981.13, 3105.171, 3107.0611,	36
3107.0612, 3119.27, 3121.03, 3301.078, 3301.0711,	37
3301.0712, 3301.52, 3301.53, 3301.541, 3301.55,	38
3301.56, 3301.57, 3301.58, 3302.02, 3302.03,	39
3302.036, 3302.05, 3302.15, 3310.03, 3310.09,	40
3311.19, 3313.411, 3313.46, 3313.536, 3313.603,	41
3313.608, 3313.6010, 3313.612, 3313.614, 3313.615,	42
3313.617, 3313.68, 3313.72, 3313.751, 3313.902,	43
3313.976, 3313.981, 3314.02, 3314.03, 3314.05,	44
3314.06, 3314.08, 3314.091, 3314.38, 3317.01,	45
3317.013, 3317.014, 3317.016, 3317.017, 3317.02,	46
3317.022, 3317.0212, 3317.0213, 3317.0214,	47
3317.0217, 3317.051, 3317.06, 3317.16, 3317.20,	48
3317.23, 3317.231, 3317.24, 3318.02, 3318.024,	49
3318.054, 3318.30, 3318.40, 3319.22, 3319.223,	50
3319.301, 3319.303, 3319.51, 3319.57, 3323.13,	51
3326.11, 3326.33, 3327.01, 3327.02, 3328.24,	52
3332.10, 3333.01, 3333.011, 3333.021, 3333.03,	53

3333.031, 3333.032, 3333.04, 3333.041, 3333.042,	54
3333.043, 3333.044, 3333.045, 3333.047, 3333.048,	55
3333.049, 3333.0410, 3333.0411, 3333.0412,	56
3333.0413, 3333.05, 3333.06, 3333.07, 3333.071,	57
3333.08, 3333.09, 3333.10, 3333.11, 3333.12,	58
3333.121, 3333.122, 3333.123, 3333.124, 3333.13,	59
3333.14, 3333.15, 3333.16, 3333.161, 3333.162,	60
3333.163, 3333.164, 3333.17, 3333.171, 3333.18,	61
3333.19, 3333.20, 3333.21, 3333.22, 3333.23,	62
3333.25, 3333.26, 3333.28, 3333.29, 3333.30,	63
3333.31, 3333.33, 3333.34, 3333.342, 3333.35,	64
3333.36, 3333.37, 3333.372, 3333.373, 3333.374,	65
3333.375, 3333.39, 3333.391, 3333.392, 3333.43,	66
3333.44, 3333.50, 3333.55, 3333.58, 3333.59,	67
3333.61, 3333.611, 3333.612, 3333.613, 3333.62,	68
3333.63, 3333.64, 3333.65, 3333.66, 3333.67,	69
3333.68, 3333.69, 3333.71, 3333.72, 3333.73,	70
3333.731, 3333.74, 3333.75, 3333.76, 3333.77,	71
3333.78, 3333.79, 3333.82, 3333.83, 3333.84,	72
3333.86, 3333.87, 3333.90, 3333.91, 3334.08,	73
3335.02, 3335.09, 3337.10, 3345.022, 3345.05,	74
3345.06, 3345.061, 3345.32, 3345.421, 3345.45,	75
3345.48, 3345.50, 3345.51, 3345.54, 3345.692,	76
3345.70, 3345.72, 3345.73, 3345.74, 3345.75,	77
3345.76, 3345.81, 3345.86, 3354.01, 3354.09,	78
3357.01, 3357.09, 3357.19, 3358.01, 3358.08,	79
3365.02, 3365.07, 3365.15, 3381.01, 3701.045,	80
3701.60, 3701.65, 3702.74, 3702.91, 3704.05,	81
3704.14, 3705.08, 3714.051, 3714.07, 3714.08,	82
3714.09, 3717.49, 3734.01, 3734.02, 3734.021,	83
3734.07, 3734.50, 3734.551, 3734.57, 3734.822,	84
3734.901, 3736.03, 3736.05, 3736.06, 3737.17,	85
3737.84, 3745.015, 3745.11, 3750.081, 3750.13,	86

3769.03, 3769.08, 3769.083, 3769.087, 3769.101,	87
3769.21, 3770.01, 3770.05, 3770.07, 3772.02,	88
3772.03, 3772.99, 3794.06, 3794.07, 3903.81,	89
3905.33, 3959.01, 4116.01, 4116.02, 4116.03,	90
4116.04, 4117.01, 4121.03, 4121.121, 4123.322,	91
4301.01, 4301.102, 4301.12, 4301.422, 4301.423,	92
4301.43, 4301.46, 4301.49, 4301.50, 4301.61,	93
4301.639, 4303.071, 4303.181, 4303.182, 4303.184,	94
4303.232, 4305.131, 4307.04, 4307.05, 4503.181,	95
4503.535, 4505.06, 4505.102, 4511.191, 4513.611,	96
4513.67, 4707.02, 4723.06, 4723.08, 4723.482,	97
4723.50, 4723.88, 4725.40, 4725.411, 4725.51,	98
4727.01, 4727.02, 4727.03, 4727.04, 4727.06,	99
4727.07, 4727.08, 4727.09, 4727.11, 4727.12,	100
4727.13, 4727.19, 4727.20, 4727.99, 4729.51,	101
4729.53, 4729.541, 4729.56, 4729.80, 4729.86,	102
4730.14, 4731.15, 4731.22, 4731.222, 4731.225,	103
4731.24, 4731.281, 4731.282, 4731.293, 4731.295,	104
4731.296, 4731.297, 4731.299, 4731.41, 4735.06,	105
4735.13, 4735.141, 4736.12, 4741.03, 4741.11,	106
4741.12, 4741.17, 4741.19, 4763.01, 4763.07,	107
4778.06, 4905.71, 4905.81, 4923.04, 4927.01,	108
4927.02, 4927.07, 4927.11, 4927.15, 4929.164,	109
5101.073, 5101.54, 5101.60, 5101.61, 5101.611,	110
5101.62, 5101.69, 5101.71, 5101.72, 5101.91,	111
5101.92, 5101.98, 5101.99, 5103.02, 5104.01,	112
5104.013, 5104.015, 5104.016, 5104.017, 5104.018,	113
5104.03, 5104.036, 5104.04, 5104.09, 5104.30,	114
5104.37, 5104.38, 5104.99, 5107.05, 5107.64,	115
5108.01, 5108.03, 5108.04, 5108.05, 5108.06,	116
5108.07, 5108.09, 5108.11, 5115.04, 5119.01,	117
5119.10, 5119.11, 5119.161, 5119.186, 5119.21,	118
5119.23, 5119.25, 5119.28, 5119.31, 5119.33,	119

5119.34, 5119.341, 5119.36, 5119.361, 5119.365,	120
5119.41, 5119.44, 5119.61, 5119.94, 5119.99,	121
5120.112, 5120.135, 5120.28, 5120.38, 5120.381,	122
5120.382, 5122.31, 5122.36, 5123.032, 5123.033,	123
5123.16, 5123.161, 5123.162, 5123.163, 5123.164,	124
5123.166, 5123.167, 5123.169, 5123.19, 5123.196,	125
5123.198, 5123.62, 5123.86, 5124.101, 5124.15,	126
5124.33, 5124.60, 5124.61, 5124.67, 5126.042,	127
5126.0510, 5126.15, 5126.201, 5139.03, 5139.50,	128
5147.07, 5160.37, 5162.01, 5162.11, 5162.36,	129
5162.361, 5162.363, 5163.03, 5163.06, 5163.30,	130
5163.33, 5164.01, 5164.36, 5164.38, 5164.57,	131
5165.15, 5165.151, 5165.152, 5165.192, 5165.23,	132
5166.16, 5167.03, 5168.01, 5168.06, 5168.07,	133
5168.10, 5168.11, 5168.40, 5168.44, 5168.45,	134
5168.47, 5168.48, 5168.49, 5168.53, 5168.60,	135
5168.63, 5168.64, 5168.67, 5513.01, 5703.057,	136
5703.36, 5705.19, 5705.21, 5705.212, 5709.17,	137
5709.62, 5709.63, 5709.632, 5709.67, 5709.73,	138
5713.30, 5725.22, 5725.98, 5726.50, 5727.031,	139
5727.111, 5727.80, 5727.81, 5727.811, 5727.84,	140
5727.85, 5727.86, 5729.98, 5733.0610, 5735.40,	141
5736.50, 5739.01, 5739.02, 5739.021, 5739.023,	142
5739.025, 5739.026, 5739.027, 5739.029, 5739.03,	143
5739.031, 5739.033, 5739.034, 5739.04, 5739.05,	144
5739.051, 5739.061, 5739.09, 5739.10, 5739.12,	145
5739.13, 5739.16, 5739.17, 5739.21, 5739.211,	146
5739.34, 5739.36, 5739.99, 5740.01, 5740.09,	147
5741.01, 5741.02, 5741.021, 5741.022, 5741.023,	148
5741.03, 5741.031, 5741.04, 5741.05, 5741.06,	149
5741.08, 5741.11, 5741.12, 5741.15, 5741.16,	150
5741.19, 5741.21, 5741.23, 5743.021, 5747.01,	151
5747.02, 5747.05, 5747.055, 5747.058, 5747.08,	152

5747.113, 5747.50, 5747.51, 5747.53, 5747.71,	153
5747.98, 5751.02, 5751.20, 5751.21, 5751.22,	154
5751.50, 5902.02, 5903.12, 5910.08, 5919.341,	155
6101.16, 6109.30, 6111.01, 6111.02, 6111.027,	156
6111.30, and 6111.99; to amend, for the purpose of	157
adopting new section numbers as indicated in	158
parentheses, sections 3333.031 (3333.012), 5108.05	159
(5108.041), 5108.03 (5108.05), 5123.1610	160
(5123.1611), and 5101.98 (5902.05); to enact new	161
sections 5108.03, 5123.1610, 5164.37, and 5165.25	162
and sections 9.318, 9.483, 103.44, 103.45, 103.46,	163
103.47, 103.48, 103.49, 103.50, 109.747, 111.31,	164
117.54, 118.041, 125.035, 125.061, 131.025,	165
133.083, 169.051, 173.525, 173.548, 174.09,	166
193.15, 193.16, 193.17, 339.061, 503.55, 505.1010,	167
1509.231, 1509.232, 1739.141, 3302.16, 3304.171,	168
3311.191, 3313.721, 3317.018, 3317.019, 3317.0218,	169
3317.26, 3319.271, 3319.67, 3333.0414, 3333.70,	170
3333.92, 3335.361, 3345.35, 3345.38, 3345.46,	171
3354.071, 3357.071, 3358.071, 3365.14, 3381.041,	172
3701.139, 3701.70, 3701.701, 3701.702, 3701.703,	173
3701.834, 3705.231, 3727.70, 3727.71, 3727.72,	174
3727.73, 3727.74, 3727.75, 3728.01, 3728.02,	175
3728.03, 3728.04, 3728.05, 3728.06, 3728.07,	176
3728.08, 3734.061, 3734.49, 3901.241, 3923.66,	177
3959.111, 4116.031, 4301.425, 4511.0915, 4727.061,	178
4727.062, 4727.23, 4727.24, 4727.25, 4727.26,	179
4730.252, 4731.62, 4731.74, 4743.08, 4743.09,	180
4760.133, 4762.133, 4765.161, 4774.133, 4778.141,	181
4923.041, 4927.10, 4927.101, 5101.612, 5101.621,	182
5101.622, 5101.691, 5101.692, 5101.93, 5103.50,	183
5103.51, 5103.52, 5103.53, 5103.54, 5103.55,	184
5104.042, 5108.021, 5108.022, 5123.376, 5123.621,	185

5124.155, 5124.68, 5124.69, 5124.70, 5160.401, 186  
5162.365, 5163.04, 5164.912, 5166.161, 5166.24, 187  
5166.52, 5166.521, 5166.522, 5166.523, 5166.524, 188  
5166.525, 5166.526, 5166.527, 5166.528, 5166.529, 189  
5166.5210, 5703.361, 5709.92, 5709.93, 5736.51, 190  
5739.024, 5739.50, 5739.51, 5739.52, 5739.53, 191  
5739.54, 5741.024, 5747.502, and 6301.16; to 192  
repeal sections 103.132, 111.181, 122.26, 122.952, 193  
125.021, 125.022, 125.023, 125.03, 125.051, 194  
125.06, 125.17, 125.32, 125.37, 125.47, 125.48, 195  
125.50, 125.52, 125.53, 125.54, 125.55, 125.56, 196  
125.57, 125.68, 125.91, 125.92, 125.93, 125.96, 197  
125.98, 149.13, 183.26, 901.61, 901.62, 901.63, 198  
901.64, 903.04, 955.29, 955.30, 955.32, 955.35, 199  
955.351, 955.36, 955.37, 955.38, 3302.05, 200  
3313.473, 3318.33, 3326.29, 3337.11, 3734.51, 201  
3736.04, 3769.086, 3770.061, 4731.283, 4741.09, 202  
5101.90, 5104.012, 5104.037, 5108.051, 5108.10, 203  
5119.411, 5163.061, 5163.08, 5164.37, 5165.25, 204  
5165.26, 5168.12, 5739.212, and 5747.29 of the 205  
Revised Code; to amend Sections 4 and 5 of Am. 206  
Sub. H.B. 7 of the 131st General Assembly, to 207  
amend Section 755.40 of Sub. H.B. 53 of the 131st 208  
General Assembly, to amend Sections 125.10 and 209  
125.11 of Am. Sub. H.B. 59 of the 130th General 210  
Assembly, to amend Section 745.10 of Am. Sub. H.B. 211  
483 of the 130th General Assembly, to amend 212  
Section 13 of Am. Sub. H.B. 487 of the 130th 213  
General Assembly, to amend Sections 207.200, 214  
221.20, 235.10, 245.10, and 259.10 of Am. H.B. 497 215  
of the 130th General Assembly, to amend Sections 216  
221.10, 223.10, 223.40, and 239.10 of Am. H.B. 497 217  
of the 130th General Assembly, as subsequently 218

amended, to amend Section 5 of Am. Sub. S.B. 314 219  
of the 129th General Assembly, and to amend 220  
Section 20.15 of H.B. 215 of the 122nd General 221  
Assembly; to repeal Sections 701.10 and 701.61 of 222  
Am. Sub. H.B. 59 of the 130th General Assembly and 223  
Sections 551.10 and 733.20 of Am. Sub. H.B. 483 of 224  
the 130th General Assembly; to amend the versions 225  
of sections 340.01, 340.03, 340.15, and 5119.21 of 226  
the Revised Code that are scheduled to take effect 227  
September 15, 2016, to continue the provisions of 228  
this act on and after the effective date, to make 229  
operating appropriations for the biennium 230  
beginning July 1, 2015, and ending June 30, 2017, 231  
to provide authorization and conditions for the 232  
operation of state programs, and to provide that 233  
the amendments by this act to section 5124.67 of 234  
the Revised Code terminate on July 1, 2018, when 235  
section 5124.67 of the Revised Code is repealed on 236  
that date. 237

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

**Section 101.01.** That sections 1.05, 9.312, 9.333, 9.83, 238  
9.833, 9.90, 9.901, 103.412, 105.41, 109.57, 109.572, 109.77, 239  
109.79, 113.07, 118.023, 118.04, 119.12, 121.03, 121.22, 121.36, 240  
121.372, 121.40, 122.121, 122.17, 122.171, 122.174, 122.175, 241  
122.177, 122.64, 122.85, 122.87, 122.95, 122.951, 123.10, 123.28, 242  
123.281, 124.14, 124.15, 124.181, 124.392, 125.02, 125.04, 243  
125.041, 125.05, 125.07, 125.08, 125.081, 125.082, 125.10, 125.11, 244  
125.112, 125.13, 125.27, 125.28, 125.31, 125.36, 125.38, 125.39, 245  
125.42, 125.43, 125.45, 125.49, 125.51, 125.58, 125.601, 125.607, 246  
125.609, 125.76, 125.901, 128.021, 128.40, 128.54, 128.55, 128.57, 247  
131.34, 131.35, 133.01, 133.04, 133.05, 133.34, 140.01, 149.04, 248



149.43, 153.08, 153.70, 156.01, 156.02, 156.04, 173.391, 173.47,	249
173.48, 173.522, 173.523, 173.543, 173.544, 173.545, 174.02,	250
191.04, 191.06, 319.63, 339.06, 340.03, 340.034, 340.04, 340.05,	251
340.07, 340.12, 340.15, 355.02, 355.03, 355.04, 505.101, 718.01,	252
718.05, 718.07, 718.37, 737.41, 902.01, 903.01, 903.03, 903.07,	253
903.09, 903.10, 903.11, 903.12, 903.13, 903.16, 903.17, 903.25,	254
918.41, 955.12, 955.121, 955.14, 955.15, 955.20, 955.27, 1306.20,	255
1309.528, 1321.20, 1347.08, 1349.04, 1501.01, 1501.011, 1505.10,	256
1509.01, 1509.06, 1509.11, 1509.23, 1509.27, 1509.33, 1513.07,	257
1513.16, 1531.35, 1533.10, 1533.11, 1533.12, 1548.11, 1561.04,	258
1707.01, 1707.14, 1711.15, 1711.16, 1713.02, 1713.03, 1713.031,	259
1713.04, 1713.05, 1713.06, 1713.09, 1713.25, 1724.04, 1739.02,	260
1739.03, 1739.05, 1739.07, 1739.12, 1739.13, 1739.20, 1739.21,	261
1751.18, 1751.65, 2106.19, 2113.35, 2151.011, 2151.3514, 2151.421,	262
2301.03, 2305.231, 2925.03, 2929.13, 2929.18, 2929.20, 2935.33,	263
2951.041, 2967.14, 2969.14, 2981.12, 2981.13, 3105.171, 3107.0611,	264
3107.0612, 3119.27, 3121.03, 3301.078, 3301.0711, 3301.0712,	265
3301.52, 3301.53, 3301.541, 3301.55, 3301.56, 3301.57, 3301.58,	266
3302.02, 3302.03, 3302.036, 3302.05, 3302.15, 3310.03, 3310.09,	267
3311.19, 3313.411, 3313.46, 3313.536, 3313.603, 3313.608,	268
3313.6010, 3313.612, 3313.614, 3313.615, 3313.617, 3313.68,	269
3313.72, 3313.751, 3313.902, 3313.976, 3313.981, 3314.02, 3314.03,	270
3314.05, 3314.06, 3314.08, 3314.091, 3314.38, 3317.01, 3317.013,	271
3317.014, 3317.016, 3317.017, 3317.02, 3317.022, 3317.0212,	272
3317.0213, 3317.0214, 3317.0217, 3317.051, 3317.06, 3317.16,	273
3317.20, 3317.23, 3317.231, 3317.24, 3318.02, 3318.024, 3318.054,	274
3318.30, 3318.40, 3319.22, 3319.223, 3319.301, 3319.303, 3319.51,	275
3319.57, 3323.13, 3326.11, 3326.33, 3327.01, 3327.02, 3328.24,	276
3332.10, 3333.01, 3333.011, 3333.021, 3333.03, 3333.031, 3333.032,	277
3333.04, 3333.041, 3333.042, 3333.043, 3333.044, 3333.045,	278
3333.047, 3333.048, 3333.049, 3333.0410, 3333.0411, 3333.0412,	279
3333.0413, 3333.05, 3333.06, 3333.07, 3333.071, 3333.08, 3333.09,	280

3333.10, 3333.11, 3333.12, 3333.121, 3333.122, 3333.123, 3333.124,	281
3333.13, 3333.14, 3333.15, 3333.16, 3333.161, 3333.162, 3333.163,	282
3333.164, 3333.17, 3333.171, 3333.18, 3333.19, 3333.20, 3333.21,	283
3333.22, 3333.23, 3333.25, 3333.26, 3333.28, 3333.29, 3333.30,	284
3333.31, 3333.33, 3333.34, 3333.342, 3333.35, 3333.36, 3333.37,	285
3333.372, 3333.373, 3333.374, 3333.375, 3333.39, 3333.391,	286
3333.392, 3333.43, 3333.44, 3333.50, 3333.55, 3333.58, 3333.59,	287
3333.61, 3333.611, 3333.612, 3333.613, 3333.62, 3333.63, 3333.64,	288
3333.65, 3333.66, 3333.67, 3333.68, 3333.69, 3333.71, 3333.72,	289
3333.73, 3333.731, 3333.74, 3333.75, 3333.76, 3333.77, 3333.78,	290
3333.79, 3333.82, 3333.83, 3333.84, 3333.86, 3333.87, 3333.90,	291
3333.91, 3334.08, 3335.02, 3335.09, 3337.10, 3345.022, 3345.05,	292
3345.06, 3345.061, 3345.32, 3345.421, 3345.45, 3345.48, 3345.50,	293
3345.51, 3345.54, 3345.692, 3345.70, 3345.72, 3345.73, 3345.74,	294
3345.75, 3345.76, 3345.81, 3345.86, 3354.01, 3354.09, 3357.01,	295
3357.09, 3357.19, 3358.01, 3358.08, 3365.02, 3365.07, 3365.15,	296
3381.01, 3701.045, 3701.60, 3701.65, 3702.74, 3702.91, 3704.05,	297
3704.14, 3705.08, 3714.051, 3714.07, 3714.08, 3714.09, 3717.49,	298
3734.01, 3734.02, 3734.021, 3734.07, 3734.50, 3734.551, 3734.57,	299
3734.822, 3734.901, 3736.03, 3736.05, 3736.06, 3737.17, 3737.84,	300
3745.015, 3745.11, 3750.081, 3750.13, 3769.03, 3769.08, 3769.083,	301
3769.087, 3769.101, 3769.21, 3770.01, 3770.05, 3770.07, 3772.02,	302
3772.03, 3772.99, 3794.06, 3794.07, 3903.81, 3905.33, 3959.01,	303
4116.01, 4116.02, 4116.03, 4116.04, 4117.01, 4121.03, 4121.121,	304
4123.322, 4301.01, 4301.102, 4301.12, 4301.422, 4301.423, 4301.43,	305
4301.46, 4301.49, 4301.50, 4301.61, 4301.639, 4303.071, 4303.181,	306
4303.182, 4303.184, 4303.232, 4305.131, 4307.04, 4307.05,	307
4503.181, 4503.535, 4505.06, 4505.102, 4511.191, 4513.611,	308
4513.67, 4707.02, 4723.06, 4723.08, 4723.482, 4723.50, 4723.88,	309
4725.40, 4725.411, 4725.51, 4727.01, 4727.02, 4727.03, 4727.04,	310
4727.06, 4727.07, 4727.08, 4727.09, 4727.11, 4727.12, 4727.13,	311
4727.19, 4727.20, 4727.99, 4729.51, 4729.53, 4729.541, 4729.56,	312

4729.80, 4729.86, 4730.14, 4731.15, 4731.22, 4731.222, 4731.225,	313
4731.24, 4731.281, 4731.282, 4731.293, 4731.295, 4731.296,	314
4731.297, 4731.299, 4731.41, 4735.06, 4735.13, 4735.141, 4736.12,	315
4741.03, 4741.11, 4741.12, 4741.17, 4741.19, 4763.01, 4763.07,	316
4778.06, 4905.71, 4905.81, 4923.04, 4927.01, 4927.02, 4927.07,	317
4927.11, 4927.15, 4929.164, 5101.073, 5101.54, 5101.60, 5101.61,	318
5101.611, 5101.62, 5101.69, 5101.71, 5101.72, 5101.91, 5101.92,	319
5101.98, 5101.99, 5103.02, 5104.01, 5104.013, 5104.015, 5104.016,	320
5104.017, 5104.018, 5104.03, 5104.036, 5104.04, 5104.09, 5104.30,	321
5104.37, 5104.38, 5104.99, 5107.05, 5107.64, 5108.01, 5108.03,	322
5108.04, 5108.05, 5108.06, 5108.07, 5108.09, 5108.11, 5115.04,	323
5119.01, 5119.10, 5119.11, 5119.161, 5119.186, 5119.21, 5119.23,	324
5119.25, 5119.28, 5119.31, 5119.33, 5119.34, 5119.341, 5119.36,	325
5119.361, 5119.365, 5119.41, 5119.44, 5119.61, 5119.94, 5119.99,	326
5120.112, 5120.135, 5120.28, 5120.38, 5120.381, 5120.382, 5122.31,	327
5122.36, 5123.032, 5123.033, 5123.16, 5123.161, 5123.162,	328
5123.163, 5123.164, 5123.166, 5123.167, 5123.169, 5123.19,	329
5123.196, 5123.198, 5123.62, 5123.86, 5124.101, 5124.15, 5124.33,	330
5124.60, 5124.61, 5124.67, 5126.042, 5126.0510, 5126.15, 5126.201,	331
5139.03, 5139.50, 5147.07, 5160.37, 5162.01, 5162.11, 5162.36,	332
5162.361, 5162.363, 5163.03, 5163.06, 5163.30, 5163.33, 5164.01,	333
5164.36, 5164.38, 5164.57, 5165.15, 5165.151, 5165.152, 5165.192,	334
5165.23, 5166.16, 5167.03, 5168.01, 5168.06, 5168.07, 5168.10,	335
5168.11, 5168.40, 5168.44, 5168.45, 5168.47, 5168.48, 5168.49,	336
5168.53, 5168.60, 5168.63, 5168.64, 5168.67, 5513.01, 5703.057,	337
5703.36, 5705.19, 5705.21, 5705.212, 5709.17, 5709.62, 5709.63,	338
5709.632, 5709.67, 5709.73, 5713.30, 5725.22, 5725.98, 5726.50,	339
5727.031, 5727.111, 5727.80, 5727.81, 5727.811, 5727.84, 5727.85,	340
5727.86, 5729.98, 5733.0610, 5735.40, 5736.50, 5739.01, 5739.02,	341
5739.021, 5739.023, 5739.025, 5739.026, 5739.027, 5739.029,	342
5739.03, 5739.031, 5739.033, 5739.034, 5739.04, 5739.05, 5739.051,	343
5739.061, 5739.09, 5739.10, 5739.12, 5739.13, 5739.16, 5739.17,	344

5739.21, 5739.211, 5739.34, 5739.36, 5739.99, 5740.01, 5740.09, 345  
5741.01, 5741.02, 5741.021, 5741.022, 5741.023, 5741.03, 5741.031, 346  
5741.04, 5741.05, 5741.06, 5741.08, 5741.11, 5741.12, 5741.15, 347  
5741.16, 5741.19, 5741.21, 5741.23, 5743.021, 5747.01, 5747.02, 348  
5747.05, 5747.055, 5747.058, 5747.08, 5747.113, 5747.50, 5747.51, 349  
5747.53, 5747.71, 5747.98, 5751.02, 5751.20, 5751.21, 5751.22, 350  
5751.50, 5902.02, 5903.12, 5910.08, 5919.341, 6101.16, 6109.30, 351  
6111.01, 6111.02, 6111.027, 6111.30, and 6111.99 be amended; 352  
sections 3333.031 (3333.012), 5108.05 (5108.041), 5108.03 353  
(5108.05), 5123.1610 (5123.1611), and 5101.98 (5902.05) be amended 354  
for the purpose of adopting new section numbers as indicated in 355  
parentheses; new sections 5108.03, 5123.1610, 5164.37, and 5165.25 356  
and sections 9.318, 9.483, 103.44, 103.45, 103.46, 103.47, 103.48, 357  
103.49, 103.50, 109.747, 111.31, 117.54, 118.041, 125.035, 358  
125.061, 131.025, 133.083, 169.051, 173.525, 173.548, 174.09, 359  
193.15, 193.16, 193.17, 339.061, 503.55, 505.1010, 1509.231, 360  
1509.232, 1739.141, 3302.16, 3304.171, 3311.191, 3313.721, 361  
3317.018, 3317.019, 3317.0218, 3317.26, 3319.271, 3319.67, 362  
3333.0414, 3333.70, 3333.92, 3335.361, 3345.35, 3345.38, 3345.46, 363  
3354.071, 3357.071, 3358.071, 3365.14, 3381.041, 3701.139, 364  
3701.70, 3701.701, 3701.702, 3701.703, 3701.834, 3705.231, 365  
3727.70, 3727.71, 3727.72, 3727.73, 3727.74, 3727.75, 3728.01, 366  
3728.02, 3728.03, 3728.04, 3728.05, 3728.06, 3728.07, 3728.08, 367  
3734.061, 3734.49, 3901.241, 3923.66, 3959.111, 4116.031, 368  
4301.425, 4511.0915, 4727.061, 4727.062, 4727.23, 4727.24, 369  
4727.25, 4727.26, 4730.252, 4731.62, 4731.74, 4743.08, 4743.09, 370  
4760.133, 4762.133, 4765.161, 4774.133, 4778.141, 4923.041, 371  
4927.10, 4927.101, 5101.612, 5101.621, 5101.622, 5101.691, 372  
5101.692, 5101.93, 5103.50, 5103.51, 5103.52, 5103.53, 5103.54, 373  
5103.55, 5104.042, 5108.021, 5108.022, 5123.376, 5123.621, 374  
5124.155, 5124.68, 5124.69, 5124.70, 5160.401, 5162.365, 5163.04, 375  
5164.912, 5166.161, 5166.24, 5166.52, 5166.521, 5166.522, 376

5166.523, 5166.524, 5166.525, 5166.526, 5166.527, 5166.528, 377  
5166.529, 5166.5210, 5703.361, 5709.92, 5709.93, 5736.51, 378  
5739.024, 5739.50, 5739.51, 5739.52, 5739.53, 5739.54, 5741.024, 379  
5747.502, and 6301.16 of the Revised Code be enacted to read as 380  
follows: 381

**Sec. 1.05.** (A) As used in the Revised Code, unless the 382  
context otherwise requires, "imprisoned" or "imprisonment" means 383  
being imprisoned under a sentence imposed for an offense or 384  
serving a term of imprisonment, prison term, jail term, term of 385  
local incarceration, or other term under a sentence imposed for an 386  
offense in an institution under the control of the department of 387  
rehabilitation and correction, a county, multicounty, municipal, 388  
municipal-county, or multicounty-municipal jail or workhouse, a 389  
minimum security jail, a community-based correctional facility, a 390  
~~halfway house~~, an alternative residential facility, or another 391  
facility described or referred to in section 2929.34 of the 392  
Revised Code for the type of criminal offense and under the 393  
circumstances specified or referred to in that section. 394

(B) As used in division (A) of this section, "community-based 395  
correctional facility," ~~"halfway house,"~~ and "alternative 396  
residential facility" have the same meanings as in section 2929.01 397  
of the Revised Code. 398

**Sec. 9.312.** (A) If a state agency or political subdivision is 399  
required by law or by an ordinance or resolution adopted under 400  
division (C) of this section to award a contract to the lowest 401  
responsive and responsible bidder, a bidder on the contract shall 402  
be considered responsive if the bidder's proposal responds to bid 403  
specifications in all material respects and contains no 404  
irregularities or deviations from the specifications which would 405  
affect the amount of the bid or otherwise give the bidder a 406

competitive advantage. The factors that the state agency or 407  
political subdivision shall consider in determining whether a 408  
bidder on the contract is responsible include the experience of 409  
the bidder, the bidder's financial condition, conduct and 410  
performance on previous contracts, facilities, management skills, 411  
and ability to execute the contract properly. 412

For purposes of this division, the provision of a bid 413  
guaranty in accordance with divisions (A)(1) and (B) of section 414  
153.54 of the Revised Code issued by a surety licensed to do 415  
business in this state is evidence of financial responsibility, 416  
but a state agency or political subdivision may request additional 417  
financial information for review from an apparent low bidder after 418  
it opens all submitted bids. A state agency or political 419  
subdivision shall keep additional financial information it 420  
receives pursuant to a request under this division confidential, 421  
except under proper order of a court. The additional financial 422  
information is not a public record under section 149.43 of the 423  
Revised Code. 424

An apparent low bidder found not to be responsive and 425  
responsible shall be notified by the state agency or political 426  
subdivision of that finding and the reasons for it. Except for 427  
contracts awarded by the department of administrative services 428  
pursuant to section 125.11 of the Revised Code, the notification 429  
shall be given in writing and by certified mail. When awarding 430  
contracts pursuant to section 125.11 of the Revised Code, the 431  
department may send such notice in writing by first class mail or 432  
by electronic means. 433

(B) Where a state agency or a political subdivision that has 434  
adopted an ordinance or resolution under division (C) of this 435  
section determines to award a contract to a bidder other than the 436  
apparent low bidder or bidders for the construction, 437  
reconstruction, improvement, enlargement, alteration, repair, 438

painting, or decoration of a public improvement, it shall meet 439  
with the apparent low bidder or bidders upon a filing of a timely 440  
written protest. The protest must be received within five days of 441  
the notification required in division (A) of this section. No 442  
final award shall be made until the state agency or political 443  
subdivision either affirms or reverses its earlier determination. 444  
Notwithstanding any other provisions of the Revised Code, the 445  
procedure described in this division is not subject to Chapter 446  
119. of the Revised Code. 447

(C) A municipal corporation, township, school district, board 448  
of county commissioners, any other county board or commission, or 449  
any other political subdivision required by law to award contracts 450  
by competitive bidding may by ordinance or resolution adopt a 451  
policy of requiring each competitively bid contract it awards to 452  
be awarded to the lowest responsive and responsible bidder in 453  
accordance with this section. 454

**Sec. 9.318.** (A) As used in this section: 455

"Armed forces" means the armed forces of the United States, 456  
including the army, navy, air force, marine corps, coast guard, or 457  
any reserve component of those forces; the national guard of any 458  
state; the commissioned corps of the United States public health 459  
service; the merchant marine service during wartime; such other 460  
service as may be designated by congress; and the Ohio organized 461  
militia when engaged in full-time national guard duty for a period 462  
of more than thirty days. 463

"State agency" has the meaning defined in section 1.60 of the 464  
Revised Code. 465

"Veteran" means any person who has completed service in the 466  
armed forces, including the national guard of any state, or a 467  
reserve component of the armed forces, who has been honorably 468  
discharged or discharged under honorable conditions from the armed 469

forces or who has been transferred to the reserve with evidence of 470  
satisfactory service. 471

"Veteran-friendly business enterprise" means a sole 472  
proprietorship, association, partnership, corporation, limited 473  
liability company, or joint venture that meets veteran employment 474  
standards established by the director of administrative services 475  
and the director of transportation under this section. 476

(B) The director of administrative services and the director 477  
of transportation shall establish and maintain the 478  
veteran-friendly business procurement program. The director of 479  
administrative services shall adopt rules to administer the 480  
program for all state agencies except the department of 481  
transportation, and the director of transportation shall adopt 482  
rules to administer the program for the department of 483  
transportation. The rules shall be adopted under Chapter 119. of 484  
the Revised Code. The rules, as adopted separately by but with the 485  
great degree of consistency possible between the two directors, 486  
shall do all of the following: 487

(1) Establish criteria, based on the percentage of an 488  
applicant's employees who are veterans, that qualifies an 489  
applicant for certification as a veteran-friendly business 490  
enterprise; 491

(2) Establish procedures by which a sole proprietorship, 492  
association, partnership, corporation, limited liability company, 493  
or joint venture may apply for certification as a veteran-friendly 494  
business enterprise; 495

(3) Establish procedures for certifying a sole 496  
proprietorship, association, partnership, corporation, limited 497  
liability company, or joint venture as a veteran-friendly business 498  
enterprise; 499

(4) Establish standards for determining when a 500



veteran-friendly business enterprise no longer qualifies for 501  
certification as a veteran-friendly business enterprise; 502

(5) Establish procedures, to be used by state agencies or the 503  
department of transportation, for the evaluation and ranking of 504  
proposals, which provide preference or bonus points to each 505  
certified veteran-friendly business enterprise that submits a bid 506  
or other proposal for a contract with the state or an agency of 507  
the state other than the department of transportation, or with the 508  
department of transportation, for the rendering of services, or 509  
the supplying of materials, or for the construction, demolition, 510  
alteration, repair, or reconstruction of any public building, 511  
structure, highway, or other improvement; 512

(6) Implement an outreach program to educate potential 513  
participants about the veteran-friendly business enterprise 514  
program; and 515

(7) Establish a process for monitoring overall performance of 516  
the veteran-friendly business enterprise program. 517

**Sec. 9.333.** (A) No public authority shall enter into a 518  
construction management contract with a construction manager 519  
unless the construction manager provides a letter of credit 520  
pursuant to Chapter 1305. of the Revised Code, a surety bond 521  
pursuant to sections 153.54 and 153.57 of the Revised Code, a 522  
certified check or cashier's check in an amount equal to the value 523  
of the construction management contract for the project, or 524  
provides other reasonable financial assurance of a nature and in 525  
an amount satisfactory to the public authority. The public 526  
authority may waive this requirement for good cause. 527

(B) Before construction begins pursuant to a construction 528  
management contract with a construction manager at risk, the 529  
construction manager at risk shall provide a surety bond to the 530  
public authority in accordance with rules adopted by the executive 531

director of ~~administrative services~~ the Ohio facilities 532  
construction commission under Chapter 119. of the Revised Code. 533

Sec. 9.483. Notwithstanding limitations imposed by the 534  
Revised Code to the contrary, a political subdivision may enter 535  
into a sale and leaseback agreement under which the legislative 536  
authority agrees to convey a building owned by the political 537  
subdivision to a purchaser who is obligated, immediately upon 538  
closing, to lease all or portions of the building back to the 539  
legislative authority. The sale and leaseback agreement shall 540  
obligate the lessor to make public improvements to all or portions 541  
of the building subject to the lease, including renovations, 542  
energy conservation measures, and other measures that are 543  
necessary to improve the functionality and reduce the operating 544  
costs of the portions of the building that are subject to the 545  
lease. 546

**Sec. 9.83.** (A) The state and any political subdivision may 547  
procure a policy or policies of insurance insuring its officers 548  
and employees against liability for injury, death, or loss to 549  
person or property that arises out of the operation of an 550  
automobile, truck, motor vehicle with auxiliary equipment, 551  
self-propelling equipment or trailer, aircraft, or watercraft by 552  
the officers or employees while engaged in the course of their 553  
employment or official responsibilities for the state or the 554  
political subdivision. The state is authorized to expend funds to 555  
pay judgments that are rendered in any court against its officers 556  
or employees and that result from such operation, and is 557  
authorized to expend funds to compromise claims for liability 558  
against its officers or employees that result from such operation. 559  
No insurer shall deny coverage under such a policy, and the state 560  
shall not refuse to pay judgments or compromise claims, on the 561  
ground that an automobile, truck, motor vehicle with auxiliary 562

equipment, self-propelling equipment or trailer, aircraft, or 563  
watercraft was not being used in the course of an officer's or 564  
employee's employment or official responsibilities for the state 565  
or a political subdivision unless the officer or employee who was 566  
operating an automobile, truck, motor vehicle with auxiliary 567  
equipment, or self-propelling equipment or trailer is convicted of 568  
a violation of section 124.71 of the Revised Code as a result of 569  
the same events. 570

(B) Funds shall be reserved as necessary, in the exercise of 571  
sound and prudent actuarial judgment, to cover potential expense, 572  
fees, damage, loss, or other liability. The office of risk 573  
management may recommend or, if the state requests of the office 574  
of risk management, shall recommend a specific amount for any 575  
period of time that, in the opinion of the office of risk 576  
management, represents such a judgment. 577

(C) Nothing in this section shall be construed to require the 578  
department of administrative services to purchase liability 579  
insurance for all state vehicles in a single policy of insurance 580  
or to cover all state vehicles under a single plan of 581  
self-insurance. 582

(D) Insurance procured by the state pursuant to this section 583  
shall be procured as provided in division (G) of section ~~125.03~~ 584  
125.02 of the Revised Code. 585

(E) For purposes of liability insurance procured under this 586  
section to cover the operation of a motor vehicle by a prisoner 587  
for whom the insurance is procured, "employee" includes a prisoner 588  
in the custody of the department of rehabilitation and correction 589  
who is enrolled in a work program that is established by the 590  
department pursuant to section 5145.16 of the Revised Code and in 591  
which the prisoner is required to operate a motor vehicle, as 592  
defined in section 4509.01 of the Revised Code, and who is engaged 593  
in the operation of a motor vehicle in the course of the work 594

program. 595

(F) All contributions collected by the director of 596  
administrative services under division (H) of this section shall 597  
be deposited into the risk management reserve fund created in 598  
section 9.823 of the Revised Code to the credit of the vehicle 599  
liability program. 600

(G) Reserves shall be maintained in the risk management 601  
reserve fund to the credit of the vehicle liability program in any 602  
amount that is necessary and adequate, in the exercise of sound 603  
and prudent actuarial judgment, to cover potential liability 604  
claims, expenses, fees, or damages. Money in the fund may be 605  
applied to the payment of liability claims that are filed against 606  
the state in the court of claims and determined in the manner 607  
provided in Chapter 2743. of the Revised Code. The director of 608  
administrative services may procure the services of a qualified 609  
actuarial firm for the purpose of recommending the specific amount 610  
of money that is required to maintain adequate reserves for a 611  
specified period of time. 612

(H) The director of administrative services shall collect 613  
from each state agency or any participating state body its 614  
contribution to the vehicle liability program for the purpose of 615  
purchasing insurance or administering self-insurance programs for 616  
coverage authorized under this section. The amount of the 617  
contribution shall be determined by the director, with the 618  
approval of the director of budget and management. It shall be 619  
based upon actuarial assumptions and the relative risk and loss 620  
experience of each state agency or participating state body. The 621  
amount of the contribution also shall include a reasonable sum to 622  
cover administrative costs of the department of administrative 623  
services. The amounts collected pursuant to this division shall be 624  
deposited in the risk management reserve fund to the credit of the 625  
vehicle liability program. 626

Sec. 9.833. (A) As used in this section, "political 627  
subdivision" has the meaning defined in sections 2744.01 and 628  
3905.36 of the Revised Code. For purposes of this section, 629  
"political subdivision" includes municipal corporations as defined 630  
in section 5705.01 of the Revised Code. 631

(B) Political subdivisions that provide health care benefits 632  
for their officers or employees may do any of the following: 633

(1) Establish and maintain an individual self-insurance 634  
program with public moneys to provide authorized health care 635  
benefits, including but not limited to, health care, prescription 636  
drugs, dental care, and vision care, in accordance with division 637  
(C) of this section; 638

(2) Establish and maintain a health savings account program 639  
whereby employees or officers may establish and maintain health 640  
savings accounts in accordance with section 223 of the Internal 641  
Revenue Code. Public moneys may be used to pay for or fund 642  
federally qualified high deductible health plans that are linked 643  
to health savings accounts or to make contributions to health 644  
savings accounts. A health savings account program may be a part 645  
of a self-insurance program. 646

(3) After establishing an individual self-insurance program, 647  
agree with other political subdivisions that have established 648  
individual self-insurance programs for health care benefits, that 649  
their programs will be jointly administered in a manner specified 650  
in the agreement; 651

(4) Pursuant to a written agreement and in accordance with 652  
division (C) of this section, join in any combination with other 653  
political subdivisions to establish and maintain a joint 654  
self-insurance program to provide health care benefits; 655

(5) Pursuant to a written agreement, join in any combination 656

with other political subdivisions to procure or contract for 657  
policies, contracts, or plans of insurance to provide health care 658  
benefits, which may include a health savings account program for 659  
their officers and employees subject to the agreement; 660

(6) Use in any combination any of the policies, contracts, 661  
plans, or programs authorized under this division. 662

(7) Any agreement made under division (B)(3), (4), (5), or 663  
(6) of this section shall be in writing, comply with division (C) 664  
of this section, and contain best practices established in 665  
consultation with and approved by the department of administrative 666  
services. The best practices may be reviewed and amended at the 667  
discretion of the political subdivisions in consultation with the 668  
department. Detailed information regarding the best practices 669  
shall be made available to any employee upon that employee's 670  
request. 671

(8) Purchase plans containing best practices established 672  
identified by the department of administrative services under 673  
section 9.901 of the Revised Code. 674

(C) Except as otherwise provided in division (E) of this 675  
section, the following apply to individual or joint self-insurance 676  
programs established pursuant to this section: 677

(1) Such funds shall be reserved as are necessary, in the 678  
exercise of sound and prudent actuarial judgment, to cover 679  
potential cost of health care benefits for the officers and 680  
employees of the political subdivision. A certified audited 681  
financial statement and a report of aggregate amounts so reserved 682  
and aggregate disbursements made from such funds, together with a 683  
written report of a member of the American academy of actuaries 684  
certifying whether the amounts reserved conform to the 685  
requirements of this division, are computed in accordance with 686  
accepted loss reserving standards, and are fairly stated in 687

accordance with sound loss reserving principles, shall be prepared 688  
and maintained, within ninety days after the last day of the 689  
fiscal year of the entity for which the report is provided for 690  
that fiscal year, in the office of the program administrator 691  
described in division (C)(3) of this section. 692

The report required by division (C)(1) of this section shall 693  
include, but not be limited to, the aggregate of disbursements 694  
made for the administration of the program, including claims paid, 695  
costs of the legal representation of political subdivisions and 696  
employees, and fees paid to consultants. 697

The program administrator described in division (C)(3) of 698  
this section shall make the report required by this division 699  
available for inspection by any person at all reasonable times 700  
during regular business hours, and, upon the request of such 701  
person, shall make copies of the report available at cost within a 702  
reasonable period of time. The program administrator shall further 703  
provide the report to the auditor of state under Chapter 117. of 704  
the Revised Code. The report required by this division is in lieu 705  
of the records required by division (A) of section 149.431 of the 706  
Revised Code. 707

(2) Each political subdivision shall reserve funds necessary 708  
for an individual or joint self-insurance program in a special 709  
fund that may be established for political subdivisions other than 710  
an agency or instrumentality pursuant to an ordinance or 711  
resolution of the political subdivision and not subject to section 712  
5705.12 of the Revised Code. An agency or instrumentality shall 713  
reserve the funds necessary for an individual or joint 714  
self-insurance program in a special fund established pursuant to a 715  
resolution duly adopted by the agency's or instrumentality's 716  
governing board. The political subdivision may allocate the costs 717  
of insurance or any self-insurance program, or both, among the 718  
funds or accounts established under this division on the basis of 719

relative exposure and loss experience. 720

(3) A contract may be awarded, without the necessity of 721  
competitive bidding, to any person, political subdivision, 722  
nonprofit corporation organized under Chapter 1702. of the Revised 723  
Code, or regional council of governments created under Chapter 724  
167. of the Revised Code for purposes of administration of an 725  
individual or joint self-insurance program. No such contract shall 726  
be entered into without full, prior, public disclosure of all 727  
terms and conditions. The disclosure shall include, at a minimum, 728  
a statement listing all representations made in connection with 729  
any possible savings and losses resulting from the contract, and 730  
potential liability of any political subdivision or employee. The 731  
proposed contract and statement shall be disclosed and presented 732  
at a meeting of the political subdivision not less than one week 733  
prior to the meeting at which the political subdivision authorizes 734  
the contract. 735

A contract awarded to a nonprofit corporation or a regional 736  
council of governments under this division may provide that all 737  
employees of the nonprofit corporation or regional council of 738  
governments, the employees of all entities related to the 739  
nonprofit corporation or regional council of governments, and the 740  
employees of other nonprofit corporations that have fifty or fewer 741  
employees and have been organized for the primary purpose of 742  
representing the interests of political subdivisions, may be 743  
covered by the individual or joint self-insurance program under 744  
the terms and conditions set forth in the contract. 745

(4) The individual or joint self-insurance program shall 746  
include a contract with a certified public accountant and a member 747  
of the American academy of actuaries for the preparation of the 748  
written evaluations required under division (C)(1) of this 749  
section. 750

(5) A joint self-insurance program may allocate the costs of 751



funding the program among the funds or accounts established under 752  
this division to the participating political subdivisions on the 753  
basis of their relative exposure and loss experience. 754

(6) An individual self-insurance program may allocate the 755  
costs of funding the program among the funds or accounts 756  
established under this division to the political subdivision that 757  
established the program. 758

(7) Two or more political subdivisions may also authorize the 759  
establishment and maintenance of a joint health care cost 760  
containment program, including, but not limited to, the employment 761  
of risk managers, health care cost containment specialists, and 762  
consultants, for the purpose of preventing and reducing health 763  
care costs covered by insurance, individual self-insurance, or 764  
joint self-insurance programs. 765

(8) A political subdivision is not liable under a joint 766  
self-insurance program for any amount in excess of amounts payable 767  
pursuant to the written agreement for the participation of the 768  
political subdivision in the joint self-insurance program. Under a 769  
joint self-insurance program agreement, a political subdivision 770  
may, to the extent permitted under the written agreement, assume 771  
the risks of any other political subdivision. A joint 772  
self-insurance program established under this section is deemed a 773  
separate legal entity for the public purpose of enabling the 774  
members of the joint self-insurance program to obtain insurance or 775  
to provide for a formalized, jointly administered self-insurance 776  
fund for its members. An entity created pursuant to this section 777  
is exempt from all state and local taxes. 778

(9) Any political subdivision, other than an agency or 779  
instrumentality, may issue general obligation bonds, or special 780  
obligation bonds that are not payable from real or personal 781  
property taxes, and may also issue notes in anticipation of such 782  
bonds, pursuant to an ordinance or resolution of its legislative 783

authority or other governing body for the purpose of providing 784  
funds to pay expenses associated with the settlement of claims, 785  
whether by way of a reserve or otherwise, and to pay the political 786  
subdivision's portion of the cost of establishing and maintaining 787  
an individual or joint self-insurance program or to provide for 788  
the reserve in the special fund authorized by division (C)(2) of 789  
this section. 790

In its ordinance or resolution authorizing bonds or notes 791  
under this section, a political subdivision may elect to issue 792  
such bonds or notes under the procedures set forth in Chapter 133. 793  
of the Revised Code. In the event of such an election, 794  
notwithstanding Chapter 133. of the Revised Code, the maturity of 795  
the bonds may be for any period authorized in the ordinance or 796  
resolution not exceeding twenty years, which period shall be the 797  
maximum maturity of the bonds for purposes of section 133.22 of 798  
the Revised Code. 799

Bonds and notes issued under this section shall not be 800  
considered in calculating the net indebtedness of the political 801  
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 802  
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 803  
hereby made applicable to bonds or notes authorized under this 804  
section. 805

(10) A joint self-insurance program is not an insurance 806  
company. Its operation does not constitute doing an insurance 807  
business and is not subject to the insurance laws of this state. 808

(11) A joint self-insurance program shall pay the run-off 809  
expenses of a participating political subdivision that terminates 810  
its participation in the program if the political subdivision has 811  
accumulated funds in the reserves for incurred but not reported 812  
claims. The run-off payment, at minimum, shall be limited to an 813  
actuarially determined cap or sixty days, whichever is reached 814  
first. This provision shall not apply during the term of a 815

specific, separate agreement with a political subdivision to 816  
maintain enrollment for a specified period, not to exceed three 817  
years. 818

(D) A political subdivision may procure group life insurance 819  
for its employees in conjunction with an individual or joint 820  
self-insurance program authorized by this section, provided that 821  
the policy of group life insurance is not self-insured. 822

(E) This section does not apply to individual self-insurance 823  
programs created solely by municipal corporations as defined in 824  
section 5705.01 of the Revised Code. 825

(F) A public official or employee of a political subdivision 826  
who is or becomes a member of the governing body of the program 827  
administrator of a joint self-insurance program in which the 828  
political subdivision participates is not in violation of division 829  
(D) or (E) of section 102.03, division (C) of section 102.04, or 830  
section 2921.42 of the Revised Code as a result of either of the 831  
following: 832

(1) The political subdivision's entering under this section 833  
into the written agreement to participate in the joint 834  
self-insurance program; 835

(2) The political subdivision's entering under this section 836  
into any other contract with the joint self-insurance program. 837

**Sec. 9.90.** (A) The board of trustees or other governing body 838  
of a state institution of higher education, as defined in section 839  
3345.011 of the Revised Code, board of education of a school 840  
district, or governing board of an educational service center may, 841  
in addition to all other powers provided in the Revised Code: 842

(1) Contract for, purchase, or otherwise procure from an 843  
insurer or insurers licensed to do business by the state of Ohio 844  
for or on behalf of such of its employees as it may determine, 845

life insurance, or sickness, accident, annuity, endowment, health, 846  
medical, hospital, dental, or surgical coverage and benefits, or 847  
any combination thereof, by means of insurance plans or other 848  
types of coverage, family, group or otherwise, and may pay from 849  
funds under its control and available for such purpose all or any 850  
portion of the cost, premium, or charge for such insurance, 851  
coverage, or benefits. However, the governing board, in addition 852  
to or as an alternative to the authority otherwise granted by 853  
division (A)(1) of this section, may elect to procure coverage for 854  
health care services, for or on behalf of such of its employees as 855  
it may determine, by means of policies, contracts, certificates, 856  
or agreements issued by at least two health insuring corporations 857  
holding a certificate of authority under Chapter 1751. of the 858  
Revised Code and may pay from funds under the governing board's 859  
control and available for such purpose all or any portion of the 860  
cost of such coverage. 861

(2) Make payments to a custodial account for investment in 862  
regulated investment company stock that is treated as an annuity 863  
under Internal Revenue Code section 403(b). 864

Any income of an employee deferred under divisions (A)(1) and 865  
(2) of this section in a deferred compensation program eligible 866  
for favorable tax treatment under the Internal Revenue Code shall 867  
continue to be included as regular compensation for the purpose of 868  
computing the contributions to and benefits from the retirement 869  
system of such employee. Any sum so deferred shall not be included 870  
in the computation of any federal and state income taxes withheld 871  
on behalf of any such employee. 872

(B) All or any portion of the cost, premium, or charge 873  
therefor may be paid in such other manner or combination of 874  
manner as the board or governing body may determine, including 875  
direct payment by the employee in cases under division (A)(1) of 876  
this section, and, if authorized in writing by the employee in 877

cases under division (A)(1) or (2) of this section, by the board 878  
or governing body with moneys made available by deduction from or 879  
reduction in salary or wages or by the foregoing of a salary or 880  
wage increase. Nothing in section 3917.01 or section 3917.06 of 881  
the Revised Code shall prohibit the issuance or purchase of group 882  
life insurance authorized by this section by reason of payment of 883  
premiums therefor by the board or governing body from its funds, 884  
and such group life insurance may be so issued and purchased if 885  
otherwise consistent with the provisions of sections 3917.01 to 886  
3917.07 of the Revised Code. 887

(C) The board of education of any school district may 888  
exercise any of the powers granted to the governing boards of 889  
public institutions of higher education under divisions (A) and 890  
(B) of this section. All health care benefits provided to persons 891  
employed by the public schools of this state shall be through 892  
health care plans that contain best practices ~~established~~ 893  
identified by the department of administrative services ~~pursuant~~ 894  
~~to~~ under section 9.901 of the Revised Code. 895

**Sec. 9.901.** (A)(1) ~~All health~~ Health care plans that provide 896  
benefits ~~provided~~ to persons employed by public employers as 897  
defined by this section ~~shall be provided by health care plans~~ 898  
~~that contain~~ may consider best practices established by the former 899  
school employees health care board or identified by the department 900  
of administrative services. All policies or contracts for health 901  
care benefits that are issued or renewed after the expiration of 902  
any applicable collective bargaining agreement ~~must contain all~~ 903  
may consider any best practices ~~established pursuant to~~ identified 904  
under this section at the time of renewal. Health care plans that 905  
contain the best practices may be self-insured. 906

(2) ~~Upon consulting with the department of administrative~~ 907  
~~services, a political subdivision may adopt a delivery system of~~ 908

~~benefits that is not in accordance with the department's adopted 909  
best practices if it is considered by the department to be most 910  
financially advantageous to the political subdivision. 911~~

(3) As used in this section: 912

(a) "Public employer" means political subdivisions, public 913  
school districts, or state institutions of higher education. 914

(b) "Public school district" means a city, local, exempted 915  
village, or joint vocational school district; a STEM school 916  
established under Chapter 3326. of the Revised Code; or an 917  
educational service center. "Public school district" does not mean 918  
a community school established under Chapter 3314. of the Revised 919  
Code. 920

(c) "State institution of higher education" or "state 921  
institution" means a state institution of higher education as 922  
defined in section 3345.011 of the Revised Code. 923

(d) "Political subdivision" has the same meaning as defined 924  
in section 9.833 of the Revised Code. 925

(e) A "health care plan" includes group policies, contracts, 926  
and agreements that provide hospital, surgical, or medical expense 927  
coverage, including self-insured plans. A "health care plan" does 928  
not include an individual plan offered to the employees of a 929  
political subdivision, public school district, or state 930  
institution, or a plan that provides coverage only for specific 931  
disease or accidents, or a hospital indemnity, medicare 932  
supplement, or other plan that provides only supplemental 933  
benefits, paid for by the employees of a political subdivision, 934  
public school district, or state institution. 935

(f) A "health plan sponsor" means a political subdivision, 936  
public school district, a state institution of higher education, a 937  
consortium of political subdivisions, public school districts, or 938  
state institutions, or a council of governments. 939

~~(4) The public employees health care fund is hereby created 940  
in the state treasury. The department shall use all funds in the 941  
public employees health care fund solely to carry out the 942  
provisions of this section and related administrative costs. 943~~

(B) The department of administrative services shall do all of 944  
the following: 945

(1) Identify strategies to manage health care costs; 946

(2) Study the potential benefits of state or regional 947  
consortiums of public employers' health care plans; 948

(3) ~~Publish~~ Study information regarding the health care plans 949  
offered by political subdivisions, public school districts, state 950  
institutions, and existing consortiums; 951

(4) ~~Assist in the design~~ Provide representative cost 952  
estimates of options for health care plans for political 953  
subdivisions, public school districts, and state institutions of 954  
higher education in accordance with division (A) of this section 955  
separate from the plans for state agencies; 956

(5) ~~Adopt~~ Study and release ~~a set of~~ standards that ~~shall~~ may 957  
be considered the best practices for health care plans offered to 958  
employees of political subdivisions, public school districts, and 959  
state institutions; 960

(6) Require that plans the health plan sponsors administer 961  
make readily available to the public all cost and design elements 962  
of the plan; 963

(7) Promote cooperation among all organizations affected by 964  
this section in identifying the elements for successful 965  
implementation of this section; and 966

(8) Promote cost containment measures aligned with patient, 967  
plan, and provider management strategies in developing and 968  
managing health care plans; ~~and~~ 969

~~(9) Prepare and disseminate to the public an annual report on the status of health plan sponsors' effectiveness in complying with best practices and making progress to reduce the rate of increase in insurance premiums and employee out of pocket expenses, as well as progress in improving the health status of employees and their families.~~

(C) The director of administrative services may convene a public health care advisory committee to assist in studying the issues discussed in this section. ~~The committee shall make recommendations to the director of administrative services or the director's designee on the development and adoption of best practices under this section. The committee shall consist of fifteen members: five members appointed by the speaker of the house of representatives; five members appointed by the president of the senate; and five members appointed by the governor and shall include representatives from state and local government employers, state and local government employees, insurance agents, health insurance companies, and joint purchasing arrangements currently in existence. Members shall serve without compensation.~~

(D) ~~The department may adopt rules for the enforcement of health plan sponsors' compliance with the best practices standards adopted by the department pursuant to this section.~~

~~(E)~~ Any health care plan providing coverage for the employees of political subdivisions, public school districts, or state institutions of higher education, or that have provided coverage within two years before the effective date of this amendment June 30, 2011, shall provide nonidentifiable aggregate claims and administrative data for the coverage provided as required by the department, without charge, within thirty days after receiving a written request from the department. The claims data shall include data relating to employee group benefit sets, demographics, and claims experience.



~~(F)~~(E) The department may work with other state agencies to 1002  
obtain services as the department deems necessary for the 1003  
implementation and operation of this section, based on 1004  
demonstrated experience and expertise in administration, 1005  
management, data handling, actuarial studies, quality assurance, 1006  
or for other needed services. 1007

~~(G)~~(F) The department shall hire staff as necessary to 1008  
provide administrative support to the department and the public 1009  
employee health care plan program established by this section. 1010

~~(H)~~(G) Nothing in this section shall be construed as 1011  
prohibiting political subdivisions, public school districts, or 1012  
state institutions from consulting with and compensating insurance 1013  
agents and brokers for professional services or from establishing 1014  
a self-insurance program. 1015

~~(I)~~(H) Pursuant to Chapter 117. of the Revised Code, the 1016  
auditor of state shall conduct all necessary and required audits 1017  
of the department. The auditor of state, upon request, also shall 1018  
furnish to the department copies of audits of political 1019  
subdivisions, public school districts, or consortia performed by 1020  
the auditor of state. 1021

**Sec. 103.412.** (A) JMOC shall oversee the medicaid program on 1022  
a continuing basis. As part of its oversight, JMOC shall do all of 1023  
the following: 1024

(1) Review how the medicaid program relates to the public and 1025  
private provision of health care coverage in this state and the 1026  
United States; 1027

(2) Review the reforms implemented under section 5162.70 of 1028  
the Revised Code and evaluate the reforms' successes in achieving 1029  
their objectives; 1030

(3) Recommend policies and strategies to encourage both of 1031

the following:	1032
(a) Medicaid recipients being physically and mentally able to join and stay in the workforce and ultimately becoming self-sufficient;	1033 1034 1035
(b) Less use of the medicaid program.	1036
(4) Recommend, to the extent JMOC determines appropriate, improvements in statutes and rules concerning the medicaid program;	1037 1038 1039
(5) Develop a plan of action for the future of the medicaid program;	1040 1041
(6) Receive and consider reports submitted by <del>county</del> <u>local</u> healthier buckeye councils under section 355.04 of the Revised Code.	1042 1043 1044
(B) JMOC may do all of the following:	1045
(1) Plan, advertise, organize, and conduct forums, conferences, and other meetings at which representatives of state agencies and other individuals having expertise in the medicaid program may participate to increase knowledge and understanding of, and to develop and propose improvements in, the medicaid program;	1046 1047 1048 1049 1050 1051
(2) Prepare and issue reports on the medicaid program;	1052
(3) Solicit written comments on, and conduct public hearings at which persons may offer verbal comments on, drafts of its reports.	1053 1054 1055
<u>Sec. 103.44. As used in sections 103.45 to 103.50 of the Revised Code:</u>	1056 1057
<u>"Other public schools" includes the state school for the deaf, the state school for the blind, community schools established under Chapter 3314. of the Revised Code, STEM schools</u>	1058 1059 1060

established under Chapter 3326. of the Revised Code, and 1061  
college-preparatory boarding schools established under Chapter 1062  
3328. of the Revised Code. 1063

"State institution of higher education" has the same meaning 1064  
as in section 3345.011 of the Revised Code. 1065

**Sec. 103.45.** The joint education oversight committee of the 1066  
house of representatives and senate is hereby created. The 1067  
committee shall select, for review and evaluation, education 1068  
programs at school districts, other public schools, and state 1069  
institutions of higher education that receive state financial 1070  
assistance in any form. The reviews and evaluations may include 1071  
any of the following: 1072

(A) Assessment of the uses school districts, other public 1073  
schools, and state institutions of higher education make of state 1074  
money they receive, and a determination of the extent to which 1075  
that money improves district, school, or institutional performance 1076  
in the areas for which the money was intended to be used; 1077

(B) Determination of whether an education program meets its 1078  
intended goals, has adequate operating or administrative 1079  
procedures and fiscal controls, encompasses only authorized 1080  
activities, has any undesirable or unintended effects, and is 1081  
efficiently managed; and 1082

(C) Examination of pilot programs developed and initiated in 1083  
school districts, at other public schools, and at state 1084  
institutions of higher education to determine whether the programs 1085  
suggest innovative, effective ways to deal with problems that may 1086  
exist in other districts, schools, or institutions of higher 1087  
education, and to assess the fiscal costs and likely impact of 1088  
adopting the programs throughout the state. 1089

The committee shall prepare a report of the results of each 1090

review and evaluation it conducts, and shall transmit the report 1091  
to the general assembly under section 101.68 of the Revised Code. 1092

If the general assembly directs the joint education oversight 1093  
committee to submit a study to the general assembly by a 1094  
particular date, the committee, upon a majority vote of its 1095  
members, may modify the scope and due date of the study to 1096  
accommodate the availability of data and resources. 1097

Sec. 103.46. The joint education oversight committee may 1098  
review bills and resolutions regarding education that are 1099  
introduced or offered in the general assembly, and may prepare a 1100  
report of its review. The committee shall transmit its report to 1101  
the general assembly under section 101.68 of the Revised Code. The 1102  
report may include the committee's determination regarding the 1103  
bill's or resolution's desirability as a matter of public policy. 1104

The committee's decision on whether and when to review a bill 1105  
or resolution has no effect on the general assembly's authority to 1106  
act on the bill or resolution. 1107

Sec. 103.47. The joint education oversight committee may 1108  
employ professional, technical, and clerical employees as are 1109  
necessary for the committee to be able successfully and 1110  
efficiently to perform its duties. All the employees are in the 1111  
unclassified service and serve at the committee's pleasure. The 1112  
committee may contract for the services of persons who are 1113  
qualified by education and experience to advise, consult with, or 1114  
otherwise assist the committee in the performance of its duties. 1115

Sec. 103.48. The chairperson of the joint education oversight 1116  
committee may request that the superintendent of public 1117  
instruction or the director of higher education appear before the 1118  
committee. If so requested, the superintendent or the director 1119  
shall appear before the committee at the time and place specified 1120

in the request. 1121

Sec. 103.49. (A) The joint education oversight committee and 1122  
its employees may investigate any school district, other public 1123  
school, or state institution of higher education for the purposes 1124  
of fulfilling its duties. All of the following apply to an 1125  
investigation: 1126

(1) The joint education oversight committee and its employees 1127  
may enter and inspect a school district, other public school, or 1128  
state institution of higher education for the conduct of the 1129  
investigation; 1130

(2) A member or employee of the joint education oversight 1131  
committee is not required to give advance notice of, or to make 1132  
prior arrangements before, an inspection; and 1133

(3) No person shall deny a member or employee of the joint 1134  
education oversight committee access to office when access is 1135  
needed for an inspection. 1136

(B) A member or employee of the joint education oversight 1137  
committee shall not conduct an inspection under this section 1138  
unless the joint education oversight committee chairperson grants 1139  
prior approval for the inspection. The chairperson shall not grant 1140  
approval unless the committee, the president of the senate, and 1141  
the speaker of the house of representatives authorize the 1142  
chairperson to grant the approval. Each inspection shall be 1143  
conducted during the normal business hours of the office being 1144  
inspected, unless the chairperson determines that the inspection 1145  
must be conducted outside of normal business hours. The 1146  
chairperson may make such a determination only because of an 1147  
emergency circumstance or other justifiable cause that furthers 1148  
the committee's mission. If the chairperson makes such a 1149  
determination, the chairperson shall specify the reason for the 1150  
determination in the grant of prior approval for the inspection. 1151

Sec. 103.50. The joint education oversight committee shall 1152  
consist of the following members: 1153

(A) Five members of the house of representatives appointed by 1154  
the speaker of the house of representatives, three of whom are 1155  
members of the majority party and two of whom are members of the 1156  
minority party; and 1157

(B) Five members of the senate appointed by the president of 1158  
the senate, three of whom are members of the majority party and 1159  
two of whom are members of the minority party. 1160

The term of each member begins on the day of appointment to 1161  
the committee and ends on expiration or other termination of the 1162  
member's term as a member of the house of representatives or 1163  
senate. The speaker and president shall make subsequent 1164  
appointments not later than fifteen days after the commencement of 1165  
the first regular session of each general assembly. Members may be 1166  
reappointed. A vacancy on the committee shall be filled in the 1167  
same manner as the original appointment. 1168

In odd-numbered years, the speaker shall designate one of the 1169  
majority members from the house of representatives as chairperson 1170  
and the president shall designate one of the minority members from 1171  
the senate as the ranking minority member. In even-numbered years, 1172  
the president shall designate one of the majority members from the 1173  
senate as the chairperson and the speaker shall designate one of 1174  
the minority members from the house of representatives as the 1175  
ranking minority member. 1176

In appointing members from the minority, and in designating 1177  
ranking minority members, the president and speaker shall consult 1178  
with the minority leader of their respective houses. 1179

The committee shall meet at the call of the chairperson. The 1180  
chairperson shall meet not less often than once each calendar 1181

month, unless the chairperson and ranking minority member agree 1182  
that the chairperson should not call the committee to meet for a 1183  
particular month. 1184

Notwithstanding section 101.26 of the Revised Code, the 1185  
members, when engaged in their duties as members of the committee 1186  
on days when there is not a voting session of the member's house 1187  
of the general assembly, shall be paid at the per diem rate of one 1188  
hundred fifty dollars, and their necessary traveling expenses. 1189  
These amounts shall be paid from the funds appropriated for the 1190  
payment of expenses of legislative committees. 1191

The chairperson, when authorized by the committee and the 1192  
president and speaker, may issue subpoenas and subpoenas duces 1193  
tecum in aid of the committee's performance of its duties. A 1194  
subpoena may require a witness in any part of the state to appear 1195  
before the committee at a time and place designated in the 1196  
subpoena to testify. A subpoena duces tecum may require witnesses 1197  
or other persons in any part of the state to produce books, 1198  
papers, records, and other tangible evidence before the committee 1199  
at a time and place designated in the subpoena duces tecum. A 1200  
subpoena or subpoena duces tecum shall be issued, served, and 1201  
returned, and has consequences, as specified in sections 101.41 to 1202  
101.45 of the Revised Code. 1203

The chairperson may administer oaths to witnesses appearing 1204  
before the committee. 1205

**Sec. 105.41.** (A) There is hereby created in the legislative 1206  
branch of government the capitol square review and advisory board, 1207  
consisting of twelve members as follows: 1208

(1) Two members of the senate, appointed by the president of 1209  
the senate, both of whom shall not be members of the same 1210  
political party; 1211

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

(3) Four members appointed by the governor, with the advice and consent of the senate, not more than three of whom shall be members of the same political party, one of whom shall be the chief of staff of the governor's office, one of whom shall represent the Ohio arts council, one of whom shall represent the Ohio historical society, and one of whom shall represent the public at large;

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

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

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

(B) Terms of office of each appointed member of the board shall be for three years, except that members of the general assembly appointed to the board shall be members of the board only so long as they are members of the general assembly and the chief of staff of the governor's office shall be a member of the board only so long as the appointing governor remains in office. Each member shall hold office from the date of the member's appointment



until the end of the term for which the member was appointed. In 1243  
case of a vacancy occurring on the board, the president of the 1244  
senate, the speaker of the house of representatives, or the 1245  
governor, as the case may be, shall in the same manner prescribed 1246  
for the regular appointment to the commission, fill the vacancy by 1247  
appointing a member. Any member appointed to fill a vacancy 1248  
occurring prior to the expiration of the term for which the 1249  
member's predecessor was appointed shall hold office for the 1250  
remainder of the term. Any appointed member shall continue in 1251  
office subsequent to the expiration date of the member's term 1252  
until the member's successor takes office, or until a period of 1253  
sixty days has elapsed, whichever occurs first. 1254

(C) The board shall hold meetings in a manner and at times 1255  
prescribed by the rules adopted by the board. A majority of the 1256  
board constitutes a quorum, and no action shall be taken by the 1257  
board unless approved by at least six members or by at least seven 1258  
members if a person is appointed under division (A)(4) or (5) of 1259  
this section. At its first meeting, the board shall adopt rules 1260  
for the conduct of its business and the election of its officers, 1261  
and shall organize by selecting ~~a chairperson and other~~ officers 1262  
other than a chairperson as it considers necessary. In 1263  
odd-numbered years, the majority member from the senate shall 1264  
serve as chairperson; in even-numbered years, the majority member 1265  
from the house of representatives shall serve as chairperson. 1266  
Board members shall serve without compensation but shall be 1267  
reimbursed for actual and necessary expenses incurred in the 1268  
performance of their duties. 1269

(D) The board may do any of the following: 1270

(1) Employ or hire on a consulting basis professional, 1271  
technical, and clerical employees as are necessary for the 1272  
performance of its duties. All employees of the board are in the 1273  
unclassified service and serve at the pleasure of the board. For 1274

purposes of section 4117.01 of the Revised Code, employees of the 1275  
board shall be considered employees of the general assembly, 1276  
except that employees who are covered by a collective bargaining 1277  
agreement on September 29, 2011, shall remain subject to the 1278  
agreement until the agreement expires on its terms, and the 1279  
agreement shall not be extended or renewed. Upon expiration of the 1280  
agreement, the employees are considered employees of the general 1281  
assembly for purposes of section 4117.01 of the Revised Code and 1282  
are in the unclassified service and serve at the pleasure of the 1283  
board. 1284

(2) Hold public hearings at times and places as determined by 1285  
the board; 1286

(3) Adopt, amend, or rescind rules necessary to accomplish 1287  
the duties of the board as set forth in this section; 1288

(4) Sponsor, conduct, and support such social events as the 1289  
board may authorize and consider appropriate for the employees of 1290  
the board, employees and members of the general assembly, 1291  
employees of persons under contract with the board or otherwise 1292  
engaged to perform services on the premises of capitol square, or 1293  
other persons as the board may consider appropriate. Subject to 1294  
the requirements of Chapter 4303. of the Revised Code, the board 1295  
may provide beer, wine, and intoxicating liquor, with or without 1296  
charge, for those events and may use funds only from the sale of 1297  
goods and services fund to purchase the beer, wine, and 1298  
intoxicating liquor the board provides; 1299

(5) Purchase a warehouse in which to store items of the 1300  
capitol collection trust and, whenever necessary, equipment or 1301  
other property of the board. 1302

(E) The board shall do all of the following: 1303

(1) Have sole authority to coordinate and approve any 1304  
improvements, additions, and renovations that are made to the 1305

capitol square. The improvements shall include, but not be limited 1306  
to, the placement of monuments and sculpture on the capitol 1307  
grounds. 1308

(2) Subject to section 3353.07 of the Revised Code, operate 1309  
the capitol square, and have sole authority to regulate all uses 1310  
of the capitol square. The uses shall include, but not be limited 1311  
to, the casual and recreational use of the capitol square. 1312

(3) Employ, fix the compensation of, and prescribe the duties 1313  
of the executive director of the board and other employees the 1314  
board considers necessary for the performance of its powers and 1315  
duties; 1316

(4) Establish and maintain the capitol collection trust. The 1317  
capitol collection trust shall consist of furniture, antiques, and 1318  
other items of personal property that the board shall store in 1319  
suitable facilities until they are ready to be displayed in the 1320  
capitol square. 1321

(5) Perform repair, construction, contracting, purchasing, 1322  
maintenance, supervisory, and operating activities the board 1323  
determines are necessary for the operation and maintenance of the 1324  
capitol square; 1325

(6) Maintain and preserve the capitol square, in accordance 1326  
with guidelines issued by the United States secretary of the 1327  
interior for application of the secretary's standards for 1328  
rehabilitation adopted in 36 C.F.R. part 67; 1329

(7) Plan and develop a center at the capitol building for the 1330  
purpose of educating visitors about the history of Ohio, including 1331  
its political, economic, and social development and the design and 1332  
erection of the capitol building and its grounds. 1333

(F)(1) The board shall lease capital facilities improved by 1334  
the department of administrative services or financed by the 1335  
treasurer of state pursuant to Chapter 154. of the Revised Code 1336

for the use of the board, and may enter into any other agreements 1337  
with the department, the Ohio public facilities commission, or any 1338  
other authorized governmental agency ancillary to improvement, 1339  
financing, or leasing of those capital facilities, including, but 1340  
not limited to, any agreement required by the applicable bond 1341  
proceedings authorized by Chapter 154. of the Revised Code. Any 1342  
lease of capital facilities authorized by this section shall be 1343  
governed by Chapter 154. of the Revised Code. 1344

(2) Fees, receipts, and revenues received by the board from 1345  
the state underground parking garage constitute available receipts 1346  
as defined in section 154.24 of the Revised Code, and may be 1347  
pledged to the payment of bond service charges on obligations 1348  
issued by the treasurer of state pursuant to Chapter 154. of the 1349  
Revised Code to improve, finance, or purchase capital facilities 1350  
useful to the board. The treasurer of state may, with the consent 1351  
of the board, provide in the bond proceedings for a pledge of all 1352  
or a portion of those fees, receipts, and revenues as the 1353  
treasurer of state determines. The treasurer of state may provide 1354  
in the bond proceedings or by separate agreement with the board 1355  
for the transfer of those fees, receipts, and revenues to the 1356  
appropriate bond service fund or bond service reserve fund as 1357  
required to pay the bond service charges when due, and any such 1358  
provision for the transfer of those fees, receipts, and revenues 1359  
shall be controlling notwithstanding any other provision of law 1360  
pertaining to those fees, receipts, and revenues. 1361

(3) All moneys received by the treasurer of state on account 1362  
of the board and required by the applicable bond proceedings or by 1363  
separate agreement with the board to be deposited, transferred, or 1364  
credited to the bond service fund or bond service reserve fund 1365  
established by the bond proceedings shall be transferred by the 1366  
treasurer of state to such fund, whether or not it is in the 1367  
custody of the treasurer of state, without necessity for further 1368

appropriation. 1369

(G)(1) Except as otherwise provided in division (G)(2) of 1370  
this section, all fees, receipts, and revenues received by the 1371  
board from the state underground parking garage shall be deposited 1372  
into the state treasury to the credit of the underground parking 1373  
garage operating fund, which is hereby created, to be used for the 1374  
purposes specified in division (F) of this section and for the 1375  
operation and maintenance of the garage. All investment earnings 1376  
of the fund shall be credited to the fund. 1377

(2) There is hereby created the parking garage automated 1378  
equipment fund, which shall be in the custody of the treasurer of 1379  
state but shall not be part of the state treasury. Money in the 1380  
fund shall be used to purchase the automated teller machine 1381  
quality dollar bills needed for operation of the parking garage 1382  
automated equipment. The fund shall consist of fees, receipts, or 1383  
revenues received by the board from the state underground parking 1384  
garage; provided, however, that the total amount deposited into 1385  
the fund at any one time shall not exceed ten thousand dollars. 1386  
All investment earnings of the fund shall be credited to the fund. 1387

(H) All donations received by the board shall be deposited 1388  
into the state treasury to the credit of the capitol square 1389  
renovation gift fund, which is hereby created. The fund shall be 1390  
used by the board as follows: 1391

(1) To provide part or all of the funding related to 1392  
construction, goods, or services for the renovation of the capitol 1393  
square; 1394

(2) To purchase art, antiques, and artifacts for display at 1395  
the capitol square; 1396

(3) To award contracts or make grants to organizations for 1397  
educating the public regarding the historical background and 1398  
governmental functions of the capitol square. Chapters 125., 127., 1399

and 153. and section 3517.13 of the Revised Code do not apply to 1400  
purchases made exclusively from the fund, notwithstanding anything 1401  
to the contrary in those chapters or that section. All investment 1402  
earnings of the fund shall be credited to the fund. 1403

(I) Except as provided in divisions (G), (H), and (J) of this 1404  
section, all fees, receipts, and revenues received by the board 1405  
shall be deposited into the state treasury to the credit of the 1406  
sale of goods and services fund, which is hereby created. Money 1407  
credited to the fund shall be used solely to pay costs of the 1408  
board other than those specified in divisions (F) and (G) of this 1409  
section. All investment earnings of the fund shall be credited to 1410  
the fund. 1411

(J) There is hereby created in the state treasury the capitol 1412  
square improvement fund, to be used by the board to pay 1413  
construction, renovation, and other costs related to the capitol 1414  
square for which money is not otherwise available to the board. 1415  
Whenever the board determines that there is a need to incur those 1416  
costs and that the unencumbered, unobligated balance to the credit 1417  
of the underground parking garage operating fund exceeds the 1418  
amount needed for the purposes specified in division (F) of this 1419  
section and for the operation and maintenance of the garage, the 1420  
board may request the director of budget and management to 1421  
transfer from the underground parking garage operating fund to the 1422  
capitol square improvement fund the amount needed to pay such 1423  
construction, renovation, or other costs. The director then shall 1424  
transfer the amount needed from the excess balance of the 1425  
underground parking garage operating fund. 1426

(K) As the operation and maintenance of the capitol square 1427  
constitute essential government functions of a public purpose, the 1428  
board shall not be required to pay taxes or assessments upon the 1429  
square, upon any property acquired or used by the board under this 1430  
section, or upon any income generated by the operation of the 1431

square. 1432

(L) As used in this section, "capitol square" means the 1433  
capitol building, senate building, capitol atrium, capitol 1434  
grounds, the state underground parking garage, and the warehouse 1435  
owned by the board. 1436

(M) The capitol annex shall be known as the senate building. 1437

(N) Any person may possess a firearm in a motor vehicle in 1438  
the state underground parking garage at the state capitol 1439  
building, if the person's possession of the firearm in the motor 1440  
vehicle is not in violation of section 2923.16 of the Revised Code 1441  
or any other provision of the Revised Code. Any person may store 1442  
or leave a firearm in a locked motor vehicle that is parked in the 1443  
state underground parking garage at the state capitol building, if 1444  
the person's transportation and possession of the firearm in the 1445  
motor vehicle while traveling to the garage was not in violation 1446  
of section 2923.16 of the Revised Code or any other provision of 1447  
the Revised Code. 1448

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 1449  
criminal identification and investigation shall procure from 1450  
wherever procurable and file for record photographs, pictures, 1451  
descriptions, fingerprints, measurements, and other information 1452  
that may be pertinent of all persons who have been convicted of 1453  
committing within this state a felony, any crime constituting a 1454  
misdemeanor on the first offense and a felony on subsequent 1455  
offenses, or any misdemeanor described in division (A)(1)(a), 1456  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 1457  
all children under eighteen years of age who have been adjudicated 1458  
delinquent children for committing within this state an act that 1459  
would be a felony or an offense of violence if committed by an 1460  
adult or who have been convicted of or pleaded guilty to 1461  
committing within this state a felony or an offense of violence, 1462

and of all well-known and habitual criminals. The person in charge 1463  
of any county, multicounty, municipal, municipal-county, or 1464  
multicounty-municipal jail or workhouse, community-based 1465  
correctional facility, halfway house, alternative residential 1466  
facility, or state correctional institution and the person in 1467  
charge of any state institution having custody of a person 1468  
suspected of having committed a felony, any crime constituting a 1469  
misdemeanor on the first offense and a felony on subsequent 1470  
offenses, or any misdemeanor described in division (A)(1)(a), 1471  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 1472  
having custody of a child under eighteen years of age with respect 1473  
to whom there is probable cause to believe that the child may have 1474  
committed an act that would be a felony or an offense of violence 1475  
if committed by an adult shall furnish such material to the 1476  
superintendent of the bureau. Fingerprints, photographs, or other 1477  
descriptive information of a child who is under eighteen years of 1478  
age, has not been arrested or otherwise taken into custody for 1479  
committing an act that would be a felony or an offense of violence 1480  
who is not in any other category of child specified in this 1481  
division, if committed by an adult, has not been adjudicated a 1482  
delinquent child for committing an act that would be a felony or 1483  
an offense of violence if committed by an adult, has not been 1484  
convicted of or pleaded guilty to committing a felony or an 1485  
offense of violence, and is not a child with respect to whom there 1486  
is probable cause to believe that the child may have committed an 1487  
act that would be a felony or an offense of violence if committed 1488  
by an adult shall not be procured by the superintendent or 1489  
furnished by any person in charge of any county, multicounty, 1490  
municipal, municipal-county, or multicounty-municipal jail or 1491  
workhouse, community-based correctional facility, halfway house, 1492  
alternative residential facility, or state correctional 1493  
institution, except as authorized in section 2151.313 of the 1494



Revised Code.	1495
(2) Every clerk of a court of record in this state, other	1496
than the supreme court or a court of appeals, shall send to the	1497
superintendent of the bureau a weekly report containing a summary	1498
of each case involving a felony, involving any crime constituting	1499
a misdemeanor on the first offense and a felony on subsequent	1500
offenses, involving a misdemeanor described in division (A)(1)(a),	1501
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or	1502
involving an adjudication in a case in which a child under	1503
eighteen years of age was alleged to be a delinquent child for	1504
committing an act that would be a felony or an offense of violence	1505
if committed by an adult. The clerk of the court of common pleas	1506
shall include in the report and summary the clerk sends under this	1507
division all information described in divisions (A)(2)(a) to (f)	1508
of this section regarding a case before the court of appeals that	1509
is served by that clerk. The summary shall be written on the	1510
standard forms furnished by the superintendent pursuant to	1511
division (B) of this section and shall include the following	1512
information:	1513
(a) The incident tracking number contained on the standard	1514
forms furnished by the superintendent pursuant to division (B) of	1515
this section;	1516
(b) The style and number of the case;	1517
(c) The date of arrest, offense, summons, or arraignment;	1518
(d) The date that the person was convicted of or pleaded	1519
guilty to the offense, adjudicated a delinquent child for	1520
committing the act that would be a felony or an offense of	1521
violence if committed by an adult, found not guilty of the	1522
offense, or found not to be a delinquent child for committing an	1523
act that would be a felony or an offense of violence if committed	1524
by an adult, the date of an entry dismissing the charge, an entry	1525

declaring a mistrial of the offense in which the person is 1526  
discharged, an entry finding that the person or child is not 1527  
competent to stand trial, or an entry of a nolle prosequi, or the 1528  
date of any other determination that constitutes final resolution 1529  
of the case; 1530

(e) A statement of the original charge with the section of 1531  
the Revised Code that was alleged to be violated; 1532

(f) If the person or child was convicted, pleaded guilty, or 1533  
was adjudicated a delinquent child, the sentence or terms of 1534  
probation imposed or any other disposition of the offender or the 1535  
delinquent child. 1536

If the offense involved the disarming of a law enforcement 1537  
officer or an attempt to disarm a law enforcement officer, the 1538  
clerk shall clearly state that fact in the summary, and the 1539  
superintendent shall ensure that a clear statement of that fact is 1540  
placed in the bureau's records. 1541

(3) The superintendent shall cooperate with and assist 1542  
sheriffs, chiefs of police, and other law enforcement officers in 1543  
the establishment of a complete system of criminal identification 1544  
and in obtaining fingerprints and other means of identification of 1545  
all persons arrested on a charge of a felony, any crime 1546  
constituting a misdemeanor on the first offense and a felony on 1547  
subsequent offenses, or a misdemeanor described in division 1548  
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 1549  
Revised Code and of all children under eighteen years of age 1550  
arrested or otherwise taken into custody for committing an act 1551  
that would be a felony or an offense of violence if committed by 1552  
an adult. The superintendent also shall file for record the 1553  
fingerprint impressions of all persons confined in a county, 1554  
multicounty, municipal, municipal-county, or multicounty-municipal 1555  
jail or workhouse, community-based correctional facility, halfway 1556  
house, alternative residential facility, or state correctional 1557

institution for the violation of state laws and of all children 1558  
under eighteen years of age who are confined in a county, 1559  
multicounty, municipal, municipal-county, or multicounty-municipal 1560  
jail or workhouse, community-based correctional facility, halfway 1561  
house, alternative residential facility, or state correctional 1562  
institution or in any facility for delinquent children for 1563  
committing an act that would be a felony or an offense of violence 1564  
if committed by an adult, and any other information that the 1565  
superintendent may receive from law enforcement officials of the 1566  
state and its political subdivisions. 1567

(4) The superintendent shall carry out Chapter 2950. of the 1568  
Revised Code with respect to the registration of persons who are 1569  
convicted of or plead guilty to a sexually oriented offense or a 1570  
child-victim oriented offense and with respect to all other duties 1571  
imposed on the bureau under that chapter. 1572

(5) The bureau shall perform centralized recordkeeping 1573  
functions for criminal history records and services in this state 1574  
for purposes of the national crime prevention and privacy compact 1575  
set forth in section 109.571 of the Revised Code and is the 1576  
criminal history record repository as defined in that section for 1577  
purposes of that compact. The superintendent or the 1578  
superintendent's designee is the compact officer for purposes of 1579  
that compact and shall carry out the responsibilities of the 1580  
compact officer specified in that compact. 1581

(B) The superintendent shall prepare and furnish to every 1582  
county, multicounty, municipal, municipal-county, or 1583  
multicounty-municipal jail or workhouse, community-based 1584  
correctional facility, halfway house, alternative residential 1585  
facility, or state correctional institution and to every clerk of 1586  
a court in this state specified in division (A)(2) of this section 1587  
standard forms for reporting the information required under 1588  
division (A) of this section. The standard forms that the 1589

superintendent prepares pursuant to this division may be in a 1590  
tangible format, in an electronic format, or in both tangible 1591  
formats and electronic formats. 1592

(C)(1) The superintendent may operate a center for 1593  
electronic, automated, or other data processing for the storage 1594  
and retrieval of information, data, and statistics pertaining to 1595  
criminals and to children under eighteen years of age who are 1596  
adjudicated delinquent children for committing an act that would 1597  
be a felony or an offense of violence if committed by an adult, 1598  
criminal activity, crime prevention, law enforcement, and criminal 1599  
justice, and may establish and operate a statewide communications 1600  
network to be known as the Ohio law enforcement gateway to gather 1601  
and disseminate information, data, and statistics for the use of 1602  
law enforcement agencies and for other uses specified in this 1603  
division. The superintendent may gather, store, retrieve, and 1604  
disseminate information, data, and statistics that pertain to 1605  
children who are under eighteen years of age and that are gathered 1606  
pursuant to sections 109.57 to 109.61 of the Revised Code together 1607  
with information, data, and statistics that pertain to adults and 1608  
that are gathered pursuant to those sections. 1609

(2) The superintendent or the superintendent's designee shall 1610  
gather information of the nature described in division (C)(1) of 1611  
this section that pertains to the offense and delinquency history 1612  
of a person who has been convicted of, pleaded guilty to, or been 1613  
adjudicated a delinquent child for committing a sexually oriented 1614  
offense or a child-victim oriented offense for inclusion in the 1615  
state registry of sex offenders and child-victim offenders 1616  
maintained pursuant to division (A)(1) of section 2950.13 of the 1617  
Revised Code and in the internet database operated pursuant to 1618  
division (A)(13) of that section and for possible inclusion in the 1619  
internet database operated pursuant to division (A)(11) of that 1620  
section. 1621

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

(4) The attorney general may adopt rules under Chapter 119. of the Revised Code establishing guidelines for the operation of and participation in the Ohio law enforcement gateway. The rules may include criteria for granting and restricting access to information gathered and disseminated through the Ohio law enforcement gateway. The attorney general shall permit the state medical board and board of nursing to access and view, but not alter, information gathered and disseminated through the Ohio law enforcement gateway.

The attorney general may appoint a steering committee to advise the attorney general in the operation of the Ohio law enforcement gateway that is comprised of persons who are representatives of the criminal justice agencies in this state that use the Ohio law enforcement gateway and is chaired by the superintendent or the superintendent's designee.

(D)(1) The following are not public records under section 149.43 of the Revised Code:

(a) Information and materials furnished to the superintendent pursuant to division (A) of this section;

(b) Information, data, and statistics gathered or disseminated through the Ohio law enforcement gateway pursuant to division (C)(1) of this section;

(c) Information and materials furnished to any board or person under division (F) or (G) of this section.

(2) The superintendent or the superintendent's designee shall

gather and retain information so furnished under division (A) of 1653  
this section that pertains to the offense and delinquency history 1654  
of a person who has been convicted of, pleaded guilty to, or been 1655  
adjudicated a delinquent child for committing a sexually oriented 1656  
offense or a child-victim oriented offense for the purposes 1657  
described in division (C)(2) of this section. 1658

(E)(1) The attorney general shall adopt rules, in accordance 1659  
with Chapter 119. of the Revised Code and subject to division 1660  
(E)(2) of this section, setting forth the procedure by which a 1661  
person may receive or release information gathered by the 1662  
superintendent pursuant to division (A) of this section. A 1663  
reasonable fee may be charged for this service. If a temporary 1664  
employment service submits a request for a determination of 1665  
whether a person the service plans to refer to an employment 1666  
position has been convicted of or pleaded guilty to an offense 1667  
listed or described in division (A)(1), (2), or (3) of section 1668  
109.572 of the Revised Code, the request shall be treated as a 1669  
single request and only one fee shall be charged. 1670

(2) Except as otherwise provided in this division or division 1671  
(E)(3) or (4) of this section, a rule adopted under division 1672  
(E)(1) of this section may provide only for the release of 1673  
information gathered pursuant to division (A) of this section that 1674  
relates to the conviction of a person, or a person's plea of 1675  
guilty to, a criminal offense or to the arrest of a person as 1676  
provided in division (E)(3) of this section. The superintendent 1677  
shall not release, and the attorney general shall not adopt any 1678  
rule under division (E)(1) of this section that permits the 1679  
release of, any information gathered pursuant to division (A) of 1680  
this section that relates to an adjudication of a child as a 1681  
delinquent child, or that relates to a criminal conviction of a 1682  
person under eighteen years of age if the person's case was 1683  
transferred back to a juvenile court under division (B)(2) or (3) 1684

of section 2152.121 of the Revised Code and the juvenile court 1685  
imposed a disposition or serious youthful offender disposition 1686  
upon the person under either division, unless either of the 1687  
following applies with respect to the adjudication or conviction: 1688

(a) The adjudication or conviction was for a violation of 1689  
section 2903.01 or 2903.02 of the Revised Code. 1690

(b) The adjudication or conviction was for a sexually 1691  
oriented offense, the juvenile court was required to classify the 1692  
child a juvenile offender registrant for that offense under 1693  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 1694  
classification has not been removed, and the records of the 1695  
adjudication or conviction have not been sealed or expunged 1696  
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 1697  
section 2952.32 of the Revised Code. 1698

(3) A rule adopted under division (E)(1) of this section may 1699  
provide for the release of information gathered pursuant to 1700  
division (A) of this section that relates to the arrest of a 1701  
person who is eighteen years of age or older when the person has 1702  
not been convicted as a result of that arrest if any of the 1703  
following applies: 1704

(a) The arrest was made outside of this state. 1705

(b) A criminal action resulting from the arrest is pending, 1706  
and the superintendent confirms that the criminal action has not 1707  
been resolved at the time the criminal records check is performed. 1708

(c) The bureau cannot reasonably determine whether a criminal 1709  
action resulting from the arrest is pending, and not more than one 1710  
year has elapsed since the date of the arrest. 1711

(4) A rule adopted under division (E)(1) of this section may 1712  
provide for the release of information gathered pursuant to 1713  
division (A) of this section that relates to an adjudication of a 1714  
child as a delinquent child if not more than five years have 1715

elapsed since the date of the adjudication, the adjudication was 1716  
for an act that would have been a felony if committed by an adult, 1717  
the records of the adjudication have not been sealed or expunged 1718  
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 1719  
the request for information is made under division (F) of this 1720  
section or under section 109.572 of the Revised Code. In the case 1721  
of an adjudication for a violation of the terms of community 1722  
control or supervised release, the five-year period shall be 1723  
calculated from the date of the adjudication to which the 1724  
community control or supervised release pertains. 1725

(F)(1) As used in division (F)(2) of this section, "head 1726  
start agency" means an entity in this state that has been approved 1727  
to be an agency for purposes of subchapter II of the "Community 1728  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1729  
as amended. 1730

(2)(a) In addition to or in conjunction with any request that 1731  
is required to be made under section 109.572, 2151.86, 3301.32, 1732  
3301.541, division (C) of section 3310.58, or section 3319.39, 1733  
3319.391, 3327.10, 3701.881, ~~5104.012~~, 5104.013, 5123.081, or 1734  
5153.111 of the Revised Code or that is made under section 1735  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 1736  
board of education of any school district; the director of 1737  
developmental disabilities; any county board of developmental 1738  
disabilities; any provider or subcontractor as defined in section 1739  
5123.081 of the Revised Code; the chief administrator of any 1740  
chartered nonpublic school; the chief administrator of a 1741  
registered private provider that is not also a chartered nonpublic 1742  
school; the chief administrator of any home health agency; the 1743  
chief administrator of or person operating any child day-care 1744  
center, type A family day-care home, or type B family day-care 1745  
home licensed under Chapter 5104. of the Revised Code; the chief 1746  
administrator of any head start agency; the executive director of 1747



a public children services agency; a private company described in 1748  
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 1749  
Code; or an employer described in division (J)(2) of section 1750  
3327.10 of the Revised Code may request that the superintendent of 1751  
the bureau investigate and determine, with respect to any 1752  
individual who has applied for employment in any position after 1753  
October 2, 1989, or any individual wishing to apply for employment 1754  
with a board of education may request, with regard to the 1755  
individual, whether the bureau has any information gathered under 1756  
division (A) of this section that pertains to that individual. On 1757  
receipt of the request, subject to division (E)(2) of this 1758  
section, the superintendent shall determine whether that 1759  
information exists and, upon request of the person, board, or 1760  
entity requesting information, also shall request from the federal 1761  
bureau of investigation any criminal records it has pertaining to 1762  
that individual. The superintendent or the superintendent's 1763  
designee also may request criminal history records from other 1764  
states or the federal government pursuant to the national crime 1765  
prevention and privacy compact set forth in section 109.571 of the 1766  
Revised Code. Within thirty days of the date that the 1767  
superintendent receives a request, subject to division (E)(2) of 1768  
this section, the superintendent shall send to the board, entity, 1769  
or person a report of any information that the superintendent 1770  
determines exists, including information contained in records that 1771  
have been sealed under section 2953.32 of the Revised Code, and, 1772  
within thirty days of its receipt, subject to division (E)(2) of 1773  
this section, shall send the board, entity, or person a report of 1774  
any information received from the federal bureau of investigation, 1775  
other than information the dissemination of which is prohibited by 1776  
federal law. 1777

(b) When a board of education or a registered private 1778  
provider is required to receive information under this section as 1779  
a prerequisite to employment of an individual pursuant to division 1780

(C) of section 3310.58 or section 3319.39 of the Revised Code, it 1781  
may accept a certified copy of records that were issued by the 1782  
bureau of criminal identification and investigation and that are 1783  
presented by an individual applying for employment with the 1784  
district in lieu of requesting that information itself. In such a 1785  
case, the board shall accept the certified copy issued by the 1786  
bureau in order to make a photocopy of it for that individual's 1787  
employment application documents and shall return the certified 1788  
copy to the individual. In a case of that nature, a district or 1789  
provider only shall accept a certified copy of records of that 1790  
nature within one year after the date of their issuance by the 1791  
bureau. 1792

(c) Notwithstanding division (F)(2)(a) of this section, in 1793  
the case of a request under section 3319.39, 3319.391, or 3327.10 1794  
of the Revised Code only for criminal records maintained by the 1795  
federal bureau of investigation, the superintendent shall not 1796  
determine whether any information gathered under division (A) of 1797  
this section exists on the person for whom the request is made. 1798

(3) The state board of education may request, with respect to 1799  
any individual who has applied for employment after October 2, 1800  
1989, in any position with the state board or the department of 1801  
education, any information that a school district board of 1802  
education is authorized to request under division (F)(2) of this 1803  
section, and the superintendent of the bureau shall proceed as if 1804  
the request has been received from a school district board of 1805  
education under division (F)(2) of this section. 1806

(4) When the superintendent of the bureau receives a request 1807  
for information under section 3319.291 of the Revised Code, the 1808  
superintendent shall proceed as if the request has been received 1809  
from a school district board of education and shall comply with 1810  
divisions (F)(2)(a) and (c) of this section. 1811

(5) When a recipient of a classroom reading improvement grant 1812

paid under section 3301.86 of the Revised Code requests, with 1813  
respect to any individual who applies to participate in providing 1814  
any program or service funded in whole or in part by the grant, 1815  
the information that a school district board of education is 1816  
authorized to request under division (F)(2)(a) of this section, 1817  
the superintendent of the bureau shall proceed as if the request 1818  
has been received from a school district board of education under 1819  
division (F)(2)(a) of this section. 1820

(G) In addition to or in conjunction with any request that is 1821  
required to be made under section 3701.881, 3712.09, or 3721.121 1822  
of the Revised Code with respect to an individual who has applied 1823  
for employment in a position that involves providing direct care 1824  
to an older adult or adult resident, the chief administrator of a 1825  
home health agency, hospice care program, home licensed under 1826  
Chapter 3721. of the Revised Code, or adult day-care program 1827  
operated pursuant to rules adopted under section 3721.04 of the 1828  
Revised Code may request that the superintendent of the bureau 1829  
investigate and determine, with respect to any individual who has 1830  
applied after January 27, 1997, for employment in a position that 1831  
does not involve providing direct care to an older adult or adult 1832  
resident, whether the bureau has any information gathered under 1833  
division (A) of this section that pertains to that individual. 1834

In addition to or in conjunction with any request that is 1835  
required to be made under section 173.27 of the Revised Code with 1836  
respect to an individual who has applied for employment in a 1837  
position that involves providing ombudsman services to residents 1838  
of long-term care facilities or recipients of community-based 1839  
long-term care services, the state long-term care ombudsman, the 1840  
director of aging, a regional long-term care ombudsman program, or 1841  
the designee of the ombudsman, director, or program may request 1842  
that the superintendent investigate and determine, with respect to 1843  
any individual who has applied for employment in a position that 1844

does not involve providing such ombudsman services, whether the 1845  
bureau has any information gathered under division (A) of this 1846  
section that pertains to that applicant. 1847

In addition to or in conjunction with any request that is 1848  
required to be made under section 173.38 of the Revised Code with 1849  
respect to an individual who has applied for employment in a 1850  
direct-care position, the chief administrator of a provider, as 1851  
defined in section 173.39 of the Revised Code, may request that 1852  
the superintendent investigate and determine, with respect to any 1853  
individual who has applied for employment in a position that is 1854  
not a direct-care position, whether the bureau has any information 1855  
gathered under division (A) of this section that pertains to that 1856  
applicant. 1857

In addition to or in conjunction with any request that is 1858  
required to be made under section 3712.09 of the Revised Code with 1859  
respect to an individual who has applied for employment in a 1860  
position that involves providing direct care to a pediatric 1861  
respite care patient, the chief administrator of a pediatric 1862  
respite care program may request that the superintendent of the 1863  
bureau investigate and determine, with respect to any individual 1864  
who has applied for employment in a position that does not involve 1865  
providing direct care to a pediatric respite care patient, whether 1866  
the bureau has any information gathered under division (A) of this 1867  
section that pertains to that individual. 1868

On receipt of a request under this division, the 1869  
superintendent shall determine whether that information exists 1870  
and, on request of the individual requesting information, shall 1871  
also request from the federal bureau of investigation any criminal 1872  
records it has pertaining to the applicant. The superintendent or 1873  
the superintendent's designee also may request criminal history 1874  
records from other states or the federal government pursuant to 1875  
the national crime prevention and privacy compact set forth in 1876

section 109.571 of the Revised Code. Within thirty days of the 1877  
date a request is received, subject to division (E)(2) of this 1878  
section, the superintendent shall send to the requester a report 1879  
of any information determined to exist, including information 1880  
contained in records that have been sealed under section 2953.32 1881  
of the Revised Code, and, within thirty days of its receipt, shall 1882  
send the requester a report of any information received from the 1883  
federal bureau of investigation, other than information the 1884  
dissemination of which is prohibited by federal law. 1885

(H) Information obtained by a government entity or person 1886  
under this section is confidential and shall not be released or 1887  
disseminated. 1888

(I) The superintendent may charge a reasonable fee for 1889  
providing information or criminal records under division (F)(2) or 1890  
(G) of this section. 1891

(J) As used in this section: 1892

(1) "Pediatric respite care program" and "pediatric care 1893  
patient" have the same meanings as in section 3712.01 of the 1894  
Revised Code. 1895

(2) "Sexually oriented offense" and "child-victim oriented 1896  
offense" have the same meanings as in section 2950.01 of the 1897  
Revised Code. 1898

(3) "Registered private provider" means a nonpublic school or 1899  
entity registered with the superintendent of public instruction 1900  
under section 3310.41 of the Revised Code to participate in the 1901  
autism scholarship program or section 3310.58 of the Revised Code 1902  
to participate in the Jon Peterson special needs scholarship 1903  
program. 1904

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 1905  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 1906

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

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

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

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified in section 3319.31 of the Revised Code.

(2) On receipt of a request pursuant to section 3712.09 or 1939  
3721.121 of the Revised Code, a completed form prescribed pursuant 1940  
to division (C)(1) of this section, and a set of fingerprint 1941  
impressions obtained in the manner described in division (C)(2) of 1942  
this section, the superintendent of the bureau of criminal 1943  
identification and investigation shall conduct a criminal records 1944  
check with respect to any person who has applied for employment in 1945  
a position for which a criminal records check is required by those 1946  
sections. The superintendent shall conduct the criminal records 1947  
check in the manner described in division (B) of this section to 1948  
determine whether any information exists that indicates that the 1949  
person who is the subject of the request previously has been 1950  
convicted of or pleaded guilty to any of the following: 1951

(a) A violation of section 2903.01, 2903.02, 2903.03, 1952  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1953  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1954  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1955  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1956  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1957  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1958  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1959  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1960

(b) An existing or former law of this state, any other state, 1961  
or the United States that is substantially equivalent to any of 1962  
the offenses listed in division (A)(2)(a) of this section. 1963

(3) On receipt of a request pursuant to section 173.27, 1964  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 1965  
or 5123.169 of the Revised Code, a completed form prescribed 1966  
pursuant to division (C)(1) of this section, and a set of 1967  
fingerprint impressions obtained in the manner described in 1968  
division (C)(2) of this section, the superintendent of the bureau 1969  
of criminal identification and investigation shall conduct a 1970

criminal records check of the person for whom the request is made. 1971  
The superintendent shall conduct the criminal records check in the 1972  
manner described in division (B) of this section to determine 1973  
whether any information exists that indicates that the person who 1974  
is the subject of the request previously has been convicted of, 1975  
has pleaded guilty to, or (except in the case of a request 1976  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 1977  
Code) has been found eligible for intervention in lieu of 1978  
conviction for any of the following, regardless of the date of the 1979  
conviction, the date of entry of the guilty plea, or (except in 1980  
the case of a request pursuant to section 5164.34, 5164.341, or 1981  
5164.342 of the Revised Code) the date the person was found 1982  
eligible for intervention in lieu of conviction: 1983

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 1984  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 1985  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 1986  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 1987  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1988  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 1989  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 1990  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 1991  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 1992  
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1993  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 1994  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 1995  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 1996  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 1997  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 1998  
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 1999  
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2000  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2001  
2927.12, or 3716.11 of the Revised Code; 2002



(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code;	2003 2004
(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;	2005 2006
(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A)(3)(a) to (c) of this section;	2007 2008 2009 2010
(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A)(3)(a) to (d) of this section.	2011 2012 2013 2014
(4) On receipt of a request pursuant to section 2151.86 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:	2015 2016 2017 2018 2019 2020 2021 2022 2023 2024
(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11	2025 2026 2027 2028 2029 2030 2031 2032 2033

of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

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

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

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02,

2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2066  
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2067  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2068  
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2069  
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2070  
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2071  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 2072  
Revised Code, felonious sexual penetration in violation of former 2073  
section 2907.12 of the Revised Code, a violation of section 2074  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2075  
violation of section 2919.23 of the Revised Code that would have 2076  
been a violation of section 2905.04 of the Revised Code as it 2077  
existed prior to July 1, 1996, had the violation been committed 2078  
prior to that date, a violation of section 2925.11 of the Revised 2079  
Code that is not a minor drug possession offense, a violation of 2080  
section 2923.02 or 2923.03 of the Revised Code that relates to a 2081  
crime specified in this division, or a second violation of section 2082  
4511.19 of the Revised Code within five years of the date of 2083  
application for licensure or certification. 2084

(b) A violation of an existing or former law of this state, 2085  
any other state, or the United States that is substantially 2086  
equivalent to any of the offenses or violations described in 2087  
division (A)(5)(a) of this section. 2088

(6) Upon receipt of a request pursuant to section 5153.111 of 2089  
the Revised Code, a completed form prescribed pursuant to division 2090  
(C)(1) of this section, and a set of fingerprint impressions 2091  
obtained in the manner described in division (C)(2) of this 2092  
section, the superintendent of the bureau of criminal 2093  
identification and investigation shall conduct a criminal records 2094  
check in the manner described in division (B) of this section to 2095  
determine whether any information exists that indicates that the 2096  
person who is the subject of the request previously has been 2097

convicted of or pleaded guilty to any of the following: 2098

(a) A violation of section 2903.01, 2903.02, 2903.03, 2099  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2100  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2101  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2102  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2103  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2104  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2105  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 2106  
felonious sexual penetration in violation of former section 2107  
2907.12 of the Revised Code, a violation of section 2905.04 of the 2108  
Revised Code as it existed prior to July 1, 1996, a violation of 2109  
section 2919.23 of the Revised Code that would have been a 2110  
violation of section 2905.04 of the Revised Code as it existed 2111  
prior to July 1, 1996, had the violation been committed prior to 2112  
that date, or a violation of section 2925.11 of the Revised Code 2113  
that is not a minor drug possession offense; 2114

(b) A violation of an existing or former law of this state, 2115  
any other state, or the United States that is substantially 2116  
equivalent to any of the offenses listed in division (A)(6)(a) of 2117  
this section. 2118

(7) On receipt of a request for a criminal records check from 2119  
an individual pursuant to section 4749.03 or 4749.06 of the 2120  
Revised Code, accompanied by a completed copy of the form 2121  
prescribed in division (C)(1) of this section and a set of 2122  
fingerprint impressions obtained in a manner described in division 2123  
(C)(2) of this section, the superintendent of the bureau of 2124  
criminal identification and investigation shall conduct a criminal 2125  
records check in the manner described in division (B) of this 2126  
section to determine whether any information exists indicating 2127  
that the person who is the subject of the request has been 2128  
convicted of or pleaded guilty to a felony in this state or in any 2129

other state. If the individual indicates that a firearm will be 2130  
carried in the course of business, the superintendent shall 2131  
require information from the federal bureau of investigation as 2132  
described in division (B)(2) of this section. Subject to division 2133  
(F) of this section, the superintendent shall report the findings 2134  
of the criminal records check and any information the federal 2135  
bureau of investigation provides to the director of public safety. 2136

(8) On receipt of a request pursuant to section 1321.37, 2137  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 2138  
Code, a completed form prescribed pursuant to division (C)(1) of 2139  
this section, and a set of fingerprint impressions obtained in the 2140  
manner described in division (C)(2) of this section, the 2141  
superintendent of the bureau of criminal identification and 2142  
investigation shall conduct a criminal records check with respect 2143  
to any person who has applied for a license, permit, or 2144  
certification from the department of commerce or a division in the 2145  
department. The superintendent shall conduct the criminal records 2146  
check in the manner described in division (B) of this section to 2147  
determine whether any information exists that indicates that the 2148  
person who is the subject of the request previously has been 2149  
convicted of or pleaded guilty to any of the following: a 2150  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2151  
2925.03 of the Revised Code; any other criminal offense involving 2152  
theft, receiving stolen property, embezzlement, forgery, fraud, 2153  
passing bad checks, money laundering, or drug trafficking, or any 2154  
criminal offense involving money or securities, as set forth in 2155  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 2156  
the Revised Code; or any existing or former law of this state, any 2157  
other state, or the United States that is substantially equivalent 2158  
to those offenses. 2159

(9) On receipt of a request for a criminal records check from 2160  
the treasurer of state under section 113.041 of the Revised Code 2161

or from an individual under section 4701.08, 4715.101, 4717.061, 2162  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 2163  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 2164  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 2165  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 2166  
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 2167  
accompanied by a completed form prescribed under division (C)(1) 2168  
of this section and a set of fingerprint impressions obtained in 2169  
the manner described in division (C)(2) of this section, the 2170  
superintendent of the bureau of criminal identification and 2171  
investigation shall conduct a criminal records check in the manner 2172  
described in division (B) of this section to determine whether any 2173  
information exists that indicates that the person who is the 2174  
subject of the request has been convicted of or pleaded guilty to 2175  
any criminal offense in this state or any other state. Subject to 2176  
division (F) of this section, the superintendent shall send the 2177  
results of a check requested under section 113.041 of the Revised 2178  
Code to the treasurer of state and shall send the results of a 2179  
check requested under any of the other listed sections to the 2180  
licensing board specified by the individual in the request. 2181

(10) On receipt of a request pursuant to section 1121.23, 2182  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 2183  
Code, a completed form prescribed pursuant to division (C)(1) of 2184  
this section, and a set of fingerprint impressions obtained in the 2185  
manner described in division (C)(2) of this section, the 2186  
superintendent of the bureau of criminal identification and 2187  
investigation shall conduct a criminal records check in the manner 2188  
described in division (B) of this section to determine whether any 2189  
information exists that indicates that the person who is the 2190  
subject of the request previously has been convicted of or pleaded 2191  
guilty to any criminal offense under any existing or former law of 2192  
this state, any other state, or the United States. 2193

(11) On receipt of a request for a criminal records check 2194  
from an appointing or licensing authority under section 3772.07 of 2195  
the Revised Code, a completed form prescribed under division 2196  
(C)(1) of this section, and a set of fingerprint impressions 2197  
obtained in the manner prescribed in division (C)(2) of this 2198  
section, the superintendent of the bureau of criminal 2199  
identification and investigation shall conduct a criminal records 2200  
check in the manner described in division (B) of this section to 2201  
determine whether any information exists that indicates that the 2202  
person who is the subject of the request previously has been 2203  
convicted of or pleaded guilty or no contest to any offense under 2204  
any existing or former law of this state, any other state, or the 2205  
United States that is a disqualifying offense as defined in 2206  
section 3772.07 of the Revised Code or substantially equivalent to 2207  
such an offense. 2208

(12) On receipt of a request pursuant to section 2151.33 or 2209  
2151.412 of the Revised Code, a completed form prescribed pursuant 2210  
to division (C)(1) of this section, and a set of fingerprint 2211  
impressions obtained in the manner described in division (C)(2) of 2212  
this section, the superintendent of the bureau of criminal 2213  
identification and investigation shall conduct a criminal records 2214  
check with respect to any person for whom a criminal records check 2215  
is required by that section. The superintendent shall conduct the 2216  
criminal records check in the manner described in division (B) of 2217  
this section to determine whether any information exists that 2218  
indicates that the person who is the subject of the request 2219  
previously has been convicted of or pleaded guilty to any of the 2220  
following: 2221

(a) A violation of section 2903.01, 2903.02, 2903.03, 2222  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2223  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2224  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2225

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2226  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2227  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2228  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2229  
2925.22, 2925.23, or 3716.11 of the Revised Code; 2230

(b) An existing or former law of this state, any other state, 2231  
or the United States that is substantially equivalent to any of 2232  
the offenses listed in division (A)(12)(a) of this section. 2233

(B) Subject to division (F) of this section, the 2234  
superintendent shall conduct any criminal records check to be 2235  
conducted under this section as follows: 2236

(1) The superintendent shall review or cause to be reviewed 2237  
any relevant information gathered and compiled by the bureau under 2238  
division (A) of section 109.57 of the Revised Code that relates to 2239  
the person who is the subject of the criminal records check, 2240  
including, if the criminal records check was requested under 2241  
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 2242  
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 2243  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 2244  
3701.881, 3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 2245  
~~5104.012~~, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 2246  
5123.169, or 5153.111 of the Revised Code, any relevant 2247  
information contained in records that have been sealed under 2248  
section 2953.32 of the Revised Code; 2249

(2) If the request received by the superintendent asks for 2250  
information from the federal bureau of investigation, the 2251  
superintendent shall request from the federal bureau of 2252  
investigation any information it has with respect to the person 2253  
who is the subject of the criminal records check, including 2254  
fingerprint-based checks of national crime information databases 2255  
as described in 42 U.S.C. 671 if the request is made pursuant to 2256  
section 2151.86, ~~5104.012~~, or 5104.013 of the Revised Code or if 2257



any other Revised Code section requires fingerprint-based checks 2258  
of that nature, and shall review or cause to be reviewed any 2259  
information the superintendent receives from that bureau. If a 2260  
request under section 3319.39 of the Revised Code asks only for 2261  
information from the federal bureau of investigation, the 2262  
superintendent shall not conduct the review prescribed by division 2263  
(B)(1) of this section. 2264

(3) The superintendent or the superintendent's designee may 2265  
request criminal history records from other states or the federal 2266  
government pursuant to the national crime prevention and privacy 2267  
compact set forth in section 109.571 of the Revised Code. 2268

(4) The superintendent shall include in the results of the 2269  
criminal records check a list or description of the offenses 2270  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 2271  
(7), (8), (9), (10), (11), or (12) of this section, whichever 2272  
division requires the superintendent to conduct the criminal 2273  
records check. The superintendent shall exclude from the results 2274  
any information the dissemination of which is prohibited by 2275  
federal law. 2276

(5) The superintendent shall send the results of the criminal 2277  
records check to the person to whom it is to be sent not later 2278  
than the following number of days after the date the 2279  
superintendent receives the request for the criminal records 2280  
check, the completed form prescribed under division (C)(1) of this 2281  
section, and the set of fingerprint impressions obtained in the 2282  
manner described in division (C)(2) of this section: 2283

(a) If the superintendent is required by division (A) of this 2284  
section (other than division (A)(3) of this section) to conduct 2285  
the criminal records check, thirty; 2286

(b) If the superintendent is required by division (A)(3) of 2287  
this section to conduct the criminal records check, sixty. 2288

(C)(1) The superintendent shall prescribe a form to obtain 2289  
the information necessary to conduct a criminal records check from 2290  
any person for whom a criminal records check is to be conducted 2291  
under this section. The form that the superintendent prescribes 2292  
pursuant to this division may be in a tangible format, in an 2293  
electronic format, or in both tangible and electronic formats. 2294

(2) The superintendent shall prescribe standard impression 2295  
sheets to obtain the fingerprint impressions of any person for 2296  
whom a criminal records check is to be conducted under this 2297  
section. Any person for whom a records check is to be conducted 2298  
under this section shall obtain the fingerprint impressions at a 2299  
county sheriff's office, municipal police department, or any other 2300  
entity with the ability to make fingerprint impressions on the 2301  
standard impression sheets prescribed by the superintendent. The 2302  
office, department, or entity may charge the person a reasonable 2303  
fee for making the impressions. The standard impression sheets the 2304  
superintendent prescribes pursuant to this division may be in a 2305  
tangible format, in an electronic format, or in both tangible and 2306  
electronic formats. 2307

(3) Subject to division (D) of this section, the 2308  
superintendent shall prescribe and charge a reasonable fee for 2309  
providing a criminal records check under this section. The person 2310  
requesting the criminal records check shall pay the fee prescribed 2311  
pursuant to this division. In the case of a request under section 2312  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2313  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 2314  
the manner specified in that section. 2315

(4) The superintendent of the bureau of criminal 2316  
identification and investigation may prescribe methods of 2317  
forwarding fingerprint impressions and information necessary to 2318  
conduct a criminal records check, which methods shall include, but 2319  
not be limited to, an electronic method. 2320

(D) The results of a criminal records check conducted under 2321  
this section, other than a criminal records check specified in 2322  
division (A)(7) of this section, are valid for the person who is 2323  
the subject of the criminal records check for a period of one year 2324  
from the date upon which the superintendent completes the criminal 2325  
records check. If during that period the superintendent receives 2326  
another request for a criminal records check to be conducted under 2327  
this section for that person, the superintendent shall provide the 2328  
results from the previous criminal records check of the person at 2329  
a lower fee than the fee prescribed for the initial criminal 2330  
records check. 2331

(E) When the superintendent receives a request for 2332  
information from a registered private provider, the superintendent 2333  
shall proceed as if the request was received from a school 2334  
district board of education under section 3319.39 of the Revised 2335  
Code. The superintendent shall apply division (A)(1)(c) of this 2336  
section to any such request for an applicant who is a teacher. 2337

(F)(1) All information regarding the results of a criminal 2338  
records check conducted under this section that the superintendent 2339  
reports or sends under division (A)(7) or (9) of this section to 2340  
the director of public safety, the treasurer of state, or the 2341  
person, board, or entity that made the request for the criminal 2342  
records check shall relate to the conviction of the subject 2343  
person, or the subject person's plea of guilty to, a criminal 2344  
offense. 2345

(2) Division (F)(1) of this section does not limit, restrict, 2346  
or preclude the superintendent's release of information that 2347  
relates to the arrest of a person who is eighteen years of age or 2348  
older, to an adjudication of a child as a delinquent child, or to 2349  
a criminal conviction of a person under eighteen years of age in 2350  
circumstances in which a release of that nature is authorized 2351  
under division (E)(2), (3), or (4) of section 109.57 of the 2352

Revised Code pursuant to a rule adopted under division (E)(1) of 2353  
that section. 2354

(G) As used in this section: 2355

(1) "Criminal records check" means any criminal records check 2356  
conducted by the superintendent of the bureau of criminal 2357  
identification and investigation in accordance with division (B) 2358  
of this section. 2359

(2) "Minor drug possession offense" has the same meaning as 2360  
in section 2925.01 of the Revised Code. 2361

(3) "OVI or OVUAC violation" means a violation of section 2362  
4511.19 of the Revised Code or a violation of an existing or 2363  
former law of this state, any other state, or the United States 2364  
that is substantially equivalent to section 4511.19 of the Revised 2365  
Code. 2366

(4) "Registered private provider" means a nonpublic school or 2367  
entity registered with the superintendent of public instruction 2368  
under section 3310.41 of the Revised Code to participate in the 2369  
autism scholarship program or section 3310.58 of the Revised Code 2370  
to participate in the Jon Peterson special needs scholarship 2371  
program. 2372

Sec. 109.747. The attorney general shall adopt, in accordance 2373  
with Chapter 119. of the Revised Code or pursuant to section 2374  
109.74 of the Revised Code, rules governing the training of peace 2375  
officers on companion animal encounters and companion animal 2376  
behavior. The provisions of the rules shall include all of the 2377  
following: 2378

(A) A specified amount of training that is necessary for 2379  
satisfactory completion of basic training programs at approved 2380  
peace officer training schools, other than the Ohio peace officer 2381  
training academy; 2382

(B) The time within which a peace officer is required to receive that training, if the peace officer is appointed as a peace officer before receiving that training; 2383  
2384  
2385

(C) A requirement that the training include training in all of the following: 2386  
2387

(1) Handling companion animal-related calls or unplanned encounters with companion animals, with an emphasis on canine-related incidents and the use of nonlethal methods and tools in handling an encounter with a canine; 2388  
2389  
2390  
2391

(2) Identifying and understanding companion animal behavior; 2392

(3) State laws and municipal ordinances related to companion animals; 2393  
2394

(4) Avoiding a companion animal attack; 2395

(5) Using nonlethal methods to defend against a companion animal attack. 2396  
2397

(D) As used in this section, "companion animal" has the same meaning as in section 959.131 of the Revised Code. 2398  
2399

**Sec. 109.77.** (A) As used in this section, ~~"felony"~~: 2400

(1) "Felony" has the same meaning as in section 109.511 of the Revised Code. 2401  
2402

(2) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 2403  
2404

(B)(1) Notwithstanding any general, special, or local law or charter to the contrary, and except as otherwise provided in this section, no person shall receive an original appointment on a permanent basis as any of the following unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, 2405  
2406  
2407  
2408  
2409  
2410  
2411

county, municipal, or department of natural resources peace	2412
officer basic training program:	2413
(a) A peace officer of any county, township, municipal	2414
corporation, regional transit authority, or metropolitan housing	2415
authority;	2416
(b) A natural resources law enforcement staff officer, park	2417
officer, forest officer, preserve officer, wildlife officer, or	2418
state watercraft officer of the department of natural resources;	2419
(c) An employee of a park district under section 511.232 or	2420
1545.13 of the Revised Code;	2421
(d) An employee of a conservancy district who is designated	2422
pursuant to section 6101.75 of the Revised Code;	2423
(e) A state university law enforcement officer;	2424
(f) A special police officer employed by the department of	2425
mental health and addiction services pursuant to section 5119.08	2426
of the Revised Code or the department of developmental	2427
disabilities pursuant to section 5123.13 of the Revised Code;	2428
(g) An enforcement agent of the department of public safety	2429
whom the director of public safety designates under section	2430
5502.14 of the Revised Code;	2431
(h) A special police officer employed by a port authority	2432
under section 4582.04 or 4582.28 of the Revised Code;	2433
(i) A special police officer employed by a municipal	2434
corporation at a municipal airport, or other municipal air	2435
navigation facility, that has scheduled operations, as defined in	2436
section 119.3 of Title 14 of the Code of Federal Regulations, 14	2437
C.F.R. 119.3, as amended, and that is required to be under a	2438
security program and is governed by aviation security rules of the	2439
transportation security administration of the United States	2440
department of transportation as provided in Parts 1542. and 1544.	2441

of Title 49 of the Code of Federal Regulations, as amended; 2442

(j) A gaming agent employed under section 3772.03 of the 2443  
Revised Code. 2444

(2) Every person who is appointed on a temporary basis or for 2445  
a probationary term or on other than a permanent basis as any of 2446  
the following shall forfeit the appointed position unless the 2447  
person previously has completed satisfactorily or, within the time 2448  
prescribed by rules adopted by the attorney general pursuant to 2449  
section 109.74 of the Revised Code, satisfactorily completes a 2450  
state, county, municipal, or department of natural resources peace 2451  
officer basic training program for temporary or probationary 2452  
officers and is awarded a certificate by the director attesting to 2453  
the satisfactory completion of the program: 2454

(a) A peace officer of any county, township, municipal 2455  
corporation, regional transit authority, or metropolitan housing 2456  
authority; 2457

(b) A natural resources law enforcement staff officer, park 2458  
officer, forest officer, preserve officer, wildlife officer, or 2459  
state watercraft officer of the department of natural resources; 2460

(c) An employee of a park district under section 511.232 or 2461  
1545.13 of the Revised Code; 2462

(d) An employee of a conservancy district who is designated 2463  
pursuant to section 6101.75 of the Revised Code; 2464

(e) A special police officer employed by the department of 2465  
mental health and addiction services pursuant to section 5119.08 2466  
of the Revised Code or the department of developmental 2467  
disabilities pursuant to section 5123.13 of the Revised Code; 2468

(f) An enforcement agent of the department of public safety 2469  
whom the director of public safety designates under section 2470  
5502.14 of the Revised Code; 2471

(g) A special police officer employed by a port authority 2472  
under section 4582.04 or 4582.28 of the Revised Code; 2473

(h) A special police officer employed by a municipal 2474  
corporation at a municipal airport, or other municipal air 2475  
navigation facility, that has scheduled operations, as defined in 2476  
section 119.3 of Title 14 of the Code of Federal Regulations, 14 2477  
C.F.R. 119.3, as amended, and that is required to be under a 2478  
security program and is governed by aviation security rules of the 2479  
transportation security administration of the United States 2480  
department of transportation as provided in Parts 1542. and 1544. 2481  
of Title 49 of the Code of Federal Regulations, as amended. 2482

(3) For purposes of division (B) of this section, a state, 2483  
county, municipal, or department of natural resources peace 2484  
officer basic training program, regardless of whether the program 2485  
is to be completed by peace officers appointed on a permanent or 2486  
temporary, probationary, or other nonpermanent basis, shall 2487  
include training in the handling of the offense of domestic 2488  
violence, other types of domestic violence-related offenses and 2489  
incidents, ~~and~~ protection orders and consent agreements issued or 2490  
approved under section 2919.26 or 3113.31 of the Revised Code ~~and~~, 2491  
crisis intervention training, and training on companion animal 2492  
encounters and companion animal behavior. The requirement to 2493  
complete training in the handling of the offense of domestic 2494  
violence, other types of domestic violence-related offenses and 2495  
incidents, and protection orders and consent agreements issued or 2496  
approved under section 2919.26 or 3113.31 of the Revised Code does 2497  
not apply to any person serving as a peace officer on March 27, 2498  
1979, and the requirement to complete training in crisis 2499  
intervention does not apply to any person serving as a peace 2500  
officer on April 4, 1985. Any person who is serving as a peace 2501  
officer on April 4, 1985, who terminates that employment after 2502  
that date, and who subsequently is hired as a peace officer by the 2503



same or another law enforcement agency shall complete training in 2504  
crisis intervention as prescribed by rules adopted by the attorney 2505  
general pursuant to section 109.742 of the Revised Code. No peace 2506  
officer shall have employment as a peace officer terminated and 2507  
then be reinstated with intent to circumvent this section. 2508

(4) Division (B) of this section does not apply to any person 2509  
serving on a permanent basis on March 28, 1985, as a park officer, 2510  
forest officer, preserve officer, wildlife officer, or state 2511  
watercraft officer of the department of natural resources or as an 2512  
employee of a park district under section 511.232 or 1545.13 of 2513  
the Revised Code, to any person serving on a permanent basis on 2514  
March 6, 1986, as an employee of a conservancy district designated 2515  
pursuant to section 6101.75 of the Revised Code, to any person 2516  
serving on a permanent basis on January 10, 1991, as a preserve 2517  
officer of the department of natural resources, to any person 2518  
employed on a permanent basis on July 2, 1992, as a special police 2519  
officer by the department of mental health and addiction services 2520  
pursuant to section 5119.08 of the Revised Code or by the 2521  
department of developmental disabilities pursuant to section 2522  
5123.13 of the Revised Code, to any person serving on a permanent 2523  
basis on May 17, 2000, as a special police officer employed by a 2524  
port authority under section 4582.04 or 4582.28 of the Revised 2525  
Code, to any person serving on a permanent basis on March 19, 2526  
2003, as a special police officer employed by a municipal 2527  
corporation at a municipal airport or other municipal air 2528  
navigation facility described in division (A)(19) of section 2529  
109.71 of the Revised Code, to any person serving on a permanent 2530  
basis on June 19, 1978, as a state university law enforcement 2531  
officer pursuant to section 3345.04 of the Revised Code and who, 2532  
immediately prior to June 19, 1978, was serving as a special 2533  
police officer designated under authority of that section, or to 2534  
any person serving on a permanent basis on September 20, 1984, as 2535  
a liquor control investigator, known after June 30, 1999, as an 2536

enforcement agent of the department of public safety, engaged in 2537  
the enforcement of Chapters 4301. and 4303. of the Revised Code. 2538

(5) Division (B) of this section does not apply to any person 2539  
who is appointed as a regional transit authority police officer 2540  
pursuant to division (Y) of section 306.35 of the Revised Code if, 2541  
on or before July 1, 1996, the person has completed satisfactorily 2542  
an approved state, county, municipal, or department of natural 2543  
resources peace officer basic training program and has been 2544  
awarded a certificate by the executive director of the Ohio peace 2545  
officer training commission attesting to the person's satisfactory 2546  
completion of such an approved program and if, on July 1, 1996, 2547  
the person is performing peace officer functions for a regional 2548  
transit authority. 2549

(C) No person, after September 20, 1984, shall receive an 2550  
original appointment on a permanent basis as a veterans' home 2551  
police officer designated under section 5907.02 of the Revised 2552  
Code unless the person previously has been awarded a certificate 2553  
by the executive director of the Ohio peace officer training 2554  
commission attesting to the person's satisfactory completion of an 2555  
approved police officer basic training program. Every person who 2556  
is appointed on a temporary basis or for a probationary term or on 2557  
other than a permanent basis as a veterans' home police officer 2558  
designated under section 5907.02 of the Revised Code shall forfeit 2559  
that position unless the person previously has completed 2560  
satisfactorily or, within one year from the time of appointment, 2561  
satisfactorily completes an approved police officer basic training 2562  
program. 2563

(D) No bailiff or deputy bailiff of a court of record of this 2564  
state and no criminal investigator who is employed by the state 2565  
public defender shall carry a firearm, as defined in section 2566  
2923.11 of the Revised Code, while on duty unless the bailiff, 2567  
deputy bailiff, or criminal investigator has done or received one 2568

of the following: 2569

(1) Has been awarded a certificate by the executive director 2570  
of the Ohio peace officer training commission, which certificate 2571  
attests to satisfactory completion of an approved state, county, 2572  
or municipal basic training program for bailiffs and deputy 2573  
bailiffs of courts of record and for criminal investigators 2574  
employed by the state public defender that has been recommended by 2575  
the Ohio peace officer training commission; 2576

(2) Has successfully completed a firearms training program 2577  
approved by the Ohio peace officer training commission prior to 2578  
employment as a bailiff, deputy bailiff, or criminal investigator; 2579

(3) Prior to June 6, 1986, was authorized to carry a firearm 2580  
by the court that employed the bailiff or deputy bailiff or, in 2581  
the case of a criminal investigator, by the state public defender 2582  
and has received training in the use of firearms that the Ohio 2583  
peace officer training commission determines is equivalent to the 2584  
training that otherwise is required by division (D) of this 2585  
section. 2586

(E)(1) Before a person seeking a certificate completes an 2587  
approved peace officer basic training program, the executive 2588  
director of the Ohio peace officer training commission shall 2589  
request the person to disclose, and the person shall disclose, any 2590  
previous criminal conviction of or plea of guilty of that person 2591  
to a felony. 2592

(2) Before a person seeking a certificate completes an 2593  
approved peace officer basic training program, the executive 2594  
director shall request a criminal history records check on the 2595  
person. The executive director shall submit the person's 2596  
fingerprints to the bureau of criminal identification and 2597  
investigation, which shall submit the fingerprints to the federal 2598  
bureau of investigation for a national criminal history records 2599

check. 2600

Upon receipt of the executive director's request, the bureau 2601  
of criminal identification and investigation and the federal 2602  
bureau of investigation shall conduct a criminal history records 2603  
check on the person and, upon completion of the check, shall 2604  
provide a copy of the criminal history records check to the 2605  
executive director. The executive director shall not award any 2606  
certificate prescribed in this section unless the executive 2607  
director has received a copy of the criminal history records check 2608  
on the person to whom the certificate is to be awarded. 2609

(3) The executive director of the commission shall not award 2610  
a certificate prescribed in this section to a person who has been 2611  
convicted of or has pleaded guilty to a felony or who fails to 2612  
disclose any previous criminal conviction of or plea of guilty to 2613  
a felony as required under division (E)(1) of this section. 2614

(4) The executive director of the commission shall revoke the 2615  
certificate awarded to a person as prescribed in this section, and 2616  
that person shall forfeit all of the benefits derived from being 2617  
certified as a peace officer under this section, if the person, 2618  
before completion of an approved peace officer basic training 2619  
program, failed to disclose any previous criminal conviction of or 2620  
plea of guilty to a felony as required under division (E)(1) of 2621  
this section. 2622

(F)(1) Regardless of whether the person has been awarded the 2623  
certificate or has been classified as a peace officer prior to, 2624  
on, or after October 16, 1996, the executive director of the Ohio 2625  
peace officer training commission shall revoke any certificate 2626  
that has been awarded to a person as prescribed in this section if 2627  
the person does either of the following: 2628

(a) Pleads guilty to a felony committed on or after January 2629  
1, 1997; 2630

(b) Pleads guilty to a misdemeanor committed on or after 2631  
January 1, 1997, pursuant to a negotiated plea agreement as 2632  
provided in division (D) of section 2929.43 of the Revised Code in 2633  
which the person agrees to surrender the certificate awarded to 2634  
the person under this section. 2635

(2) The executive director of the commission shall suspend 2636  
any certificate that has been awarded to a person as prescribed in 2637  
this section if the person is convicted, after trial, of a felony 2638  
committed on or after January 1, 1997. The executive director 2639  
shall suspend the certificate pursuant to division (F)(2) of this 2640  
section pending the outcome of an appeal by the person from that 2641  
conviction to the highest court to which the appeal is taken or 2642  
until the expiration of the period in which an appeal is required 2643  
to be filed. If the person files an appeal that results in that 2644  
person's acquittal of the felony or conviction of a misdemeanor, 2645  
or in the dismissal of the felony charge against that person, the 2646  
executive director shall reinstate the certificate awarded to the 2647  
person under this section. If the person files an appeal from that 2648  
person's conviction of the felony and the conviction is upheld by 2649  
the highest court to which the appeal is taken or if the person 2650  
does not file a timely appeal, the executive director shall revoke 2651  
the certificate awarded to the person under this section. 2652

(G)(1) If a person is awarded a certificate under this 2653  
section and the certificate is revoked pursuant to division (E)(4) 2654  
or (F) of this section, the person shall not be eligible to 2655  
receive, at any time, a certificate attesting to the person's 2656  
satisfactory completion of a peace officer basic training program. 2657

(2) The revocation or suspension of a certificate under 2658  
division (E)(4) or (F) of this section shall be in accordance with 2659  
Chapter 119. of the Revised Code. 2660

(H)(1) A person who was employed as a peace officer of a 2661  
county, township, or municipal corporation of the state on January 2662

1, 1966, and who has completed at least sixteen years of full-time 2663  
active service as such a peace officer, or equivalent service as 2664  
determined by the executive director of the Ohio peace officer 2665  
training commission, may receive an original appointment on a 2666  
permanent basis and serve as a peace officer of a county, 2667  
township, or municipal corporation, or as a state university law 2668  
enforcement officer, without complying with the requirements of 2669  
division (B) of this section. 2670

(2) Any person who held an appointment as a state highway 2671  
trooper on January 1, 1966, may receive an original appointment on 2672  
a permanent basis and serve as a peace officer of a county, 2673  
township, or municipal corporation, or as a state university law 2674  
enforcement officer, without complying with the requirements of 2675  
division (B) of this section. 2676

(I) No person who is appointed as a peace officer of a 2677  
county, township, or municipal corporation on or after April 9, 2678  
1985, shall serve as a peace officer of that county, township, or 2679  
municipal corporation unless the person has received training in 2680  
the handling of missing children and child abuse and neglect cases 2681  
from an approved state, county, township, or municipal police 2682  
officer basic training program or receives the training within the 2683  
time prescribed by rules adopted by the attorney general pursuant 2684  
to section 109.741 of the Revised Code. 2685

(J) No part of any approved state, county, or municipal basic 2686  
training program for bailiffs and deputy bailiffs of courts of 2687  
record and no part of any approved state, county, or municipal 2688  
basic training program for criminal investigators employed by the 2689  
state public defender shall be used as credit toward the 2690  
completion by a peace officer of any part of the approved state, 2691  
county, or municipal peace officer basic training program that the 2692  
peace officer is required by this section to complete 2693  
satisfactorily. 2694

(K) This section does not apply to any member of the police 2695  
department of a municipal corporation in an adjoining state 2696  
serving in this state under a contract pursuant to section 737.04 2697  
of the Revised Code. 2698

**Sec. 109.79.** (A) The Ohio peace officer training commission 2699  
shall establish and conduct a training school for law enforcement 2700  
officers of any political subdivision of the state or of the state 2701  
public defender's office. The school shall be known as the Ohio 2702  
peace officer training academy. No bailiff or deputy bailiff of a 2703  
court of record of this state and no criminal investigator 2704  
employed by the state public defender shall be permitted to attend 2705  
the academy for training unless the employing court of the bailiff 2706  
or deputy bailiff or the state public defender, whichever is 2707  
applicable, has authorized the bailiff, deputy bailiff, or 2708  
investigator to attend the academy. 2709

The Ohio peace officer training commission shall develop the 2710  
training program, which shall include courses in both the civil 2711  
and criminal functions of law enforcement officers, a course in 2712  
crisis intervention with six or more hours of training, ~~and~~ 2713  
training in the handling of missing children and child abuse and 2714  
neglect cases, and training on companion animal encounters and 2715  
companion animal behavior, and shall establish rules governing 2716  
qualifications for admission to the academy. The commission may 2717  
require competitive examinations to determine fitness of 2718  
prospective trainees, so long as the examinations or other 2719  
criteria for admission to the academy are consistent with the 2720  
provisions of Chapter 124. of the Revised Code. 2721

The Ohio peace officer training commission shall determine 2722  
tuition costs sufficient in the aggregate to pay the costs of 2723  
operating the academy. The costs of acquiring and equipping the 2724  
academy shall be paid from appropriations made by the general 2725

assembly to the Ohio peace officer training commission for that 2726  
purpose, from gifts or grants received for that purpose, or from 2727  
fees for goods related to the academy. 2728

The Ohio peace officer training commission shall create a 2729  
gaming-related curriculum for gaming agents. The Ohio peace 2730  
officer training commission shall use money distributed to the 2731  
Ohio peace officer training academy from the Ohio law enforcement 2732  
training fund to first support the academy's training programs for 2733  
gaming agents and gaming-related curriculum. The Ohio peace 2734  
officer training commission may utilize existing training programs 2735  
in other states that specialize in training gaming agents. 2736

The law enforcement officers, during the period of their 2737  
training, shall receive compensation as determined by the 2738  
political subdivision that sponsors them or, if the officer is a 2739  
criminal investigator employed by the state public defender, as 2740  
determined by the state public defender. The political subdivision 2741  
may pay the tuition costs of the law enforcement officers they 2742  
sponsor and the state public defender may pay the tuition costs of 2743  
criminal investigators of that office who attend the academy. 2744

If trainee vacancies exist, the academy may train and issue 2745  
certificates of satisfactory completion to peace officers who are 2746  
employed by a campus police department pursuant to section 1713.50 2747  
of the Revised Code, by a qualified nonprofit corporation police 2748  
department pursuant to section 1702.80 of the Revised Code, or by 2749  
a railroad company, who are amusement park police officers 2750  
appointed and commissioned by a judge of the appropriate municipal 2751  
court or county court pursuant to section 4973.17 of the Revised 2752  
Code, or who are bank, savings and loan association, savings bank, 2753  
credit union, or association of banks, savings and loan 2754  
associations, savings banks, or credit unions, or hospital police 2755  
officers appointed and commissioned by the secretary of state 2756  
pursuant to sections 4973.17 to 4973.22 of the Revised Code, 2757



provided that no such officer shall be trained at the academy 2758  
unless the officer meets the qualifications established for 2759  
admission to the academy and the qualified nonprofit corporation 2760  
police department; bank, savings and loan association, savings 2761  
bank, credit union, or association of banks, savings and loan 2762  
associations, savings banks, or credit unions; railroad company; 2763  
hospital; or amusement park or the private college or university 2764  
that established the campus police department prepays the entire 2765  
cost of the training. A qualified nonprofit corporation police 2766  
department; bank, savings and loan association, savings bank, 2767  
credit union, or association of banks, savings and loan 2768  
associations, savings banks, or credit unions; railroad company; 2769  
hospital; or amusement park or a private college or university 2770  
that has established a campus police department is not entitled to 2771  
reimbursement from the state for any amount paid for the cost of 2772  
training the bank, savings and loan association, savings bank, 2773  
credit union, or association of banks, savings and loan 2774  
associations, savings banks, or credit unions peace officers; the 2775  
railroad company's peace officers; or the peace officers of the 2776  
qualified nonprofit corporation police department, campus police 2777  
department, hospital, or amusement park. 2778

The academy shall permit investigators employed by the state 2779  
medical board to take selected courses that the board determines 2780  
are consistent with its responsibilities for initial and 2781  
continuing training of investigators as required under sections 2782  
4730.26 and 4731.05 of the Revised Code. The board shall pay the 2783  
entire cost of training that investigators receive at the academy. 2784

(B) As used in this section: 2785

(1) "Law enforcement officers" include any undercover drug 2786  
agent, any bailiff or deputy bailiff of a court of record, and any 2787  
criminal investigator who is employed by the state public 2788  
defender. 2789

(2) "Undercover drug agent" means any person who:	2790
(a) Is employed by a county, township, or municipal corporation for the purposes set forth in division (B)(2)(b) of this section but who is not an employee of a county sheriff's department, of a township constable, or of the police department of a municipal corporation or township;	2791 2792 2793 2794 2795
(b) In the course of the person's employment by a county, township, or municipal corporation, investigates and gathers information pertaining to persons who are suspected of violating Chapter 2925. or 3719. of the Revised Code, and generally does not wear a uniform in the performance of the person's duties.	2796 2797 2798 2799 2800
(3) "Crisis intervention training" has the same meaning as in section 109.71 of the Revised Code.	2801 2802
(4) "Missing children" has the same meaning as in section 2901.30 of the Revised Code.	2803 2804
(5) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	2805 2806
<u>Sec. 111.31. (A) There is hereby created in the state treasury the absent voter's ballot application mailing fund. The secretary of state shall use the fund to pay the cost of printing and mailing unsolicited applications for absent voter's ballots in accordance with section 3501.05 of the Revised Code if the general assembly has appropriated funds to the controlling board for such a mailing.</u>	2807 2808 2809 2810 2811 2812 2813
<u>(B) The fund shall consist of moneys transferred to it by the controlling board upon the request of the secretary of state. The controlling board shall transfer any unused moneys in the fund to the proper appropriation item.</u>	2814 2815 2816 2817
<b>Sec. 113.07.</b> The treasurer of state may enter into a contract	2818

with any financial institution under which the financial 2819  
institution, in accordance with the terms of the contract, 2820  
receives tax and fee payments at a post office box, opens the mail 2821  
delivered to that box, processes the checks and other payments 2822  
received in such mail and deposits them into the treasurer of 2823  
state's account, and provides the treasurer of state daily receipt 2824  
information with respect to such payments. The contract shall not 2825  
be entered into unless: 2826

(A) There is attached to the contract a certification by the 2827  
auditor of state that the financial institution and the treasurer 2828  
of state have given assurances satisfactory to the auditor of 2829  
state that the records of the financial institution which relate 2830  
to tax and fee payments covered by the contract, and only such 2831  
records, shall be subject to audit by the auditor of state to the 2832  
same extent as if the services which the financial institution has 2833  
agreed to perform were being performed by the treasurer of state; 2834

(B) The contract is awarded in accordance with ~~section 125.07~~ 2835  
Chapter 125. of the Revised Code; 2836

(C) The treasurer of state's surety bond includes within its 2837  
coverage any loss that may occur as the result of the contract; 2838

(D) The contract does not conflict with the requirements for 2839  
accounting and financial reporting for public offices prescribed 2840  
by the auditor of state. 2841

Sec. 117.54. There is in the state treasury the auditor of 2842  
state investigation and forfeiture trust fund. The fund shall 2843  
consist of moneys received under sections 2981.13 and 2981.14 and 2844  
division (B)(3) of section 2923.32 of the Revised Code, and the 2845  
auditor of state shall use those moneys in accordance with those 2846  
sections. Interest earned on moneys in the fund shall be credited 2847  
to the fund. 2848

Sec. 118.023. (A) Upon determining that one or more of the 2849  
conditions described in section 118.022 of the Revised Code are 2850  
present, the auditor of state shall issue a written declaration of 2851  
the existence of a fiscal watch to the municipal corporation, 2852  
county, or township and the county budget commission. The fiscal 2853  
watch shall be in effect until the auditor of state determines 2854  
that none of the conditions are any longer present and cancels the 2855  
watch, or until the auditor of state determines that a state of 2856  
fiscal emergency exists. The auditor of state, or a designee, 2857  
shall provide such technical and support services to the municipal 2858  
corporation, county, or township after a fiscal watch has been 2859  
declared to exist as the auditor of state considers necessary. 2860

(B) Within ~~one hundred twenty~~ ninety days after the day a 2861  
written declaration of the existence of a fiscal watch is issued 2862  
under division (A) of this section, the mayor of the municipal 2863  
corporation, the board of county commissioners of the county, or 2864  
the board of township trustees of the township for which a fiscal 2865  
watch was declared shall submit to the auditor of state a 2866  
financial recovery plan that shall identify actions to be taken to 2867  
eliminate all of the conditions described in section 118.022 of 2868  
the Revised Code, and shall include a schedule detailing the 2869  
approximate dates for beginning and completing the actions and a 2870  
five-year forecast reflecting the effects of the actions. The 2871  
financial recovery plan also shall evaluate the feasibility of 2872  
entering into shared services agreements with other political 2873  
subdivisions for the joint exercise of any power, performance of 2874  
any function, or rendering of any service, if so authorized by 2875  
statute. The financial recovery plan is subject to review and 2876  
approval by the auditor of state. The auditor of state may extend 2877  
the amount of time by which a financial recovery plan is required 2878  
to be filed, for good cause shown. 2879

(C) ~~If a feasible financial recovery plan for a municipal~~ 2880

~~corporation, county, or township for which a fiscal watch was~~ 2881  
~~declared is not submitted within the time period prescribed by~~ 2882  
~~division (B) of this section, or within any extension of time~~ 2883  
~~thereof, the~~ The auditor of state shall declare that a fiscal 2884  
emergency condition exists under section 118.04 of the Revised 2885  
Code in the municipal corporation, county, or township if either 2886  
of the following applies: 2887

(1) A feasible financial recovery plan for a municipal 2888  
corporation, county, or township for which a fiscal watch was 2889  
declared is not submitted within the time period prescribed by 2890  
division (B) of this section, or within any extension of time 2891  
thereof; or 2892

(2) The auditor of state finds that a municipal corporation, 2893  
county, or township for which a fiscal watch has been declared has 2894  
not made reasonable proposals or otherwise taken action to 2895  
discontinue or correct the fiscal practices or budgetary 2896  
conditions that prompted the declaration of fiscal watch, and the 2897  
auditor determines a fiscal emergency declaration is necessary to 2898  
prevent further decline. 2899

**Sec. 118.04.** (A) The existence of a fiscal emergency 2900  
condition constitutes a fiscal emergency. The existence of fiscal 2901  
emergency conditions shall be determined by the auditor of state. 2902  
Such determination, for purposes of this chapter, may be made only 2903  
upon the filing with the auditor of state of a written request for 2904  
such a determination by the governor, by the county budget 2905  
commission, by the mayor of the municipal corporation, or by the 2906  
presiding officer of the legislative authority of the municipal 2907  
corporation when authorized by a majority of the members of such 2908  
legislative authority, by the board of county commissioners, or by 2909  
the board of township trustees, or upon initiation by the auditor 2910  
of state. The request may designate in general or specific terms, 2911

but without thereby limiting the determination thereto, the 2912  
condition or conditions to be examined to determine whether they 2913  
constitute fiscal emergency conditions. Promptly upon receipt of 2914  
such written request, or upon initiation by the auditor of state, 2915  
the auditor of state shall transmit copies of such request or a 2916  
written notice of such initiation to the mayor and the presiding 2917  
officer of the legislative authority of the municipal corporation 2918  
or to the board of county commissioners or the board of township 2919  
trustees by personal service or certified mail. Such 2920  
determinations shall be set forth in written reports and 2921  
supplemental reports, which shall be filed with the mayor, fiscal 2922  
officer, and presiding officer of the legislative authority of the 2923  
municipal corporation, or with the board of county commissioners 2924  
or the board of township trustees, and with the treasurer of 2925  
state, secretary of state, governor, director of budget and 2926  
management, and county budget commission, within thirty days after 2927  
the request. The auditor of state shall so file an initial report 2928  
immediately upon determining the existence of any fiscal emergency 2929  
condition. 2930

(B) In making such determination, the auditor of state may 2931  
rely on reports or other information filed or otherwise made 2932  
available by the municipal corporation, county, or township, 2933  
accountants' reports, or other sources and data the auditor of 2934  
state considers reliable for such purpose. As to the status of 2935  
funds or accounts, a determination that the amounts stated in 2936  
section 118.03 of the Revised Code are exceeded may be made 2937  
without need for determination of the specific amount of the 2938  
excess. The auditor of state may engage the services of 2939  
independent certified or registered public accountants, including 2940  
public accountants engaged or previously engaged by the municipal 2941  
corporation, county, or township, to conduct audits or make 2942  
reports or render such opinions as the auditor of state considers 2943  
desirable with respect to any aspect of the determinations to be 2944

made by the auditor of state. 2945

(C) A determination by the auditor of state under this 2946  
section that a fiscal emergency condition does not exist is final 2947  
and conclusive and not appealable. A determination by the auditor 2948  
of state under this section that a fiscal emergency exists is 2949  
final, except that the mayor of any municipal corporation affected 2950  
by a determination of the existence of a fiscal emergency 2951  
condition under this section, when authorized by a majority of the 2952  
members of the legislative authority, or the board of county 2953  
commissioners or board of township trustees, may appeal the 2954  
determination of the existence of a fiscal emergency condition to 2955  
the court of appeals having territorial jurisdiction over the 2956  
municipal corporation, county, or township. The appeal shall be 2957  
heard expeditiously by the court of appeals and for good cause 2958  
shown shall take precedence over all other civil matters except 2959  
earlier matters of the same character. Notice of such appeal must 2960  
be filed with the auditor of state and such court within thirty 2961  
days after certification by the auditor of state to the mayor and 2962  
presiding officer of the legislative authority of the municipal 2963  
corporation or to the board of county commissioners or board of 2964  
township trustees as provided for in division (A) of this section. 2965  
In such appeal, determinations of the auditor of state shall be 2966  
presumed to be valid and the municipal corporation, county, or 2967  
township shall have the burden of proving, by clear and convincing 2968  
evidence, that each of the determinations made by the auditor of 2969  
state as to the existence of a fiscal emergency condition under 2970  
section 118.03 of the Revised Code was in error. If the municipal 2971  
corporation, county, or township fails, upon presentation of its 2972  
case, to prove by clear and convincing evidence that each such 2973  
determination by the auditor of state was in error, the court 2974  
shall dismiss the appeal. The municipal corporation, county, or 2975  
township and the auditor of state may introduce any evidence 2976  
relevant to the existence or nonexistence of such fiscal emergency 2977

conditions at the times indicated in the applicable provisions of 2978  
divisions (A) and (B) of section 118.03 of the Revised Code. The 2979  
pendency of any such appeal shall not affect or impede the 2980  
operations of this chapter; no restraining order, temporary 2981  
injunction, or other similar restraint upon actions consistent 2982  
with this chapter shall be imposed by the court or any court 2983  
pending determination of such appeal; and all things may be done 2984  
under this chapter that may be done regardless of the pendency of 2985  
any such appeal. Any action taken or contract executed pursuant to 2986  
this chapter during the pendency of such appeal is valid and 2987  
enforceable among all parties, notwithstanding the decision in 2988  
such appeal. If the court of appeals reverses the determination of 2989  
the existence of a fiscal emergency condition by the auditor of 2990  
state, the determination no longer has any effect, and any 2991  
procedures undertaken as a result of the determination shall be 2992  
terminated. 2993

(D) All expenses incurred by the auditor of state relating to 2994  
a determination or termination of a fiscal emergency under this 2995  
section, a fiscal watch under section 118.021 of the Revised Code, 2996  
or a fiscal caution under section 118.025 of the Revised Code, 2997  
including providing technical and support services, or for 2998  
conducting a performance audit under section 118.041 of the 2999  
Revised Code, shall be reimbursed from an appropriation for that 3000  
purpose. If necessary, the controlling board may provide 3001  
sufficient funds for these purposes. 3002

Sec. 118.041. The auditor of state, on the auditor of state's 3003  
initiative, may conduct a performance audit of a municipal 3004  
corporation, county, or township that is under a fiscal caution, a 3005  
fiscal watch, or a fiscal emergency. 3006

**Sec. 119.12.** Any party adversely affected by any order of an 3007  
agency issued pursuant to an adjudication denying an applicant 3008



admission to an examination, or denying the issuance or renewal of 3009  
a license or registration of a licensee, or revoking or suspending 3010  
a license, or allowing the payment of a forfeiture under section 3011  
4301.252 of the Revised Code may appeal from the order of the 3012  
agency to the court of common pleas of the county in which the 3013  
place of business of the licensee is located or the county in 3014  
which the licensee is a resident, except that appeals from 3015  
decisions of the liquor control commission, the Ohio casino 3016  
control commission, the state medical board, the state 3017  
chiropractic board, and the board of nursing shall be to the court 3018  
of common pleas of Franklin county. If any party appealing from 3019  
the order is not a resident of and has no place of business in 3020  
this state, the party may appeal to the court of common pleas of 3021  
Franklin county. 3022

Any party adversely affected by any order of an agency issued 3023  
pursuant to any other adjudication may appeal to the court of 3024  
common pleas of Franklin county, except that appeals from orders 3025  
of the fire marshal issued under Chapter 3737. of the Revised Code 3026  
may be to the court of common pleas of the county in which the 3027  
building of the aggrieved person is located and except that 3028  
appeals under division (B) of section 124.34 of the Revised Code 3029  
from a decision of the state personnel board of review or a 3030  
municipal or civil service township civil service commission shall 3031  
be taken to the court of common pleas of the county in which the 3032  
appointing authority is located or, in the case of an appeal by 3033  
the department of rehabilitation and correction, to the court of 3034  
common pleas of Franklin county. 3035

This section does not apply to appeals from the department of 3036  
taxation. 3037

Any party desiring to appeal shall file a notice of appeal 3038  
with the agency setting forth the order appealed from and stating 3039  
that the agency's order is not supported by reliable, probative, 3040

and substantial evidence and is not in accordance with law. The 3041  
notice of appeal may, but need not, set forth the specific grounds 3042  
of the party's appeal beyond the statement that the agency's order 3043  
is not supported by reliable, probative, and substantial evidence 3044  
and is not in accordance with law. The notice of appeal shall also 3045  
be filed by the appellant with the court. In filing a notice of 3046  
appeal with the agency or court, the notice that is filed may be 3047  
either the original notice or a copy of the original notice. 3048  
Unless otherwise provided by law relating to a particular agency, 3049  
notices of appeal shall be filed within fifteen days after the 3050  
mailing of the notice of the agency's order as provided in this 3051  
section. For purposes of this paragraph, an order includes a 3052  
determination appealed pursuant to division (C) of section 119.092 3053  
of the Revised Code. The amendments made to this paragraph by Sub. 3054  
H.B. 215 of the 128th general assembly are procedural, and this 3055  
paragraph as amended by those amendments shall be applied 3056  
retrospectively to all appeals pursuant to this paragraph filed 3057  
before ~~the effective date of those amendments~~ September 13, 2010, 3058  
but not earlier than May 7, 2009, which was the date the supreme 3059  
court of Ohio released its opinion and judgment in *Medcorp, Inc.* 3060  
*v. Ohio Dep't. of Job and Family Servs.* (2009), 121 Ohio St.3d 3061  
622. 3062

The filing of a notice of appeal shall not automatically 3063  
operate as a suspension of the order of an agency. If it appears 3064  
to the court that an unusual hardship to the appellant will result 3065  
from the execution of the agency's order pending determination of 3066  
the appeal, the court may grant a suspension and fix its terms. If 3067  
an appeal is taken from the judgment of the court and the court 3068  
has previously granted a suspension of the agency's order as 3069  
provided in this section, the suspension of the agency's order 3070  
shall not be vacated and shall be given full force and effect 3071  
until the matter is finally adjudicated. No renewal of a license 3072  
or permit shall be denied by reason of the suspended order during 3073

the period of the appeal from the decision of the court of common 3074  
pleas. In the case of an appeal from the Ohio casino control 3075  
commission, the state medical board, or the state chiropractic 3076  
board, the court may grant a suspension and fix its terms if it 3077  
appears to the court that an unusual hardship to the appellant 3078  
will result from the execution of the agency's order pending 3079  
determination of the appeal and the health, safety, and welfare of 3080  
the public will not be threatened by suspension of the order. This 3081  
provision shall not be construed to limit the factors the court 3082  
may consider in determining whether to suspend an order of any 3083  
other agency pending determination of an appeal. 3084

The final order of adjudication may apply to any renewal of a 3085  
license or permit which has been granted during the period of the 3086  
appeal. 3087

Notwithstanding any other provision of this section, any 3088  
order issued by a court of common pleas or a court of appeals 3089  
suspending the effect of an order of the liquor control commission 3090  
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 3091  
suspends, revokes, or cancels a permit issued under Chapter 4303. 3092  
of the Revised Code or that allows the payment of a forfeiture 3093  
under section 4301.252 of the Revised Code shall terminate not 3094  
more than six months after the date of the filing of the record of 3095  
the liquor control commission with the clerk of the court of 3096  
common pleas and shall not be extended. The court of common pleas, 3097  
or the court of appeals on appeal, shall render a judgment in that 3098  
matter within six months after the date of the filing of the 3099  
record of the liquor control commission with the clerk of the 3100  
court of common pleas. A court of appeals shall not issue an order 3101  
suspending the effect of an order of the liquor control commission 3102  
that extends beyond six months after the date on which the record 3103  
of the liquor control commission is filed with a court of common 3104  
pleas. 3105

Notwithstanding any other provision of this section, any 3106  
order issued by a court of common pleas or a court of appeals 3107  
suspending the effect of an order of the Ohio casino control 3108  
commission issued under Chapter 3772. of the Revised Code that 3109  
limits, conditions, restricts, suspends, revokes, denies, not 3110  
renews, fines, or otherwise penalizes an applicant, licensee, or 3111  
person excluded or ejected from a casino facility in accordance 3112  
with section 3772.031 of the Revised Code shall terminate not more 3113  
than six months after the date of the filing of the record of the 3114  
Ohio casino control commission with the clerk of the court of 3115  
common pleas and shall not be extended. The court of common pleas, 3116  
or the court of appeals on appeal, shall render a judgment in that 3117  
matter within six months after the date of the filing of the 3118  
record of the Ohio casino control commission with the clerk of the 3119  
court of common pleas. A court of appeals shall not issue an order 3120  
suspending the effect of an order of the Ohio casino control 3121  
commission that extends beyond six months after the date on which 3122  
the record of the Ohio casino control commission is filed with the 3123  
clerk of a court of common pleas. 3124

Notwithstanding any other provision of this section, any 3125  
order issued by a court of common pleas suspending the effect of 3126  
an order of the state medical board or state chiropractic board 3127  
that limits, revokes, suspends, places on probation, or refuses to 3128  
register or reinstate a certificate issued by the board or 3129  
reprimands the holder of the certificate shall terminate not more 3130  
than fifteen months after the date of the filing of a notice of 3131  
appeal in the court of common pleas, or upon the rendering of a 3132  
final decision or order in the appeal by the court of common 3133  
pleas, whichever occurs first. 3134

Within thirty days after receipt of a notice of appeal from 3135  
an order in any case in which a hearing is required by sections 3136  
119.01 to 119.13 of the Revised Code, the agency shall prepare and 3137

certify to the court a complete record of the proceedings in the 3138  
case. Failure of the agency to comply within the time allowed, 3139  
upon motion, shall cause the court to enter a finding in favor of 3140  
the party adversely affected. Additional time, however, may be 3141  
granted by the court, not to exceed thirty days, when it is shown 3142  
that the agency has made substantial effort to comply. The record 3143  
shall be prepared and transcribed, and the expense of it shall be 3144  
taxed as a part of the costs on the appeal. The appellant shall 3145  
provide security for costs satisfactory to the court of common 3146  
pleas. Upon demand by any interested party, the agency shall 3147  
furnish at the cost of the party requesting it a copy of the 3148  
stenographic report of testimony offered and evidence submitted at 3149  
any hearing and a copy of the complete record. 3150

Notwithstanding any other provision of this section, any 3151  
party desiring to appeal an order or decision of the state 3152  
personnel board of review shall, at the time of filing a notice of 3153  
appeal with the board, provide a security deposit in an amount and 3154  
manner prescribed in rules that the board shall adopt in 3155  
accordance with this chapter. In addition, the board is not 3156  
required to prepare or transcribe the record of any of its 3157  
proceedings unless the appellant has provided the deposit 3158  
described above. The failure of the board to prepare or transcribe 3159  
a record for an appellant who has not provided a security deposit 3160  
shall not cause a court to enter a finding adverse to the board. 3161

Unless otherwise provided by law, in the hearing of the 3162  
appeal, the court is confined to the record as certified to it by 3163  
the agency. Unless otherwise provided by law, the court may grant 3164  
a request for the admission of additional evidence when satisfied 3165  
that the additional evidence is newly discovered and could not 3166  
with reasonable diligence have been ascertained prior to the 3167  
hearing before the agency. 3168

The court shall conduct a hearing on the appeal and shall 3169

give preference to all proceedings under sections 119.01 to 119.13 3170  
of the Revised Code, over all other civil cases, irrespective of 3171  
the position of the proceedings on the calendar of the court. An 3172  
appeal from an order of the state medical board issued pursuant to 3173  
division (G) of either section 4730.25 or 4731.22 of the Revised 3174  
Code, ~~or~~ the state chiropractic board issued pursuant to section 3175  
4734.37 of the Revised Code, ~~or~~ the liquor control commission 3176  
issued pursuant to Chapter 4301. or 4303. of the Revised Code, or 3177  
the Ohio casino control commission issued pursuant to Chapter 3178  
3772. of the Revised Code shall be set down for hearing at the 3179  
earliest possible time and takes precedence over all other 3180  
actions. The hearing in the court of common pleas shall proceed as 3181  
in the trial of a civil action, and the court shall determine the 3182  
rights of the parties in accordance with the laws applicable to a 3183  
civil action. At the hearing, counsel may be heard on oral 3184  
argument, briefs may be submitted, and evidence may be introduced 3185  
if the court has granted a request for the presentation of 3186  
additional evidence. 3187

The court may affirm the order of the agency complained of in 3188  
the appeal if it finds, upon consideration of the entire record 3189  
and any additional evidence the court has admitted, that the order 3190  
is supported by reliable, probative, and substantial evidence and 3191  
is in accordance with law. In the absence of this finding, it may 3192  
reverse, vacate, or modify the order or make such other ruling as 3193  
is supported by reliable, probative, and substantial evidence and 3194  
is in accordance with law. The court shall award compensation for 3195  
fees in accordance with section 2335.39 of the Revised Code to a 3196  
prevailing party, other than an agency, in an appeal filed 3197  
pursuant to this section. 3198

The judgment of the court shall be final and conclusive 3199  
unless reversed, vacated, or modified on appeal. These appeals may 3200  
be taken either by the party or the agency, shall proceed as in 3201

the case of appeals in civil actions, and shall be pursuant to the 3202  
Rules of Appellate Procedure and, to the extent not in conflict 3203  
with those rules, Chapter 2505. of the Revised Code. An appeal by 3204  
the agency shall be taken on questions of law relating to the 3205  
constitutionality, construction, or interpretation of statutes and 3206  
rules of the agency, and, in the appeal, the court may also review 3207  
and determine the correctness of the judgment of the court of 3208  
common pleas that the order of the agency is not supported by any 3209  
reliable, probative, and substantial evidence in the entire 3210  
record. 3211

The court shall certify its judgment to the agency or take 3212  
any other action necessary to give its judgment effect. 3213

**Sec. 121.03.** The following administrative department heads 3214  
shall be appointed by the governor, with the advice and consent of 3215  
the senate, and shall hold their offices during the term of the 3216  
appointing governor, and are subject to removal at the pleasure of 3217  
the governor. 3218

- (A) The director of budget and management; 3219
- (B) The director of commerce; 3220
- (C) The director of transportation; 3221
- (D) The director of agriculture; 3222
- (E) The director of job and family services; 3223
- (F) Until July 1, 1997, the director of liquor control; 3224
- (G) The director of public safety; 3225
- (H) The superintendent of insurance; 3226
- (I) The director of development services; 3227
- (J) The tax commissioner; 3228
- (K) The director of administrative services; 3229

(L) The director of natural resources;	3230
(M) The director of mental health and addiction services;	3231
(N) The director of developmental disabilities;	3232
(O) The director of health;	3233
(P) The director of youth services;	3234
(Q) The director of rehabilitation and correction;	3235
(R) The director of environmental protection;	3236
(S) The director of aging;	3237
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	3238 3239 3240
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	3241 3242
(V) The <del>chancellor of the Ohio board of regents</del> <u>director of higher education</u> ;	3243 3244
(W) The medicaid director.	3245
<b>Sec. 121.22.</b> (A) This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law.	3246 3247 3248 3249
(B) As used in this section:	3250
(1) "Public body" means any of the following:	3251
(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;	3252 3253 3254 3255 3256 3257



(b) Any committee or subcommittee of a body described in	3258
division (B)(1)(a) of this section;	3259
(c) A court of jurisdiction of a sanitary district organized	3260
wholly for the purpose of providing a water supply for domestic,	3261
municipal, and public use when meeting for the purpose of the	3262
appointment, removal, or reappointment of a member of the board of	3263
directors of such a district pursuant to section 6115.10 of the	3264
Revised Code, if applicable, or for any other matter related to	3265
such a district other than litigation involving the district. As	3266
used in division (B)(1)(c) of this section, "court of	3267
jurisdiction" has the same meaning as "court" in section 6115.01	3268
of the Revised Code.	3269
(2) "Meeting" means any prearranged discussion of the public	3270
business of the public body by a majority of its members.	3271
(3) "Regulated individual" means either of the following:	3272
(a) A student in a state or local public educational	3273
institution;	3274
(b) A person who is, voluntarily or involuntarily, an inmate,	3275
patient, or resident of a state or local institution because of	3276
criminal behavior, mental illness or retardation, disease,	3277
disability, age, or other condition requiring custodial care.	3278
(4) "Public office" has the same meaning as in section	3279
149.011 of the Revised Code.	3280
(C) All meetings of any public body are declared to be public	3281
meetings open to the public at all times. A member of a public	3282
body shall be present in person at a meeting open to the public to	3283
be considered present or to vote at the meeting and for purposes	3284
of determining whether a quorum is present at the meeting.	3285
The minutes of a regular or special meeting of any public	3286
body shall be promptly prepared, filed, and maintained and shall	3287

be open to public inspection. The minutes need only reflect the	3288
general subject matter of discussions in executive sessions	3289
authorized under division (G) or (J) of this section.	3290
(D) This section does not apply to any of the following:	3291
(1) A grand jury;	3292
(2) An audit conference conducted by the auditor of state or	3293
independent certified public accountants with officials of the	3294
public office that is the subject of the audit;	3295
(3) The adult parole authority when its hearings are	3296
conducted at a correctional institution for the sole purpose of	3297
interviewing inmates to determine parole or pardon;	3298
(4) The organized crime investigations commission established	3299
under section 177.01 of the Revised Code;	3300
(5) Meetings of a child fatality review board established	3301
under section 307.621 of the Revised Code, <u>meetings related to a</u>	3302
<u>review conducted pursuant to guidelines established by the</u>	3303
<u>director of health under section 3701.70 of the Revised Code,</u> and	3304
meetings conducted pursuant to sections 5153.171 to 5153.173 of	3305
the Revised Code;	3306
(6) The state medical board when determining whether to	3307
suspend a certificate without a prior hearing pursuant to division	3308
(G) of either section 4730.25 or 4731.22 of the Revised Code;	3309
(7) The board of nursing when determining whether to suspend	3310
a license or certificate without a prior hearing pursuant to	3311
division (B) of section 4723.281 of the Revised Code;	3312
(8) The state board of pharmacy when determining whether to	3313
suspend a license without a prior hearing pursuant to division (D)	3314
of section 4729.16 of the Revised Code;	3315
(9) The state chiropractic board when determining whether to	3316
suspend a license without a hearing pursuant to section 4734.37 of	3317

the Revised Code; 3318

(10) The executive committee of the emergency response 3319  
commission when determining whether to issue an enforcement order 3320  
or request that a civil action, civil penalty action, or criminal 3321  
action be brought to enforce Chapter 3750. of the Revised Code; 3322

(11) The board of directors of the nonprofit corporation 3323  
formed under section 187.01 of the Revised Code or any committee 3324  
thereof, and the board of directors of any subsidiary of that 3325  
corporation or a committee thereof; 3326

(12) An audit conference conducted by the audit staff of the 3327  
department of job and family services with officials of the public 3328  
office that is the subject of that audit under section 5101.37 of 3329  
the Revised Code; 3330

(13) The occupational therapy section of the occupational 3331  
therapy, physical therapy, and athletic trainers board when 3332  
determining whether to suspend a license or limited permit without 3333  
a hearing pursuant to division (D) of section 4755.11 of the 3334  
Revised Code; 3335

(14) The physical therapy section of the occupational 3336  
therapy, physical therapy, and athletic trainers board when 3337  
determining whether to suspend a license without a hearing 3338  
pursuant to division (E) of section 4755.47 of the Revised Code; 3339

(15) The athletic trainers section of the occupational 3340  
therapy, physical therapy, and athletic trainers board when 3341  
determining whether to suspend a license without a hearing 3342  
pursuant to division (D) of section 4755.64 of the Revised Code. 3343

(E) The controlling board, the tax credit authority, or the 3344  
minority development financing advisory board, when meeting to 3345  
consider granting assistance pursuant to Chapter 122. or 166. of 3346  
the Revised Code, in order to protect the interest of the 3347  
applicant or the possible investment of public funds, by unanimous 3348

vote of all board or authority members present, may close the 3349  
meeting during consideration of the following information 3350  
confidentially received by the authority or board from the 3351  
applicant: 3352

(1) Marketing plans; 3353

(2) Specific business strategy; 3354

(3) Production techniques and trade secrets; 3355

(4) Financial projections; 3356

(5) Personal financial statements of the applicant or members 3357  
of the applicant's immediate family, including, but not limited 3358  
to, tax records or other similar information not open to public 3359  
inspection. 3360

The vote by the authority or board to accept or reject the 3361  
application, as well as all proceedings of the authority or board 3362  
not subject to this division, shall be open to the public and 3363  
governed by this section. 3364

(F) Every public body, by rule, shall establish a reasonable 3365  
method whereby any person may determine the time and place of all 3366  
regularly scheduled meetings and the time, place, and purpose of 3367  
all special meetings. A public body shall not hold a special 3368  
meeting unless it gives at least twenty-four hours' advance notice 3369  
to the news media that have requested notification, except in the 3370  
event of an emergency requiring immediate official action. In the 3371  
event of an emergency, the member or members calling the meeting 3372  
shall notify the news media that have requested notification 3373  
immediately of the time, place, and purpose of the meeting. 3374

The rule shall provide that any person, upon request and 3375  
payment of a reasonable fee, may obtain reasonable advance 3376  
notification of all meetings at which any specific type of public 3377  
business is to be discussed. Provisions for advance notification 3378

may include, but are not limited to, mailing the agenda of 3379  
meetings to all subscribers on a mailing list or mailing notices 3380  
in self-addressed, stamped envelopes provided by the person. 3381

(G) Except as provided in divisions (G)(8) and (J) of this 3382  
section, the members of a public body may hold an executive 3383  
session only after a majority of a quorum of the public body 3384  
determines, by a roll call vote, to hold an executive session and 3385  
only at a regular or special meeting for the sole purpose of the 3386  
consideration of any of the following matters: 3387

(1) To consider the appointment, employment, dismissal, 3388  
discipline, promotion, demotion, or compensation of a public 3389  
employee or official, or the investigation of charges or 3390  
complaints against a public employee, official, licensee, or 3391  
regulated individual, unless the public employee, official, 3392  
licensee, or regulated individual requests a public hearing. 3393  
Except as otherwise provided by law, no public body shall hold an 3394  
executive session for the discipline of an elected official for 3395  
conduct related to the performance of the elected official's 3396  
official duties or for the elected official's removal from office. 3397  
If a public body holds an executive session pursuant to division 3398  
(G)(1) of this section, the motion and vote to hold that executive 3399  
session shall state which one or more of the approved purposes 3400  
listed in division (G)(1) of this section are the purposes for 3401  
which the executive session is to be held, but need not include 3402  
the name of any person to be considered at the meeting. 3403

(2) To consider the purchase of property for public purposes, 3404  
or for the sale of property at competitive bidding, if premature 3405  
disclosure of information would give an unfair competitive or 3406  
bargaining advantage to a person whose personal, private interest 3407  
is adverse to the general public interest. No member of a public 3408  
body shall use division (G)(2) of this section as a subterfuge for 3409  
providing covert information to prospective buyers or sellers. A 3410

purchase or sale of public property is void if the seller or buyer 3411  
of the public property has received covert information from a 3412  
member of a public body that has not been disclosed to the general 3413  
public in sufficient time for other prospective buyers and sellers 3414  
to prepare and submit offers. 3415

If the minutes of the public body show that all meetings and 3416  
deliberations of the public body have been conducted in compliance 3417  
with this section, any instrument executed by the public body 3418  
purporting to convey, lease, or otherwise dispose of any right, 3419  
title, or interest in any public property shall be conclusively 3420  
presumed to have been executed in compliance with this section 3421  
insofar as title or other interest of any bona fide purchasers, 3422  
lessees, or transferees of the property is concerned. 3423

(3) Conferences with an attorney for the public body 3424  
concerning disputes involving the public body that are the subject 3425  
of pending or imminent court action; 3426

(4) Preparing for, conducting, or reviewing negotiations or 3427  
bargaining sessions with public employees concerning their 3428  
compensation or other terms and conditions of their employment; 3429

(5) Matters required to be kept confidential by federal law 3430  
or regulations or state statutes; 3431

(6) Details relative to the security arrangements and 3432  
emergency response protocols for a public body or a public office, 3433  
if disclosure of the matters discussed could reasonably be 3434  
expected to jeopardize the security of the public body or public 3435  
office; 3436

(7) In the case of a county hospital operated pursuant to 3437  
Chapter 339. of the Revised Code, a joint township hospital 3438  
operated pursuant to Chapter 513. of the Revised Code, or a 3439  
municipal hospital operated pursuant to Chapter 749. of the 3440  
Revised Code, to consider trade secrets, as defined in section 3441

1333.61 of the Revised Code; 3442

(8) To consider confidential information related to the 3443  
marketing plans, specific business strategy, production 3444  
techniques, trade secrets, or personal financial statements of an 3445  
applicant for economic development assistance, or to negotiations 3446  
with other political subdivisions respecting requests for economic 3447  
development assistance, provided that both of the following 3448  
conditions apply: 3449

~~(1)~~(a) The information is directly related to a request for 3450  
economic development assistance that is to be provided or 3451  
administered under any provision of Chapter 715., 725., 1724., or 3452  
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 3453  
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 3454  
the Revised Code, or that involves public infrastructure 3455  
improvements or the extension of utility services that are 3456  
directly related to an economic development project. 3457

~~(2)~~(b) A unanimous quorum of the public body determines, by a 3458  
roll call vote, that the executive session is necessary to protect 3459  
the interests of the applicant or the possible investment or 3460  
expenditure of public funds to be made in connection with the 3461  
economic development project. 3462

If a public body holds an executive session to consider any 3463  
of the matters listed in divisions (G)(2) to (8) of this section, 3464  
the motion and vote to hold that executive session shall state 3465  
which one or more of the approved matters listed in those 3466  
divisions are to be considered at the executive session. 3467

A public body specified in division (B)(1)(c) of this section 3468  
shall not hold an executive session when meeting for the purposes 3469  
specified in that division. 3470

(H) A resolution, rule, or formal action of any kind is 3471  
invalid unless adopted in an open meeting of the public body. A 3472

resolution, rule, or formal action adopted in an open meeting that 3473  
results from deliberations in a meeting not open to the public is 3474  
invalid unless the deliberations were for a purpose specifically 3475  
authorized in division (G) or (J) of this section and conducted at 3476  
an executive session held in compliance with this section. A 3477  
resolution, rule, or formal action adopted in an open meeting is 3478  
invalid if the public body that adopted the resolution, rule, or 3479  
formal action violated division (F) of this section. 3480

(I)(1) Any person may bring an action to enforce this 3481  
section. An action under division (I)(1) of this section shall be 3482  
brought within two years after the date of the alleged violation 3483  
or threatened violation. Upon proof of a violation or threatened 3484  
violation of this section in an action brought by any person, the 3485  
court of common pleas shall issue an injunction to compel the 3486  
members of the public body to comply with its provisions. 3487

(2)(a) If the court of common pleas issues an injunction 3488  
pursuant to division (I)(1) of this section, the court shall order 3489  
the public body that it enjoins to pay a civil forfeiture of five 3490  
hundred dollars to the party that sought the injunction and shall 3491  
award to that party all court costs and, subject to reduction as 3492  
described in division (I)(2) of this section, reasonable 3493  
attorney's fees. The court, in its discretion, may reduce an award 3494  
of attorney's fees to the party that sought the injunction or not 3495  
award attorney's fees to that party if the court determines both 3496  
of the following: 3497

(i) That, based on the ordinary application of statutory law 3498  
and case law as it existed at the time of violation or threatened 3499  
violation that was the basis of the injunction, a well-informed 3500  
public body reasonably would believe that the public body was not 3501  
violating or threatening to violate this section; 3502

(ii) That a well-informed public body reasonably would 3503  
believe that the conduct or threatened conduct that was the basis 3504



of the injunction would serve the public policy that underlies the 3505  
authority that is asserted as permitting that conduct or 3506  
threatened conduct. 3507

(b) If the court of common pleas does not issue an injunction 3508  
pursuant to division (I)(1) of this section and the court 3509  
determines at that time that the bringing of the action was 3510  
frivolous conduct, as defined in division (A) of section 2323.51 3511  
of the Revised Code, the court shall award to the public body all 3512  
court costs and reasonable attorney's fees, as determined by the 3513  
court. 3514

(3) Irreparable harm and prejudice to the party that sought 3515  
the injunction shall be conclusively and irrebuttably presumed 3516  
upon proof of a violation or threatened violation of this section. 3517

(4) A member of a public body who knowingly violates an 3518  
injunction issued pursuant to division (I)(1) of this section may 3519  
be removed from office by an action brought in the court of common 3520  
pleas for that purpose by the prosecuting attorney or the attorney 3521  
general. 3522

(J)(1) Pursuant to division (C) of section 5901.09 of the 3523  
Revised Code, a veterans service commission shall hold an 3524  
executive session for one or more of the following purposes unless 3525  
an applicant requests a public hearing: 3526

(a) Interviewing an applicant for financial assistance under 3527  
sections 5901.01 to 5901.15 of the Revised Code; 3528

(b) Discussing applications, statements, and other documents 3529  
described in division (B) of section 5901.09 of the Revised Code; 3530

(c) Reviewing matters relating to an applicant's request for 3531  
financial assistance under sections 5901.01 to 5901.15 of the 3532  
Revised Code. 3533

(2) A veterans service commission shall not exclude an 3534

applicant for, recipient of, or former recipient of financial 3535  
assistance under sections 5901.01 to 5901.15 of the Revised Code, 3536  
and shall not exclude representatives selected by the applicant, 3537  
recipient, or former recipient, from a meeting that the commission 3538  
conducts as an executive session that pertains to the applicant's, 3539  
recipient's, or former recipient's application for financial 3540  
assistance. 3541

(3) A veterans service commission shall vote on the grant or 3542  
denial of financial assistance under sections 5901.01 to 5901.15 3543  
of the Revised Code only in an open meeting of the commission. The 3544  
minutes of the meeting shall indicate the name, address, and 3545  
occupation of the applicant, whether the assistance was granted or 3546  
denied, the amount of the assistance if assistance is granted, and 3547  
the votes for and against the granting of assistance. 3548

**Sec. 121.36.** (A) As used in this section, "home care 3549  
dependent adult" means an individual who resides in a private home 3550  
or other noninstitutional and unlicensed living arrangement, 3551  
without the presence of a parent or guardian, but has health and 3552  
safety needs that require the provision of regularly scheduled 3553  
home care services to remain in the home or other living 3554  
arrangement because one of the following is the case: 3555

(1) The individual is at least twenty-one years of age but 3556  
less than sixty years of age and has a physical disability or 3557  
mental impairment. 3558

(2) The individual is sixty years of age or older, regardless 3559  
of whether the individual has a physical disability or mental 3560  
impairment. 3561

(B) Except as provided in division (D) of this section, the 3562  
departments of developmental disabilities, aging, job and family 3563  
services, medicaid, and health shall each implement this section 3564  
with respect to all contracts entered into by the department for 3565

the provision of home care services to home care dependent adults 3566  
that are paid for in whole or in part with federal, state, or 3567  
local funds. Except as provided in division (D) of this section, 3568  
each department shall also require all public and private entities 3569  
that receive money from or through the department to comply with 3570  
this section when entering into contracts for the provision of 3571  
home care services to home care dependent adults that are paid for 3572  
in whole or in part with federal, state, or local funds. Such 3573  
entities may include county boards of developmental disabilities, 3574  
area agencies on aging, county departments of job and family 3575  
services, and boards of health of city and general health 3576  
districts. 3577

(C) ~~Beginning one year after September 26, 2003, each~~ Each 3578  
contract subject to this section shall include terms requiring 3579  
that the provider of home care services to home care dependent 3580  
adults have a system in place that effectively monitors the 3581  
delivery of the services by its employees. To be considered an 3582  
effective monitoring system for purposes of the contract, the 3583  
system established by a provider must include at least the 3584  
following components: 3585

(1) When providing home care services to home care dependent 3586  
adults who have a mental impairment or life-threatening health 3587  
condition, a mechanism to verify whether the provider's employees 3588  
are present at the location where the services are to be provided 3589  
and at the time the services are to be provided; 3590

(2) When providing home care services to all other home care 3591  
dependent adults, a system to verify at the end of each working 3592  
day whether the provider's employees have provided the services at 3593  
the proper location and time; 3594

(3) A protocol to be followed in scheduling a substitute 3595  
employee when the monitoring system identifies that an employee 3596  
has failed to provide home care services at the proper location 3597

and time, including standards for determining the length of time 3598  
that may elapse without jeopardizing the health and safety of the 3599  
home care dependent adult; 3600

(4) Procedures for maintaining records of the information 3601  
obtained through the monitoring system; 3602

(5) Procedures for compiling annual reports of the 3603  
information obtained through the monitoring system, including 3604  
statistics on the rate at which home care services were provided 3605  
at the proper location and time; 3606

(6) Procedures for conducting random checks of the accuracy 3607  
of the monitoring system. For purposes of conducting these checks, 3608  
a random check is considered to be a check of not more than five 3609  
per cent of the home care visits the provider's employees make to 3610  
different home care dependent adults within a particular work 3611  
shift. 3612

(D) In implementing this section, the departments shall 3613  
exempt providers of home care services who are self-employed 3614  
providers with no other employees or are otherwise considered by 3615  
the departments not to be agency providers. The At times selected 3616  
by the departments, the departments shall conduct a study on how 3617  
the exempted providers may be made subject to the requirement of 3618  
effectively monitoring whether home care services are being 3619  
provided and have been provided at the proper location and time. 3620  
~~Not later than two years after September 26, 2003, the~~ The 3621  
departments shall prepare a report of their findings and 3622  
recommendations. The report shall be submitted to the president of 3623  
the senate and the speaker of the house of representatives. 3624

(E) The departments of developmental disabilities, aging, job 3625  
and family services, medicaid, and health shall each adopt rules 3626  
as necessary to implement this section. The rules shall be adopted 3627  
in accordance with Chapter 119. of the Revised Code. 3628

Sec. 121.372. (A) As used in this section, "substitute care provider" means any of the following:

(1) A community addiction services provider ~~subject to certification under section 5119.36,~~ as defined in section 5119.01 of the Revised Code;

(2) An institution or association subject to certification under section 5103.03 of the Revised Code;

(3) A residential facility subject to licensure under section 5119.34 of the Revised Code;

(4) A residential facility subject to licensure under section 5123.19 of the Revised Code.

(B) Not later than ninety days after March 18, 1999, the members of the Ohio family and children first cabinet council, other than the director of budget and management, shall enter into an agreement to establish an office to perform the duties prescribed by division (C) of this section. The agreement shall specify one of the departments represented on the council as the department responsible for housing and supervising the office. The agreement shall include the recommendation of the council for funding the office.

(C) The office established pursuant to the agreement entered into under this section shall review rules governing the certification and licensure of substitute care providers and determine which of the rules can be made substantively identical or more similar in order to minimize the number of differing certification and licensure standards and simplify the certification or licensure process for substitute care providers seeking certification or licensure from two or more of the departments represented on the council. The office shall provide county family and children first councils, substitute care

providers, and persons interested in substitute care providers the 3659  
opportunity to help the office with the review and determination. 3660  
The office shall report its findings to the council. Each of the 3661  
departments represented on the council that has adopted rules 3662  
governing the certification or licensure of substitute care 3663  
providers shall review the report and amend the rules as that 3664  
department considers appropriate, except that no rule shall be 3665  
amended so as to make it inconsistent with substitute care 3666  
provider certification or licensure procedures and standards 3667  
established by federal or state law. A department shall give 3668  
priority to amendments that will not increase the department's 3669  
administrative costs. In amending a rule, a department shall 3670  
comply with Chapter 119. or section 111.15 of the Revised Code, as 3671  
required by the Revised Code section governing the adoption of the 3672  
particular rule. 3673

(D) In accordance with section 124.27 of the Revised Code, 3674  
the council shall select a coordinator to oversee the office 3675  
established pursuant to the agreement entered into under this 3676  
section. The coordinator shall be in the classified service. In 3677  
addition to overseeing the office, the coordinator shall perform 3678  
any other duties the council assigns to the coordinator. The 3679  
duties the council assigns to the coordinator shall be related to 3680  
the duties of the office under division (C) of this section. 3681

**Sec. 121.40.** (A) There is hereby created in the Governor's 3682  
office of faith-based and community initiatives the Ohio 3683  
commission on service and volunteerism consisting of twenty-one 3684  
voting members including the superintendent of public instruction 3685  
or the superintendent's designee, the chancellor of the Ohio board 3686  
of regents or the chancellor's designee, the director of youth 3687  
services or the director's designee, the director of aging or the 3688  
director's designee, the chairperson of the committee of the house 3689  
of representatives dealing with education or the chairperson's 3690

designee, the chairperson of the committee of the senate dealing 3691  
with education or the chairperson's designee, and fifteen members 3692  
who shall be appointed by the governor with the advice and consent 3693  
of the senate and who shall serve terms of office of three years. 3694  
The appointees shall include educators, including teachers and 3695  
administrators; representatives of youth organizations; students 3696  
and parents; representatives of organizations engaged in volunteer 3697  
program development and management throughout the state, including 3698  
youth and conservation programs; and representatives of business, 3699  
government, nonprofit organizations, social service agencies, 3700  
veterans organizations, religious organizations, or philanthropies 3701  
that support or encourage volunteerism within the state. The 3702  
director of the governor's office of faith-based and community 3703  
initiatives shall serve as a nonvoting ex officio member of the 3704  
commission. Members of the commission shall receive no 3705  
compensation, but shall be reimbursed for actual and necessary 3706  
expenses incurred in the performance of their official duties. 3707

(B) The commission shall appoint an executive director for 3708  
the commission, who shall be in the unclassified civil service. 3709  
The governor shall be informed of the appointment of an executive 3710  
director before such an appointment is made. The executive 3711  
director shall supervise the commission's activities and report to 3712  
the commission on the progress of those activities. The executive 3713  
director shall do all things necessary for the efficient and 3714  
effective implementation of the duties of the commission. 3715

The responsibilities assigned to the executive director do 3716  
not relieve the members of the commission from final 3717  
responsibility for the proper performance of the requirements of 3718  
this section. 3719

(C) The commission or its designee shall do all of the 3720  
following: 3721

(1) Employ, promote, supervise, and remove all employees as 3722

needed in connection with the performance of its duties under this 3723  
section and may assign duties to those employees as necessary to 3724  
achieve the most efficient performance of its functions, and to 3725  
that end may establish, change, or abolish positions, and assign 3726  
and reassign duties and responsibilities of any employee of the 3727  
commission. Personnel employed by the commission who are subject 3728  
to Chapter 4117. of the Revised Code shall retain all of their 3729  
rights and benefits conferred pursuant to that chapter. Nothing in 3730  
this chapter shall be construed as eliminating or interfering with 3731  
Chapter 4117. of the Revised Code or the rights and benefits 3732  
conferred under that chapter to public employees or to any 3733  
bargaining unit. 3734

(2) Maintain its office in Columbus, and may hold sessions at 3735  
any place within the state; 3736

(3) Acquire facilities, equipment, and supplies necessary to 3737  
house the commission, its employees, and files and records under 3738  
its control, and to discharge any duty imposed upon it by law. The 3739  
expense of these acquisitions shall be audited and paid for in the 3740  
same manner as other state expenses. For that purpose, the 3741  
commission shall prepare and submit to the office of budget and 3742  
management a budget for each biennium according to sections 3743  
101.532 and 107.03 of the Revised Code. The budget submitted shall 3744  
cover the costs of the commission and its staff in the discharge 3745  
of any duty imposed upon the commission by law. The commission 3746  
shall not delegate any authority to obligate funds. 3747

(4) Pay its own payroll and other operating expenses from 3748  
line items designated by the general assembly; 3749

(5) Retain its fiduciary responsibility as appointing 3750  
authority. Any transaction instructions shall be certified by the 3751  
appointing authority or its designee. 3752

(6) Establish the overall policy and management of the 3753



commission in accordance with this chapter;	3754
(7) Assist in coordinating and preparing the state	3755
application for funds under sections 101 to 184 of the "National	3756
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42	3757
U.S.C.A. 12411 to 12544, as amended, assist in administering and	3758
overseeing the "National and Community Service Trust Act of 1993,"	3759
P.L. 103-82, 107 Stat. 785, and the americorps program in this	3760
state, and assist in developing objectives for a comprehensive	3761
strategy to encourage and expand community service programs	3762
throughout the state;	3763
(8) Assist the state board of education, school districts,	3764
the chancellor of the board of regents, and institutions of higher	3765
education in coordinating community service education programs	3766
through cooperative efforts between institutions and organizations	3767
in the public and private sectors;	3768
(9) Assist the departments of natural resources, youth	3769
services, aging, and job and family services in coordinating	3770
community service programs through cooperative efforts between	3771
institutions and organizations in the public and private sectors;	3772
(10) Suggest individuals and organizations that are available	3773
to assist school districts, institutions of higher education, and	3774
the departments of natural resources, youth services, aging, and	3775
job and family services in the establishment of community service	3776
programs and assist in investigating sources of funding for	3777
implementing these programs;	3778
(11) Assist in evaluating the state's efforts in providing	3779
community service programs using standards and methods that are	3780
consistent with any statewide objectives for these programs and	3781
provide information to the state board of education, school	3782
districts, the chancellor of the board of regents, institutions of	3783
higher education, and the departments of natural resources, youth	3784

services, aging, and job and family services to guide them in 3785  
making decisions about these programs; 3786

(12) Assist the state board of education in complying with 3787  
section 3301.70 of the Revised Code and the chancellor of the 3788  
board of regents in complying with division (B)(2) of section 3789  
3333.043 of the Revised Code. 3790

(D) The commission shall in writing enter into an agreement 3791  
with another state agency to serve as the commission's fiscal 3792  
agent. Before entering into such an agreement, the commission 3793  
shall inform the governor of the terms of the agreement and of the 3794  
state agency designated to serve as the commission's fiscal agent. 3795  
The fiscal agent shall be responsible for all the commission's 3796  
fiscal matters and financial transactions, as specified in the 3797  
agreement. Services to be provided by the fiscal agent include, 3798  
but are not limited to, the following: 3799

(1) Preparing and processing payroll and other personnel 3800  
documents that the commission executes as the appointing 3801  
authority; 3802

(2) Maintaining ledgers of accounts and reports of account 3803  
balances, and monitoring budgets and allotment plans in 3804  
consultation with the commission; and 3805

(3) Performing other routine support services that the fiscal 3806  
agent considers appropriate to achieve efficiency. 3807

(E)(1) The commission, in conjunction and consultation with 3808  
the fiscal agent, has the following authority and responsibility 3809  
relative to fiscal matters: 3810

(a) Sole authority to draw funds for any and all federal 3811  
programs in which the commission is authorized to participate; 3812

(b) Sole authority to expend funds from their accounts for 3813  
programs and any other necessary expenses the commission may incur 3814

and its subgrantees may incur; and 3815

(c) Responsibility to cooperate with and inform the fiscal 3816  
agent fully of all financial transactions. 3817

(2) The commission shall follow all state procurement, 3818  
fiscal, human resources, statutory, and administrative rule 3819  
requirements. 3820

(3) The fiscal agent shall determine fees to be charged to 3821  
the commission, which shall be in proportion to the services 3822  
performed for the commission. 3823

(4) The commission shall pay fees owed to the fiscal agent 3824  
from a general revenue fund of the commission or from any other 3825  
fund from which the operating expenses of the commission are paid. 3826  
Any amounts set aside for a fiscal year for the payment of these 3827  
fees shall be used only for the services performed for the 3828  
commission by the fiscal agent in that fiscal year. 3829

(F) The commission may accept and administer grants from any 3830  
source, public or private, to carry out any of the commission's 3831  
functions this section establishes. 3832

**Sec. 122.121.** (A) If a local organizing committee, endorsing 3833  
municipality, or endorsing county enters into a joinder 3834  
undertaking with a site selection organization, the local 3835  
organizing committee, endorsing municipality, or endorsing county 3836  
may apply to the director of development services, on a form and 3837  
in the manner prescribed by the director, for a grant based on the 3838  
projected incremental increase in the receipts from the tax 3839  
imposed under section 5739.02 of the Revised Code within the 3840  
market area designated under division (C) of this section, for the 3841  
two-week period that ends at the end of the day after the date on 3842  
which a game will be held, that is directly attributable, as 3843  
determined by the director, to the preparation for and 3844

presentation of the game. The director shall determine the 3845  
projected incremental increase in the tax imposed under section 3846  
5739.02 of the Revised Code by using a formula approved by the 3847  
destination marketing association international for event impact 3848  
or another formula of similar purpose approved by the director. 3849  
The local organizing committee, endorsing municipality, or 3850  
endorsing county is eligible to receive a grant under this section 3851  
only if the projected incremental increase in receipts from the 3852  
tax imposed under section 5739.02 of the Revised Code, as 3853  
determined by the director, exceeds two hundred fifty thousand 3854  
dollars. The amount of the grant shall be not less than fifty per 3855  
cent of the projected incremental increase in receipts, as 3856  
determined by the director, but shall not exceed five hundred 3857  
thousand dollars. The director shall not issue grants with a total 3858  
value of more than one million dollars in any fiscal year, and 3859  
shall not issue any grant before July 1, 2013. 3860

(B) If the director of development services approves an 3861  
application for a local organizing committee, endorsing 3862  
municipality, or endorsing county and that local organizing 3863  
committee, endorsing municipality, or endorsing county enters into 3864  
a joinder agreement with a site selection organization, the local 3865  
organizing committee, endorsing municipality, or endorsing county 3866  
shall file a copy of the joinder agreement with the director. The 3867  
grant shall be used exclusively by the local organizing committee, 3868  
endorsing municipality, or endorsing county to fulfill a portion 3869  
of its obligations to a site selection organization under game 3870  
support contracts, which obligations may include the payment of 3871  
costs relating to the preparations necessary for the conduct of 3872  
the game, including acquiring, renovating, or constructing 3873  
facilities; to pay the costs of conducting the game; and to assist 3874  
the local organizing committee, endorsing municipality, or 3875  
endorsing county in providing assurances required by a site 3876

selection organization sponsoring one or more games. 3877

(C) For the purposes of division (A) of this section, the 3878  
director of development services, in consultation with the tax 3879  
commissioner, shall designate the market area for a game. The 3880  
market area shall consist of the combined statistical area, as 3881  
defined by the United States office of management and budget, in 3882  
which an endorsing municipality or endorsing county is located. 3883

(D) A local organizing committee, endorsing municipality, or 3884  
endorsing county shall provide information required by the 3885  
director of development services and tax commissioner to enable 3886  
the director and commissioner to fulfill their duties under this 3887  
section, including annual audited statements of any financial 3888  
records required by a site selection organization and data 3889  
obtained by the local organizing committee, endorsing 3890  
municipality, or endorsing county relating to attendance at a game 3891  
and to the economic impact of the game. A local organizing 3892  
committee, an endorsing municipality, or an endorsing county shall 3893  
provide an annual audited financial statement if so required by 3894  
the director and commissioner, not later than the end of the 3895  
fourth month after the date the period covered by the financial 3896  
statement ends. 3897

(E) Within thirty days after the game, the local organizing 3898  
committee, endorsing municipality, or endorsing county shall 3899  
report to the director of development services about the economic 3900  
impact of the game. The report shall be in the form and substance 3901  
required by the director, including, but not limited to, a final 3902  
income statement for the event showing total revenue and 3903  
expenditures and revenue and expenditures in the market area for 3904  
the game, and ticket sales for the game and any related activities 3905  
for which admission was charged. The director shall determine, 3906  
based on the reported information and the exercise of reasonable 3907  
judgment, the incremental increase in receipts from the tax 3908

imposed under section 5739.02 of the Revised Code directly 3909  
attributable to the game. If the actual incremental increase in 3910  
such receipts is less than the projected incremental increase in 3911  
receipts, the director may require the local organizing committee, 3912  
endorsing municipality, or endorsing county to refund to the state 3913  
all or a portion of the grant. 3914

(F) No disbursement may be made under this section if the 3915  
director of development services determines that it would be used 3916  
for the purpose of soliciting the relocation of a professional 3917  
sports franchise located in this state. 3918

(G) This section may not be construed as creating or 3919  
requiring a state guarantee of obligations imposed on an endorsing 3920  
municipality or endorsing county under a game support contract or 3921  
any other agreement relating to hosting one or more games in this 3922  
state. 3923

(H) The director may make grants under this section from the 3924  
major sporting events site selection fund created in section 3925  
4301.46 of the Revised Code or from any other money appropriated 3926  
or allocated for that purpose. 3927

**Sec. 122.17.** (A) As used in this section: 3928

(1) "~~Income tax revenue~~ Payroll" means the total amount 3929  
~~withheld under section 5747.06 of the Revised Code~~ taxable income 3930  
paid by the ~~taxpayer~~ employer during the employer's taxable year, 3931  
or during the calendar year that includes the employer's tax 3932  
period, ~~from the compensation of~~ to each employee or each 3933  
home-based employee employed in the project to the extent ~~the~~ 3934  
~~employee's withholdings are~~ such payroll is not used to determine 3935  
the credit under section 122.171 of the Revised Code. "~~Income tax~~ 3936  
~~revenue~~ Payroll" excludes amounts ~~withheld~~ paid before the day the 3937  
taxpayer becomes eligible for the credit and retirement or other 3938  
benefits paid or contributed by the employer to or on behalf of 3939

employees. 3940

(2) "~~Baseline income tax revenue~~ payroll" means ~~income tax~~ 3941  
~~revenue~~ Ohio employee payroll, except that the applicable 3942  
~~withholding~~ measurement period is the twelve months immediately 3943  
preceding the date the tax credit authority approves the 3944  
taxpayer's application or the date the tax credit authority 3945  
receives the recommendation described in division (C)(2)(a) of 3946  
this section, whichever occurs first, multiplied by the sum of one 3947  
plus an annual pay increase factor to be determined by the tax 3948  
credit authority. 3949

(3) "Ohio employee payroll" means the total taxable income 3950  
paid by the employer during the employer's taxable year, or during 3951  
the calendar year that includes the employer's tax period, to each 3952  
employee employed in the project who is a resident of this state, 3953  
as defined in section 5747.01 of the Revised Code, or to each 3954  
home-based employee employed in the project, to the extent such 3955  
payroll is not used to determine the credit under section 122.171 3956  
of the Revised Code. "Ohio employee payroll" excludes amounts paid 3957  
before the day the taxpayer becomes eligible for the credit and 3958  
retirement or other benefits paid or contributed by the employer 3959  
to or on behalf of employees. 3960

(4) "~~Excess income tax revenue~~ payroll" means ~~income tax~~ 3961  
~~revenue~~ Ohio employee payroll minus baseline ~~income tax revenue~~ 3962  
payroll. 3963

~~(4)~~(5) "Home-based employee" means an employee whose services 3964  
are performed primarily from the employee's residence in this 3965  
state exclusively for the benefit of the project and whose rate of 3966  
pay is at least one hundred thirty-one per cent of the federal 3967  
minimum wage under 29 U.S.C. 206. 3968

(6) "Full-time equivalent employees" means the quotient 3969  
obtained by dividing the total number of hours for which employees 3970

were compensated for employment in the project by two thousand 3971  
eighty. "Full-time equivalent employees" excludes hours that are 3972  
counted for a credit under section 122.171 of the Revised Code. 3973

(7) "Metric evaluation date" means the date by which the 3974  
taxpayer must meet all of the commitments included in the 3975  
agreement. 3976

(B) The tax credit authority may make grants under this 3977  
section to foster job creation in this state. Such a grant shall 3978  
take the form of a refundable credit allowed against the tax 3979  
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 3980  
5747.02 or levied under Chapter 5751. of the Revised Code. The 3981  
credit shall be claimed for the taxable years or tax periods 3982  
specified in the taxpayer's agreement with the tax credit 3983  
authority under division (D) of this section. With respect to 3984  
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 3985  
Chapter 5751. of the Revised Code, the credit shall be claimed in 3986  
the order required under section 5726.98, 5733.98, 5747.98, or 3987  
5751.98 of the Revised Code. The amount of the credit available 3988  
for a taxable year or for a calendar year that includes a tax 3989  
period equals the excess ~~income tax revenue~~ payroll for that year 3990  
multiplied by the percentage specified in the agreement with the 3991  
tax credit authority. ~~Any credit granted under this section~~ 3992  
~~against the tax imposed by section 5733.06 or 5747.02 of the~~ 3993  
~~Revised Code, to the extent not fully utilized against such tax~~ 3994  
~~for taxable years ending prior to 2008, shall automatically be~~ 3995  
~~converted without any action taken by the tax credit authority to~~ 3996  
~~a credit against the tax levied under Chapter 5751. of the Revised~~ 3997  
~~Code for tax periods beginning on or after July 1, 2008, provided~~ 3998  
~~that the person to whom the credit was granted is subject to such~~ 3999  
~~tax. The converted credit shall apply to those calendar years in~~ 4000  
~~which the remaining taxable years specified in the agreement end.~~ 4001

(C)(1) A taxpayer or potential taxpayer who proposes a 4002



project to create new jobs in this state may apply to the tax 4003  
credit authority to enter into an agreement for a tax credit under 4004  
this section. 4005

An application shall not propose to include both home-based 4006  
employees and employees who are not home-based employees in the 4007  
computation of ~~income tax revenue~~ Ohio employee payroll for the 4008  
purposes of the same tax credit agreement. If a taxpayer or 4009  
potential taxpayer employs both home-based employees and employees 4010  
who are not home-based employees in a project, the taxpayer shall 4011  
submit separate applications for separate tax credit agreements 4012  
for the project, one of which shall include home-based employees 4013  
in the computation of ~~income tax revenue~~ Ohio employee payroll and 4014  
one of which shall include all other employees in the computation 4015  
of ~~income tax revenue~~ Ohio employee payroll. 4016

The director of development services shall prescribe the form 4017  
of the application. After receipt of an application, the authority 4018  
may enter into an agreement with the taxpayer for a credit under 4019  
this section if it determines all of the following: 4020

(a) The taxpayer's project will increase payroll ~~and income~~ 4021  
~~tax revenue~~; 4022

(b) The taxpayer's project is economically sound and will 4023  
benefit the people of this state by increasing opportunities for 4024  
employment and strengthening the economy of this state; 4025

(c) Receiving the tax credit is a major factor in the 4026  
taxpayer's decision to go forward with the project. 4027

(2)(a) A taxpayer that chooses to begin the project prior to 4028  
receiving the determination of the authority may, upon submitting 4029  
the taxpayer's application to the authority, request that the 4030  
chief investment officer of the nonprofit corporation formed under 4031  
section 187.01 of the Revised Code and the director review the 4032  
taxpayer's application and recommend to the authority that the 4033

taxpayer's application be considered. As soon as possible after 4034  
receiving such a request, the chief investment officer and the 4035  
director shall review the taxpayer's application and, if they 4036  
determine that the application warrants consideration by the 4037  
authority, make that recommendation to the authority not later 4038  
than six months after the application is received by the 4039  
authority. 4040

(b) The authority shall consider any taxpayer's application 4041  
for which it receives a recommendation under division (C)(2)(a) of 4042  
this section. If the authority determines that the taxpayer does 4043  
not meet all of the criteria set forth in division (C)(1) of this 4044  
section, the authority and the development services agency shall 4045  
proceed in accordance with rules adopted by the director pursuant 4046  
to division (I) of this section. 4047

(D) An agreement under this section shall include all of the 4048  
following: 4049

(1) A detailed description of the project that is the subject 4050  
of the agreement; 4051

(2)(a) The term of the tax credit, which, except as provided 4052  
in division (D)(2)(b) of this section, shall not exceed fifteen 4053  
years, and the first taxable year, or first calendar year that 4054  
includes a tax period, for which the credit may be claimed; 4055

(b) If the tax credit is computed on the basis of home-based 4056  
employees, the term of the credit shall expire on or before the 4057  
last day of the taxable or calendar year ending before the 4058  
beginning of the seventh year after September 6, 2012, the 4059  
effective date of H.B. 327 of the 129th general assembly. 4060

(3) A requirement that the taxpayer shall maintain operations 4061  
at the project location for at least the greater of seven years or 4062  
the term of the credit plus three years; 4063

(4) The percentage, as determined by the tax credit 4064

authority, of excess ~~income tax revenue~~ payroll that will be 4065  
allowed as the amount of the credit for each taxable year or for 4066  
each calendar year that includes a tax period; 4067

(5) The pay increase factor to be applied to the taxpayer's 4068  
baseline ~~income tax revenue~~ payroll; 4069

(6) A requirement that the taxpayer annually shall report to 4070  
the director of development services ~~employment, tax withholding~~ 4071  
full-time equivalent employees, payroll, Ohio employee payroll, 4072  
investment, the provision of health care benefits and tuition 4073  
reimbursement if required in the agreement, and other information 4074  
the director needs to perform the director's duties under this 4075  
section; 4076

(7) A requirement that the director of development services 4077  
annually review the information reported under division (D)(6) of 4078  
this section and verify compliance with the agreement; if the 4079  
taxpayer is in compliance, a requirement that the director issue a 4080  
certificate to the taxpayer stating that the information has been 4081  
verified and identifying the amount of the credit that may be 4082  
claimed for the taxable or calendar year; 4083

(8) A provision providing that the taxpayer may not relocate 4084  
a substantial number of employment positions from elsewhere in 4085  
this state to the project location unless the director of 4086  
development services determines that the legislative authority of 4087  
the county, township, or municipal corporation from which the 4088  
employment positions would be relocated has been notified by the 4089  
taxpayer of the relocation. 4090

For purposes of this section, the movement of an employment 4091  
position from one political subdivision to another political 4092  
subdivision shall be considered a relocation of an employment 4093  
position unless the employment position in the first political 4094  
subdivision is replaced. 4095

(9) If the tax credit is computed on the basis of home-based employees, that the tax credit may not be claimed by the taxpayer until the taxable year or tax period in which the taxpayer employs at least two hundred employees more than the number of employees the taxpayer employed on June 30, 2011.

(E) If a taxpayer fails to meet or comply with any condition or requirement set forth in a tax credit agreement, the tax credit authority may amend the agreement to reduce the percentage or term of the tax credit. The reduction of the percentage or term may take effect in the current taxable or calendar year.

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

(G) Financial statements and other information submitted to the development services agency or the tax credit authority by an applicant or recipient of a tax credit under this section, and any information taken for any purpose from such statements or information, are not public records subject to section 149.43 of the Revised Code. However, the chairperson of the authority may make use of the statements and other information for purposes of issuing public reports or in connection with court proceedings concerning tax credit agreements under this section. Upon the

request of the tax commissioner or, if the applicant or recipient 4128  
is an insurance company, upon the request of the superintendent of 4129  
insurance, the chairperson of the authority shall provide to the 4130  
commissioner or superintendent any statement or information 4131  
submitted by an applicant or recipient of a tax credit in 4132  
connection with the credit. The commissioner or superintendent 4133  
shall preserve the confidentiality of the statement or 4134  
information. 4135

(H) A taxpayer claiming a credit under this section shall 4136  
submit to the tax commissioner or, if the taxpayer is an insurance 4137  
company, to the superintendent of insurance, a copy of the 4138  
director of development services' certificate of verification 4139  
under division (D)(7) of this section with the taxpayer's tax 4140  
report or return for the taxable year or for the calendar year 4141  
that includes the tax period. Failure to submit a copy of the 4142  
certificate with the report or return does not invalidate a claim 4143  
for a credit if the taxpayer submits a copy of the certificate to 4144  
the commissioner or superintendent within ~~sixty~~ thirty days after 4145  
the commissioner or superintendent requests it. 4146

(I) The director of development services, after consultation 4147  
with the tax commissioner and the superintendent of insurance and 4148  
in accordance with Chapter 119. of the Revised Code, shall adopt 4149  
rules necessary to implement this section, including rules that 4150  
establish a procedure to be followed by the tax credit authority 4151  
and the development services agency in the event the authority 4152  
considers a taxpayer's application for which it receives a 4153  
recommendation under division (C)(2)(a) of this section but does 4154  
not approve it. The rules may provide for recipients of tax 4155  
credits under this section to be charged fees to cover 4156  
administrative costs of the tax credit program. The fees collected 4157  
shall be credited to the business assistance fund created in 4158  
section 122.174 of the Revised Code. At the time the director 4159

gives public notice under division (A) of section 119.03 of the Revised Code of the adoption of the rules, the director shall submit copies of the proposed rules to the chairpersons of the standing committees on economic development in the senate and the house of representatives.

(J) For the purposes of this section, a taxpayer may include a partnership, a corporation that has made an election under subchapter S of chapter one of subtitle A of the Internal Revenue Code, or any other business entity through which income flows as a distributive share to its owners. A partnership, S-corporation, or other such business entity may elect to pass the credit received under this section through to the persons to whom the income or profit of the partnership, S-corporation, or other entity is distributed. The election shall be made on the annual report required under division (D)(6) of this section. The election applies to and is irrevocable for the credit for which the report is submitted. If the election is made, the credit shall be apportioned among those persons in the same proportions as those in which the income or profit is distributed.

(K)(1) If the director of development services determines that a taxpayer who has received a credit under this section is not complying with the ~~requirement under division (D)(3) of this section~~ requirements of the agreement, the director shall notify the tax credit authority of the noncompliance. After receiving such a notice, and after giving the taxpayer an opportunity to explain the noncompliance, the tax credit authority may require the taxpayer to refund to this state a portion of the credit in accordance with the following:

~~(1)(a)~~ If the taxpayer fails to comply with the requirement under division (D)(3) of this section, an amount determined in accordance with the following:

(i) If the taxpayer maintained operations at the project

location for a period less than or equal to the term of the 4192  
credit, an amount not exceeding one hundred per cent of the sum of 4193  
any credits allowed and received under this section; 4194

~~(2)~~(ii) If the taxpayer maintained operations at the project 4195  
location for a period longer than the term of the credit, but less 4196  
than the greater of seven years or the term of the credit plus 4197  
three years, an amount not exceeding seventy-five per cent of the 4198  
sum of any credits allowed and received under this section. 4199

(b) If, on the metric evaluation date, the taxpayer fails to 4200  
substantially meet the job creation, payroll, or investment 4201  
requirements included in the agreement, an amount determined at 4202  
the discretion of the authority; 4203

(c) If the taxpayer fails to substantially maintain the 4204  
number of new full-time equivalent employees or amount of payroll 4205  
required under the agreement at any time during the term of the 4206  
agreement after the metric evaluation date, an amount determined 4207  
at the discretion of the authority. 4208

(2) If a taxpayer files for bankruptcy and fails as described 4209  
in division (K)(1)(a), (b), or (c) of this section, the director 4210  
may immediately commence an action to recoup an amount not 4211  
exceeding one hundred per cent of the sum of any credits received 4212  
by the taxpayer under this section. 4213

(3) In determining the portion of the tax credit to be 4214  
refunded to this state, the tax credit authority shall consider 4215  
the effect of market conditions on the taxpayer's project and 4216  
whether the taxpayer continues to maintain other operations in 4217  
this state. After making the determination, the authority shall 4218  
certify the amount to be refunded to the tax commissioner or 4219  
superintendent of insurance, as appropriate. If the amount is 4220  
certified to the commissioner, the commissioner shall make an 4221  
assessment for that amount against the taxpayer under Chapter 4222

5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the amount is certified to the superintendent, the superintendent shall make an assessment for that amount against the taxpayer under Chapter 5725. or 5729. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the commissioner or superintendent, as appropriate, shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded.

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

(M) There is hereby created the tax credit authority, which consists of the director of development services and four other members appointed as follows: the governor, the president of the senate, and the speaker of the house of representatives each shall appoint one member who shall be a specialist in economic development; the governor also shall appoint a member who is a specialist in taxation. ~~Of the initial appointees, the members appointed by the governor shall serve a term of two years; the members appointed by the president of the senate and the speaker of the house of representatives shall serve a term of four years. Thereafter, terms~~ Terms of office shall be for four years. ~~Initial appointments to the authority shall be made within thirty days after January 13, 1993.~~ Each member shall serve on the authority



until the end of the term for which the member was appointed. 4255  
Vacancies shall be filled in the same manner provided for original 4256  
appointments. Any member appointed to fill a vacancy occurring 4257  
prior to the expiration of the term for which the member's 4258  
predecessor was appointed shall hold office for the remainder of 4259  
that term. Members may be reappointed to the authority. Members of 4260  
the authority shall receive their necessary and actual expenses 4261  
while engaged in the business of the authority. The director of 4262  
development services shall serve as chairperson of the authority, 4263  
and the members annually shall elect a vice-chairperson from among 4264  
themselves. Three members of the authority constitute a quorum to 4265  
transact and vote on the business of the authority. The majority 4266  
vote of the membership of the authority is necessary to approve 4267  
any such business, including the election of the vice-chairperson. 4268

The director of development services may appoint a 4269  
professional employee of the development services agency to serve 4270  
as the director's substitute at a meeting of the authority. The 4271  
director shall make the appointment in writing. In the absence of 4272  
the director from a meeting of the authority, the appointed 4273  
substitute shall serve as chairperson. In the absence of both the 4274  
director and the director's substitute from a meeting, the 4275  
vice-chairperson shall serve as chairperson. 4276

(N) For purposes of the credits granted by this section 4277  
against the taxes imposed under sections 5725.18 and 5729.03 of 4278  
the Revised Code, "taxable year" means the period covered by the 4279  
taxpayer's annual statement to the superintendent of insurance. 4280

(O) On or before the first day of March of each of the five 4281  
calendar years beginning with 2014, each taxpayer subject to an 4282  
agreement with the tax credit authority under this section on the 4283  
basis of home-based employees shall report the number of 4284  
home-based employees and other employees employed by the taxpayer 4285  
in this state to the development services agency. 4286

(P) On or before the first day of January of 2019, the 4287  
director of development services shall submit a report to the 4288  
governor, the president of the senate, and the speaker of the 4289  
house of representatives on the effect of agreements entered into 4290  
under this section in which the taxpayer included home-based 4291  
employees in the computation of income tax revenue, as that term 4292  
was defined in this section prior to the amendment of this section 4293  
by H.B. 64 of the 131st general assembly. The report shall include 4294  
information on the number of such agreements that were entered 4295  
into in the preceding six years, a description of the projects 4296  
that were the subjects of such agreements, and an analysis of 4297  
nationwide home-based employment trends, including the number of 4298  
home-based jobs created from July 1, 2011, through June 30, 2017, 4299  
and a description of any home-based employment tax incentives 4300  
provided by other states during that time. 4301

(Q) The director of development services may require any 4302  
agreement entered into under this section for a tax credit 4303  
computed on the basis of home-based employees to contain a 4304  
provision that the taxpayer makes available health care benefits 4305  
and tuition reimbursement to all employees. 4306

(R) Original agreements approved by the tax credit authority 4307  
under this section in 2014 or 2015 before the effective date of 4308  
this division may be revised at the request of the taxpayer to 4309  
conform with the amendments to this section and sections 4310  
5733.0610, 5736.50, 5747.058, and 5751.50 of the Revised Code by 4311  
H.B. 64 of the 131st general assembly, upon mutual agreement of 4312  
the taxpayer and the development services agency, and approval by 4313  
the tax credit authority. 4314

(S) Upon the request of a taxpayer subject to an agreement 4315  
approved under this section before the effective date of this 4316  
division, including agreements effective under this section as it 4317  
existed before October 16, 2009, the tax credit authority shall 4318

amend the agreement as follows: 4319

(1) The percentage of excess income tax revenue allowed as 4320  
the amount of the credit shall be increased by the same percentage 4321  
that the income tax rates prescribed by section 5747.02 of the 4322  
Revised Code have decreased since June 29, 2013, or the effective 4323  
date of the agreement, whichever is later. The tax credit 4324  
percentage shall thereafter be annually adjusted to account for 4325  
any decreases in such income tax rates applicable to subsequent 4326  
taxable years. 4327

(2) If the agreement requires the taxpayer to attain a 4328  
threshold excess income tax revenue, as that term was defined in 4329  
this section before its amendment by H.B. 64 of the 131st general 4330  
assembly, the threshold shall be decreased by the same percentage 4331  
that the income tax rates prescribed by section 5747.02 of the 4332  
Revised Code have decreased since June 29, 2013, or the effective 4333  
date of the agreement, whichever is later. The threshold shall 4334  
thereafter be annually adjusted to account for any decreases in 4335  
such income tax rates applicable to subsequent taxable years. 4336

Agreements amended under this division shall otherwise remain 4337  
subject to this section as it existed before the amendment by H.B. 4338  
64 of the 131st general assembly. Amendments authorized under this 4339  
division apply to taxable years and calendar years ending on or 4340  
after the effective date of the amendment. This division does not 4341  
preclude a taxpayer from requesting that an eligible agreement be 4342  
revised under division (R) of this section. 4343

**Sec. 122.171.** (A) As used in this section: 4344

(1) "Capital investment project" means a plan of investment 4345  
at a project site for the acquisition, construction, renovation, 4346  
or repair of buildings, machinery, or equipment, or for 4347  
capitalized costs of basic research and new product development 4348  
determined in accordance with generally accepted accounting 4349

principles, but does not include any of the following:	4350
(a) Payments made for the acquisition of personal property through operating leases;	4351 4352
(b) Project costs paid before January 1, 2002;	4353
(c) Payments made to a related member as defined in section 5733.042 of the Revised Code or to a consolidated elected taxpayer or a combined taxpayer as defined in section 5751.01 of the Revised Code.	4354 4355 4356 4357
(2) "Eligible business" means a taxpayer and its related members with Ohio operations satisfying all of the following:	4358 4359
(a) The taxpayer employs at least five hundred full-time equivalent employees or has an annual <u>Ohio employee</u> payroll of at least thirty-five million dollars at the time the tax credit authority grants the tax credit under this section;	4360 4361 4362 4363
(b) The taxpayer makes or causes to be made payments for the capital investment project of one of the following:	4364 4365
(i) If the taxpayer is engaged at the project site primarily as a manufacturer, at least fifty million dollars in the aggregate at the project site during a period of three consecutive calendar years, including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted;	4366 4367 4368 4369 4370 4371
(ii) If the taxpayer is engaged at the project site primarily in significant corporate administrative functions, as defined by the director of development services by rule, at least twenty million dollars in the aggregate at the project site during a period of three consecutive calendar years including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted;	4372 4373 4374 4375 4376 4377 4378
<del>(iii) If the taxpayer is applying to enter into an agreement</del>	4379

~~for a tax credit authorized under division (B)(3) of this section, 4380  
at least five million dollars in the aggregate at the project site 4381  
during a period of three consecutive calendar years, including the 4382  
calendar year that includes a day of the taxpayer's taxable year 4383  
or tax period with respect to which the credit is granted. 4384~~

(c) The taxpayer had a capital investment project reviewed 4385  
and approved by the tax credit authority as provided in divisions 4386  
(C), (D), and (E) of this section. 4387

(3) "Full-time equivalent employees" means the quotient 4388  
obtained by dividing the total number of hours for which employees 4389  
were compensated for employment in the project by two thousand 4390  
eighty. "Full-time equivalent employees" shall exclude hours that 4391  
are counted for a credit under section 122.17 of the Revised Code. 4392

(4) ~~"Income tax revenue Ohio employee payroll" means the 4393  
total amount withheld under section 5747.06 of the Revised Code by 4394  
the taxpayer during the taxable year, or during the calendar year 4395  
that includes the tax period, from the compensation of all 4396  
employees employed in the project whose hours of compensation are 4397  
included in calculating the number of full time equivalent 4398  
employees has the same meaning as in section 122.17 of the Revised 4399  
Code. 4400~~

(5) "Manufacturer" has the same meaning as in section 4401  
5739.011 of the Revised Code. 4402

(6) "Project site" means an integrated complex of facilities 4403  
in this state, as specified by the tax credit authority under this 4404  
section, within a fifteen-mile radius where a taxpayer is 4405  
primarily operating as an eligible business. 4406

(7) "Related member" has the same meaning as in section 4407  
5733.042 of the Revised Code as that section existed on the 4408  
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 4409  
general assembly, September 29, 1997. 4410

(8) "Taxable year" includes, in the case of a domestic or 4411  
foreign insurance company, the calendar year ending on the 4412  
thirty-first day of December preceding the day the superintendent 4413  
of insurance is required to certify to the treasurer of state 4414  
under section 5725.20 or 5729.05 of the Revised Code the amount of 4415  
taxes due from insurance companies. 4416

(B) The tax credit authority created under section 122.17 of 4417  
the Revised Code may grant a nonrefundable tax credits credit to 4418  
an eligible business under this section for the purpose of 4419  
fostering job retention in this state. Upon application by an 4420  
eligible business and upon consideration of the ~~recommendation~~ 4421  
determination of the director of budget and management, tax 4422  
commissioner, and the superintendent of insurance in the case of 4423  
an insurance company, and the recommendation and determination of 4424  
the director of development services under division (C) of this 4425  
section, the tax credit authority may grant the ~~following credits~~ 4426  
credit against the tax imposed by section 5725.18, 5726.02, 4427  
5729.03, 5733.06, 5736.02, 5747.02, or 5751.02 of the Revised 4428  
Code: 4429

~~(1) A nonrefundable credit to an eligible business;~~ 4430

~~(2) A refundable credit to an eligible business meeting the 4431  
following conditions, provided that the director of budget and 4432  
management, tax commissioner, superintendent of insurance in the 4433  
case of an insurance company, and director of development services 4434  
have recommended the granting of the credit to the tax credit 4435  
authority before July 1, 2011:~~ 4436

~~(a) The business retains at least one thousand full-time 4437  
equivalent employees at the project site.~~ 4438

~~(b) The business makes or causes to be made payments for a 4439  
capital investment project of at least twenty-five million dollars 4440  
in the aggregate at the project site during a period of three 4441~~

~~consecutive calendar years, including the calendar year that 4442  
includes a day of the business' taxable year or tax period with 4443  
respect to which the credit is granted. 4444~~

~~(c) In 2010, the business received a written offer of 4445  
financial incentives from another state of the United States that 4446  
the director determines to be sufficient inducement for the 4447  
business to relocate the business' operations from this state to 4448  
that state. 4449~~

~~(3) A refundable credit to an eligible business with a total 4450  
annual payroll of at least twenty million dollars, provided that 4451  
the tax credit authority grants the tax credit on or after July 1, 4452  
2011, and before January 1, 2014. 4453~~

The credits credit authorized in divisions ~~(B)(1), (2), and 4454  
(3)~~ of this section may be granted for a period up to fifteen 4455  
taxable years or, in the case of the tax levied by section 5736.02 4456  
or 5751.02 of the Revised Code, for a period of up to fifteen 4457  
calendar years. The credit amount for a taxable year or a calendar 4458  
year that includes the tax period for which a credit may be 4459  
claimed equals the ~~income tax revenue~~ Ohio employee payroll for 4460  
that year multiplied by the percentage specified in the agreement 4461  
with the tax credit authority. ~~The percentage may not exceed 4462  
seventy five per cent.~~ The credit shall be claimed in the order 4463  
required under section 5725.98, 5726.98, 5729.98, 5733.98, 4464  
5747.98, or 5751.98 of the Revised Code. In determining the 4465  
percentage and term of the credit, the tax credit authority shall 4466  
consider both the number of full-time equivalent employees and the 4467  
value of the capital investment project. The credit amount may not 4468  
be based on the ~~income tax revenue~~ Ohio employee payroll for a 4469  
calendar year before the calendar year in which the tax credit 4470  
authority specifies the tax credit is to begin, and the credit 4471  
shall be claimed only for the taxable years or tax periods 4472  
specified in the eligible business' agreement with the tax credit 4473

authority. In no event shall the credit be claimed for a taxable 4474  
year or tax period terminating before the date specified in the 4475  
agreement. ~~Any credit granted under this section against the tax 4476  
imposed by section 5733.06 or 5747.02 of the Revised Code, to the 4477  
extent not fully utilized against such tax for taxable years 4478  
ending prior to 2008, shall automatically be converted without any 4479  
action taken by the tax credit authority to a credit against the 4480  
tax levied under Chapter 5751. of the Revised Code for tax periods 4481  
beginning on or after July 1, 2008, provided that the person to 4482  
whom the credit was granted is subject to such tax. The converted 4483  
credit shall apply to those calendar years in which the remaining 4484  
taxable years specified in the agreement end.~~ 4485

If a nonrefundable credit allowed under ~~division (B)(1) of 4486  
this section for a taxable year or tax period exceeds the 4487  
taxpayer's tax liability for that year or period, the excess may 4488  
be carried forward for the three succeeding taxable or calendar 4489  
years, but the amount of any excess credit allowed in any taxable 4490  
year or tax period shall be deducted from the balance carried 4491  
forward to the succeeding year or period.~~ 4492

(C) A taxpayer that proposes a capital investment project to 4493  
retain jobs in this state may apply to the tax credit authority to 4494  
enter into an agreement for a tax credit under this section. The 4495  
director of development services shall prescribe the form of the 4496  
application. After receipt of an application, the authority shall 4497  
forward copies of the application to the director of budget and 4498  
management, the tax commissioner, and the superintendent of 4499  
insurance in the case of an insurance company, ~~and the director of 4500  
development services~~, each of whom shall review the application to 4501  
determine the economic impact the proposed project would have on 4502  
the state and the affected political subdivisions and shall submit 4503  
a summary of their determinations and recommendations to the 4504  
authority. The authority shall also forward a copy of the 4505



application to the director of development services, who shall 4506  
review the application to determine the economic impact the 4507  
proposed project would have on the state and the affected 4508  
political subdivisions and shall submit a summary of their 4509  
determinations and recommendations to the authority. 4510

(D) Upon review and consideration of the determinations and 4511  
recommendations described in division (C) of this section, the tax 4512  
credit authority may enter into an agreement with the taxpayer for 4513  
a credit under this section if the authority determines all of the 4514  
following: 4515

(1) The taxpayer's capital investment project will result in 4516  
the retention of employment in this state. 4517

(2) The taxpayer is economically sound and has the ability to 4518  
complete the proposed capital investment project. 4519

(3) The taxpayer intends to and has the ability to maintain 4520  
operations at the project site for at least the greater of (a) the 4521  
term of the credit plus three years, or (b) seven years. 4522

(4) Receiving the credit is a major factor in the taxpayer's 4523  
decision to begin, continue with, or complete the project. 4524

~~(5) If the taxpayer is applying to enter into an agreement~~ 4525  
~~for a tax credit authorized under division (B)(3) of this section,~~ 4526  
~~the taxpayer's capital investment project will be located in the~~ 4527  
~~political subdivision in which the taxpayer maintains its~~ 4528  
~~principal place of business or maintains a unit or division with~~ 4529  
~~at least four thousand two hundred employees at the project site.~~ 4530

(E) An agreement under this section shall include all of the 4531  
following: 4532

(1) A detailed description of the project that is the subject 4533  
of the agreement, including the amount of the investment, the 4534  
period over which the investment has been or is being made, the 4535

number of full-time equivalent employees at the project site, and 4536  
the anticipated ~~income tax revenue~~ Ohio employee payroll to be 4537  
generated. 4538

(2) The term of the credit, the percentage of the tax credit, 4539  
the maximum annual value of tax credits that may be allowed each 4540  
year, and the first year for which the credit may be claimed. 4541

(3) A requirement that the taxpayer maintain operations at 4542  
the project site for at least the greater of (a) the term of the 4543  
credit plus three years, or (b) seven years. 4544

~~(4)(a) In the case of a credit granted under division (B)(1) of this section,~~ a A requirement that the taxpayer retain at least 4545  
five hundred full-time equivalent employees at the project site 4546  
and within this state for the entire term of the credit, or a 4547  
requirement that the taxpayer maintain an annual Ohio employee 4548  
payroll of at least thirty-five million dollars for the entire 4549  
term of the credit. 4550  
4551

~~(b) In the case of a credit granted under division (B)(2) of this section,~~ a requirement that the taxpayer retain at least one 4552  
thousand full time equivalent employees at the project site and 4553  
within this state for the entire term of the credit. 4554  
4555

~~(c) In the case of a credit granted under division (B)(3) of this section,~~ either of the following: 4556  
4557

~~(i) A requirement that the taxpayer retain at least five hundred full time equivalent employees at the project site and within this state for the entire term of the credit and a requirement that the taxpayer maintain an annual payroll of at least twenty million dollars for the entire term of the credit;~~ 4558  
4559  
4560  
4561  
4562

~~(ii) A requirement that the taxpayer maintain an annual payroll of at least thirty five million dollars for the entire term of the credit.~~ 4563  
4564  
4565

(5) A requirement that the taxpayer annually report to the 4566  
director of development services ~~employment, tax withholding~~ 4567  
full-time equivalent employees, Ohio employee payroll, capital 4568  
investment, and other information the director needs to perform 4569  
the director's duties under this section. 4570

(6) A requirement that the director of development services 4571  
annually review the annual reports of the taxpayer to verify the 4572  
information reported under division (E)(5) of this section and 4573  
compliance with the agreement. Upon verification, the director 4574  
shall issue a certificate to the taxpayer stating that the 4575  
information has been verified and identifying the amount of the 4576  
credit for the taxable year or calendar year that includes the tax 4577  
period. In determining the number of full-time equivalent 4578  
employees, no position shall be counted that is filled by an 4579  
employee who is included in the calculation of a tax credit under 4580  
section 122.17 of the Revised Code. 4581

(7) A provision providing that the taxpayer may not relocate 4582  
a substantial number of employment positions from elsewhere in 4583  
this state to the project site unless the director of development 4584  
services determines that the taxpayer notified the legislative 4585  
authority of the county, township, or municipal corporation from 4586  
which the employment positions would be relocated. 4587

For purposes of this section, the movement of an employment 4588  
position from one political subdivision to another political 4589  
subdivision shall be considered a relocation of an employment 4590  
position unless the movement is confined to the project site. The 4591  
transfer of an employment position from one political subdivision 4592  
to another political subdivision shall not be considered a 4593  
relocation of an employment position if the employment position in 4594  
the first political subdivision is replaced by another employment 4595  
position. 4596

(8) A waiver by the taxpayer of any limitations periods 4597

relating to assessments or adjustments resulting from the 4598  
taxpayer's failure to comply with the agreement. 4599

(F) If a taxpayer fails to meet or comply with any condition 4600  
or requirement set forth in a tax credit agreement, the tax credit 4601  
authority may amend the agreement to reduce the percentage or term 4602  
of the credit. The reduction of the percentage or term may take 4603  
effect in the current taxable or calendar year. 4604

(G) Financial statements and other information submitted to 4605  
the department of development services or the tax credit authority 4606  
by an applicant for or recipient of a tax credit under this 4607  
section, and any information taken for any purpose from such 4608  
statements or information, are not public records subject to 4609  
section 149.43 of the Revised Code. However, the chairperson of 4610  
the authority may make use of the statements and other information 4611  
for purposes of issuing public reports or in connection with court 4612  
proceedings concerning tax credit agreements under this section. 4613  
Upon the request of the tax commissioner, or the superintendent of 4614  
insurance in the case of an insurance company, the chairperson of 4615  
the authority shall provide to the commissioner or superintendent 4616  
any statement or other information submitted by an applicant for 4617  
or recipient of a tax credit in connection with the credit. The 4618  
commissioner or superintendent shall preserve the confidentiality 4619  
of the statement or other information. 4620

(H) A taxpayer claiming a tax credit under this section shall 4621  
submit to the tax commissioner or, in the case of an insurance 4622  
company, to the superintendent of insurance, a copy of the 4623  
director of development services' certificate of verification 4624  
under division (E)(6) of this section with the taxpayer's tax 4625  
report or return for the taxable year or for the calendar year 4626  
that includes the tax period. Failure to submit a copy of the 4627  
certificate with the report or return does not invalidate a claim 4628  
for a credit if the taxpayer submits a copy of the certificate to 4629

the commissioner or superintendent within ~~sixty~~ thirty days after 4630  
the commissioner or superintendent requests it. 4631

(I) For the purposes of this section, a taxpayer may include 4632  
a partnership, a corporation that has made an election under 4633  
subchapter S of chapter one of subtitle A of the Internal Revenue 4634  
Code, or any other business entity through which income flows as a 4635  
distributive share to its owners. A partnership, S-corporation, or 4636  
other such business entity may elect to pass the credit received 4637  
under this section through to the persons to whom the income or 4638  
profit of the partnership, S-corporation, or other entity is 4639  
distributed. The election shall be made on the annual report 4640  
required under division (E)(5) of this section. The election 4641  
applies to and is irrevocable for the credit for which the report 4642  
is submitted. If the election is made, the credit shall be 4643  
apportioned among those persons in the same proportions as those 4644  
in which the income or profit is distributed. 4645

(J)(1) If the director of development services determines 4646  
that a taxpayer that received a certificate under division (E)(6) 4647  
of this section is not complying with the ~~requirement under~~ 4648  
~~division (E)(3) of this section~~ requirements of the agreement, the 4649  
director shall notify the tax credit authority of the 4650  
noncompliance. After receiving such a notice, and after giving the 4651  
taxpayer an opportunity to explain the noncompliance, the 4652  
authority may terminate the agreement and require the taxpayer, or 4653  
any related member or members that claimed the tax credit under 4654  
division (N) of this section, to refund to the state all or a 4655  
portion of the credit claimed in previous years, as follows: 4656

(1)(a) If the taxpayer fails to comply with the requirement 4657  
under division (E)(3) of this section, an amount determined in 4658  
accordance with the following: 4659

(i) If the taxpayer maintained operations at the project site 4660  
for less than or equal to the term of the credit, an amount not to 4661

exceed one hundred per cent of the sum of any tax credits allowed 4662  
and received under this section. 4663

~~(2)(ii)~~ If the taxpayer maintained operations at the project 4664  
site longer than the term of the credit, but less than the greater 4665  
of ~~(a) seven years or~~ the term of the credit plus three years, ~~or~~ 4666  
~~(b) seven years~~, the amount required to be refunded shall not 4667  
exceed seventy-five per cent of the sum of any tax credits allowed 4668  
and received under this section. 4669

(b) If the taxpayer fails to substantially maintain both the 4670  
number of full-time equivalent employees and the amount of Ohio 4671  
employee payroll required under the agreement at any time during 4672  
the term of the agreement or during the post-term reporting 4673  
period, an amount determined at the discretion of the authority. 4674

(2) If a taxpayer files for bankruptcy and fails as described 4675  
in division (J)(1)(a) or (b) of this section, the director may 4676  
immediately commence an action to recoup an amount not exceeding 4677  
one hundred per cent of the sum of any credits received by the 4678  
taxpayer under this section. 4679

(3) In determining the portion of the credit to be refunded 4680  
to this state, the authority shall consider the effect of market 4681  
conditions on the taxpayer's project and whether the taxpayer 4682  
continues to maintain other operations in this state. After making 4683  
the determination, the authority shall certify the amount to be 4684  
refunded to the tax commissioner or the superintendent of 4685  
insurance. If the taxpayer, or any related member or members who 4686  
claimed the tax credit under division (N) of this section, is not 4687  
an insurance company, the commissioner shall make an assessment 4688  
for that amount against the taxpayer under Chapter 5726., 5733., 4689  
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 4690  
any related member or members that claimed the tax credit under 4691  
division (N) of this section, is an insurance company, the 4692  
superintendent of insurance shall make an assessment under section 4693

5725.222 or 5729.102 of the Revised Code. The time limitations on 4694  
assessments under those chapters and sections do not apply to an 4695  
assessment under this division, but the commissioner or 4696  
superintendent shall make the assessment within one year after the 4697  
date the authority certifies to the commissioner or superintendent 4698  
the amount to be refunded. 4699

(K) The director of development services, after consultation 4700  
with the tax commissioner and the superintendent of insurance and 4701  
in accordance with Chapter 119. of the Revised Code, shall adopt 4702  
rules necessary to implement this section. The rules may provide 4703  
for recipients of tax credits under this section to be charged 4704  
fees to cover administrative costs of the tax credit program. The 4705  
fees collected shall be credited to the business assistance fund 4706  
created in section 122.174 of the Revised Code. At the time the 4707  
director gives public notice under division (A) of section 119.03 4708  
of the Revised Code of the adoption of the rules, the director 4709  
shall submit copies of the proposed rules to the chairpersons of 4710  
the standing committees on economic development in the senate and 4711  
the house of representatives. 4712

(L) On or before the first day of August of each year, the 4713  
director of development services shall submit a report to the 4714  
governor, the president of the senate, and the speaker of the 4715  
house of representatives on the tax credit program under this 4716  
section. The report shall include information on the number of 4717  
agreements that were entered into under this section during the 4718  
preceding calendar year, a description of the project that is the 4719  
subject of each such agreement, and an update on the status of 4720  
projects under agreements entered into before the preceding 4721  
calendar year. 4722

(M)~~(1)~~ The aggregate amount of nonrefundable tax credits 4723  
issued under ~~division (B)(1)~~ of this section during any calendar 4724  
year for capital investment projects reviewed and approved by the 4725

tax credit authority may not exceed the following amounts: 4726

~~(a)(1)~~ For 2010, thirteen million dollars; 4727

~~(b)(2)~~ For 2011 through 2023, the amount of the limit for the 4728  
preceding calendar year plus thirteen million dollars; 4729

~~(c)(3)~~ For 2024 and each year thereafter, one hundred 4730  
ninety-five million dollars. 4731

~~(2) The aggregate amount of tax credits authorized under 4732  
divisions (B)(2) and (3) of this section and allowed to be claimed 4733  
by taxpayers in any calendar year for capital improvement projects 4734  
reviewed and approved by the tax credit authority in 2011, 2012, 4735  
and 2013 combined shall not exceed twenty five million dollars. An 4736  
amount equal to the aggregate amount of credits first authorized 4737  
in calendar year 2011, 2012, and 2013 may be claimed over the 4738  
ensuing period up to fifteen years, subject to the terms of 4739  
individual tax credit agreements. 4740~~

The limitations in division (M) of this section do not apply 4741  
to credits for capital investment projects approved by the tax 4742  
credit authority before July 1, 2009. 4743

(N) This division applies only to an eligible business that 4744  
is part of an affiliated group that includes a diversified savings 4745  
and loan holding company or a grandfathered unitary savings and 4746  
loan holding company, as those terms are defined in section 4747  
5726.01 of the Revised Code. Notwithstanding any contrary 4748  
provision of the agreement between such an eligible business and 4749  
the tax credit authority, any credit granted under this section 4750  
against the tax imposed by section 5725.18, 5729.03, 5733.06, 4751  
5747.02, or 5751.02 of the Revised Code to the eligible business, 4752  
at the election of the eligible business and without any action by 4753  
the tax credit authority, may be shared with any member or members 4754  
of the affiliated group that includes the eligible business, which 4755  
member or members may claim the credit against the taxes imposed 4756



by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 4757  
of the Revised Code. Credits shall be claimed by the eligible 4758  
business in sequential order, as applicable, first claiming the 4759  
credits to the fullest extent possible against the tax that the 4760  
certificate holder is subject to, then against the tax imposed by, 4761  
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 4762  
lastly 5726.02 of the Revised Code. The credits may be allocated 4763  
among the members of the affiliated group in such manner as the 4764  
eligible business elects, but subject to the sequential order 4765  
required under this division. This division applies to credits 4766  
granted before, on, or after March 27, 2013, the effective date of 4767  
H.B. 510 of the 129th general assembly. Credits granted before 4768  
that effective date that are shared and allocated under this 4769  
division may be claimed in those calendar years in which the 4770  
remaining taxable years specified in the agreement end. 4771

As used in this division, "affiliated group" means a group of 4772  
two or more persons with fifty per cent or greater of the value of 4773  
each person's ownership interests owned or controlled directly, 4774  
indirectly, or constructively through related interests by common 4775  
owners during all or any portion of the taxable year, and the 4776  
common owners. "Affiliated group" includes, but is not limited to, 4777  
any person eligible to be included in a consolidated elected 4778  
taxpayer group under section 5751.011 of the Revised Code or a 4779  
combined taxpayer group under section 5751.012 of the Revised 4780  
Code. 4781

(0) Upon the request of a taxpayer subject to an agreement 4782  
approved under this section before the effective date of this 4783  
division, including agreements effective under this section as it 4784  
existed before October 16, 2009, the tax credit authority shall 4785  
amend the agreement as follows: 4786

(1) The percentage of income tax revenue allowed as the 4787  
amount of the credit shall be increased by the same percentage 4788

that the income tax rates prescribed by section 5747.02 of the Revised Code have decreased since June 29, 2013, or the effective date of the agreement, whichever is later. The tax credit percentage shall thereafter be annually adjusted to account for any decreases in such income tax rates applicable to subsequent taxable years.

(2) If the agreement requires the taxpayer to attain a threshold level of income tax revenue, as that term was defined in this section before its amendment by H.B. 64 of the 131st general assembly, the threshold shall be decreased by the same percentage that the income tax rates prescribed by section 5747.02 of the Revised Code have decreased since June 29, 2013, or the effective date of the agreement, whichever is later. The threshold shall thereafter be annually adjusted to account for any decreases in such income tax rates applicable to subsequent taxable years.

Agreements amended under this division shall otherwise remain subject to this section as it existed before its amendment by H.B. 64 of the 131st general assembly. Amendments authorized under this division apply to taxable years and calendar years ending on or after the effective date of the amendment.

**Sec. 122.174.** There is hereby created in the state treasury the business assistance fund. The fund shall consist of any amounts appropriated to it and money credited to the fund pursuant to division (I) of section 121.17, division (K) of section 122.171, division (K) of section 122.175, division (G)(2) of section 122.85, division (C) of section 3735.672, and division (C) of section 5709.68 of the Revised Code. The director of development services shall use money in the fund to pay expenses related to the administration of the business services division of the development services agency.

<b>Sec. 122.175.</b> (A) As used in this section:	4819
(1) "Capital investment project" means a plan of investment	4820
at a project site for the acquisition, construction, renovation,	4821
expansion, replacement, or repair of a computer data center or of	4822
computer data center equipment, but does not include any of the	4823
following:	4824
(a) Project costs paid before a date determined by the tax	4825
credit authority for each capital investment project;	4826
(b) Payments made to a related member as defined in section	4827
5733.042 of the Revised Code or to a consolidated elected taxpayer	4828
or a combined taxpayer as defined in section 5751.01 of the	4829
Revised Code.	4830
(2) "Computer data center" means a facility used or to be	4831
used primarily to house computer data center equipment used or to	4832
be used in conducting one or more computer data center businesses,	4833
as determined by the tax credit authority.	4834
(3) "Computer data center business" means, as may be further	4835
determined by the tax credit authority, a business that provides	4836
electronic information services as defined in division (Y)(1)(c)	4837
of section 5739.01 of the Revised Code, or that leases a facility	4838
to one or more such businesses. "Computer data center business"	4839
does not include providing electronic publishing as defined in	4840
division (LLL) of that section.	4841
(4) "Computer data center equipment" means tangible personal	4842
property used or to be used for any of the following:	4843
(a) To conduct a computer data center business, including	4844
equipment cooling systems to manage the performance of computer	4845
data center equipment;	4846
(b) To generate, transform, transmit, distribute, or manage	4847
electricity necessary to operate the tangible personal property	4848

used or to be used in conducting a computer data center business; 4849

(c) As building and construction materials sold to 4850  
construction contractors for incorporation into a computer data 4851  
center. 4852

(5) "Eligible computer data center" means a computer data 4853  
center that satisfies all of the following requirements: 4854

(a) One or more taxpayers operating a computer data center 4855  
business at the project site will, in the aggregate, make payments 4856  
for a capital investment project of at least one hundred million 4857  
dollars at the project site during a period of three consecutive 4858  
calendar years; 4859

(b) One or more taxpayers operating a computer data center 4860  
business at the project site will, in the aggregate, pay annual 4861  
compensation that is subject to the withholding obligation imposed 4862  
under section 5747.06 of the Revised Code of at least one million 4863  
five hundred thousand dollars to employees employed at the project 4864  
site for each year of the agreement beginning on or after the 4865  
first day of the twenty-fifth month after the agreement was 4866  
entered into under this section. 4867

(6) "Person" has the same meaning as in section 5701.01 of 4868  
the Revised Code. 4869

(7) "Project site," "related member," and "tax credit 4870  
authority" have the same meanings as in sections 122.17 and 4871  
122.171 of the Revised Code. 4872

(8) "Taxpayer" means any person subject to the taxes imposed 4873  
under Chapters 5739. and 5741. of the Revised Code. 4874

(B) The tax credit authority may completely or partially 4875  
exempt from the taxes levied under Chapters 5739. and 5741. of the 4876  
Revised Code the sale, storage, use, or other consumption of 4877  
computer data center equipment used or to be used at an eligible 4878

computer data center. Any such exemption shall extend to charges 4879  
for the delivery, installation, or repair of the computer data 4880  
center equipment subject to the exemption under this section. 4881

(C) A taxpayer that proposes a capital improvement project 4882  
for an eligible computer data center in this state may apply to 4883  
the tax credit authority to enter into an agreement under this 4884  
section authorizing a complete or partial exemption from the taxes 4885  
imposed under Chapters 5739. and 5741. of the Revised Code on 4886  
computer data center equipment purchased by the applicant or any 4887  
other taxpayer that operates a computer data center business at 4888  
the project site and used or to be used at the eligible computer 4889  
data center. The director of development services shall prescribe 4890  
the form of the application. After receipt of an application, the 4891  
authority shall forward copies of the application to the director 4892  
of budget and management, and the tax commissioner, ~~and the~~ 4893  
~~director of development services,~~ each of whom shall review the 4894  
application to determine the economic impact that the proposed 4895  
eligible computer data center would have on the state and any 4896  
affected political subdivisions and submit to the authority a 4897  
summary of their determinations ~~and recommendations.~~ The authority 4898  
shall also forward a copy of the application to the director of 4899  
development services who shall review the application to determine 4900  
the economic impact that the proposed eligible computer data 4901  
center would have on the state and the affected political 4902  
subdivisions and shall submit a summary of their determinations 4903  
and recommendations to the authority. 4904

(D) Upon review and consideration of such determinations and 4905  
recommendations, the tax credit authority may enter into an 4906  
agreement with the applicant and any other taxpayer that operates 4907  
a computer data center business at the project site for a complete 4908  
or partial exemption from the taxes imposed under Chapters 5739. 4909  
and 5741. of the Revised Code on computer data center equipment 4910

used or to be used at an eligible computer data center if the authority determines all of the following:

(1) The capital investment project for the eligible computer data center will increase payroll and the amount of income taxes to be withheld from employee compensation pursuant to section 5747.06 of the Revised Code.

(2) The applicant is economically sound and has the ability to complete or effect the completion of the proposed capital investment project.

(3) The applicant intends to and has the ability to maintain operations at the project site for the term of the agreement.

(4) Receiving the exemption is a major factor in the applicant's decision to begin, continue with, or complete the capital investment project.

(E) An agreement entered into under this section shall include all of the following:

(1) A detailed description of the capital investment project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, the annual compensation to be paid by each taxpayer subject to the agreement to its employees at the project site, and the anticipated amount of income taxes to be withheld from employee compensation pursuant to section 5747.06 of the Revised Code.

(2) The percentage of the exemption from the taxes imposed under Chapters 5739. and 5741. of the Revised Code for the computer data center equipment used or to be used at the eligible computer data center, the length of time the computer data center equipment will be exempted, and the first date on which the exemption applies.

(3) A requirement that the computer data center remain an 4941  
eligible computer data center during the term of the agreement and 4942  
that the applicant maintain operations at the eligible computer 4943  
data center during that term. An applicant does not violate the 4944  
requirement described in division (E)(3) of this section if the 4945  
applicant ceases operations at the eligible computer data center 4946  
during the term of the agreement but resumes those operations 4947  
within eighteen months after the date of cessation. The agreement 4948  
shall provide that, in such a case, the applicant and any other 4949  
taxpayer that operates a computer data center business at the 4950  
project site shall not claim the tax exemption authorized in the 4951  
agreement for any purchase of computer data center equipment made 4952  
during the period in which the applicant did not maintain 4953  
operations at the eligible computer data center. 4954

(4) A requirement that, for each year of the term of the 4955  
agreement beginning on or after the first day of the twenty-fifth 4956  
month after the date the agreement was entered into, one or more 4957  
taxpayers operating a computer data center business at the project 4958  
site will, in the aggregate, pay annual compensation that is 4959  
subject to the withholding obligation imposed under section 4960  
5747.06 of the Revised Code of at least one million five hundred 4961  
thousand dollars to employees at the eligible computer data 4962  
center. 4963

(5) A requirement that each taxpayer subject to the agreement 4964  
annually report to the director of development services 4965  
employment, tax withholding, capital investment, and other 4966  
information required by the director to perform the director's 4967  
duties under this section. 4968

(6) A requirement that the director of development services 4969  
annually review the annual reports of each taxpayer subject to the 4970  
agreement to verify the information reported under division (E)(5) 4971  
of this section and compliance with the agreement. Upon 4972

verification, the director shall issue a certificate to each such taxpayer stating that the information has been verified and that the taxpayer remains eligible for the exemption specified in the agreement.

(7) A provision providing that the taxpayers subject to the agreement may not relocate a substantial number of employment positions from elsewhere in this state to the project site unless the director of development services determines that the appropriate taxpayer notified the legislative authority of the county, township, or municipal corporation from which the employment positions would be relocated. For purposes of this paragraph, the movement of an employment position from one political subdivision to another political subdivision shall be considered a relocation of an employment position unless the movement is confined to the project site. The transfer of an employment position from one political subdivision to another political subdivision shall not be considered a relocation of an employment position if the employment position in the first political subdivision is replaced by another employment position.

(8) A waiver by each taxpayer subject to the agreement of any limitations periods relating to assessments or adjustments resulting from the taxpayer's failure to comply with the agreement.

(F) The term of an agreement under this section shall be determined by the tax credit authority, and the amount of the exemption shall not exceed one hundred per cent of such taxes that would otherwise be owed in respect to the exempted computer data center equipment.

(G) If any taxpayer subject to an agreement under this section fails to meet or comply with any condition or requirement set forth in the agreement, the tax credit authority may amend the agreement to reduce the percentage of the exemption or term during



which the exemption applies to the computer data center equipment 5005  
used or to be used by the noncompliant taxpayer at an eligible 5006  
computer data center. The reduction of the percentage or term may 5007  
take effect in the current calendar year. 5008

(H) Financial statements and other information submitted to 5009  
the department of development services or the tax credit authority 5010  
by an applicant for or recipient of an exemption under this 5011  
section, and any information taken for any purpose from such 5012  
statements or information, are not public records subject to 5013  
section 149.43 of the Revised Code. However, the chairperson of 5014  
the authority may make use of the statements and other information 5015  
for purposes of issuing public reports or in connection with court 5016  
proceedings concerning tax exemption agreements under this 5017  
section. Upon the request of the tax commissioner, the chairperson 5018  
of the authority shall provide to the tax commissioner any 5019  
statement or other information submitted by an applicant for or 5020  
recipient of an exemption under this section. The tax commissioner 5021  
shall preserve the confidentiality of the statement or other 5022  
information. 5023

(I) The tax commissioner shall issue a direct payment permit 5024  
under section 5739.031 of the Revised Code to each taxpayer 5025  
subject to an agreement under this section. Such direct payment 5026  
permit shall authorize the taxpayer to pay any sales and use taxes 5027  
due on purchases of computer data center equipment used or to be 5028  
used in an eligible computer data center and to pay any sales and 5029  
use taxes due on purchases of tangible personal property or 5030  
taxable services other than computer data center equipment used or 5031  
to be used in an eligible computer data center directly to the tax 5032  
commissioner. Each such taxpayer shall pay pursuant to such direct 5033  
payment permit all sales tax levied on such purchases under 5034  
sections 5739.02, 5739.021, 5739.023, 5739.024, and 5739.026 of 5035  
the Revised Code and all use tax levied on such purchases under 5036

sections 5741.02, 5741.021, 5741.022, ~~and 5741.023,~~ and 5741.024 5037  
of the Revised Code, consistent with the terms of the agreement 5038  
entered into under this section. 5039

During the term of an agreement under this section each 5040  
taxpayer subject to the agreement shall submit to the tax 5041  
commissioner a return that shows the amount of computer data 5042  
center equipment purchased for use at the eligible computer data 5043  
center, the amount of tangible personal property and taxable 5044  
services other than computer data center equipment purchased for 5045  
use at the eligible computer data center, the amount of tax under 5046  
Chapter 5739. or 5741. of the Revised Code that would be due in 5047  
the absence of the agreement under this section, the exemption 5048  
percentage for computer data center equipment specified in the 5049  
agreement, and the amount of tax due under Chapter 5739. or 5741. 5050  
of the Revised Code as a result of the agreement under this 5051  
section. Each such taxpayer shall pay the tax shown on the return 5052  
to be due in the manner and at the times as may be further 5053  
prescribed by the tax commissioner. Each such taxpayer shall 5054  
include a copy of the director of development services' 5055  
certificate of verification issued under division (E)(6) of this 5056  
section. Failure to submit a copy of the certificate with the 5057  
return does not invalidate the claim for exemption if the taxpayer 5058  
submits a copy of the certificate to the tax commissioner within 5059  
sixty days after the tax commissioner requests it. 5060

(J) If the director of development services determines that 5061  
one or more taxpayers received an exemption from taxes due on the 5062  
purchase of computer data center equipment purchased for use at a 5063  
computer data center that no longer complies with the requirement 5064  
under division (E)(3) of this section, the director shall notify 5065  
the tax credit authority and, if applicable, the taxpayer that 5066  
applied to enter the agreement for the exemption under division 5067  
(C) ~~if~~ of this section of the noncompliance. After receiving such 5068

a notice, and after giving each taxpayer subject to the agreement 5069  
an opportunity to explain the noncompliance, the authority may 5070  
terminate the agreement and require each such taxpayer to pay to 5071  
the state all or a portion of the taxes that would have been owed 5072  
in regards to the exempt equipment in previous years, all as 5073  
determined under rules adopted pursuant to division (K) of this 5074  
section. In determining the portion of the taxes that would have 5075  
been owed on the previously exempted equipment to be paid to this 5076  
state by a taxpayer, the authority shall consider the effect of 5077  
market conditions on the eligible computer data center, whether 5078  
the taxpayer continues to maintain other operations in this state, 5079  
and, with respect to agreements involving multiple taxpayers, the 5080  
taxpayer's level of responsibility for the noncompliance. After 5081  
making the determination, the authority shall certify to the tax 5082  
commissioner the amount to be paid by each taxpayer subject to the 5083  
agreement. The tax commissioner shall make an assessment for that 5084  
amount against each such taxpayer under Chapter 5739. or 5741. of 5085  
the Revised Code. The time limitations on assessments under those 5086  
chapters do not apply to an assessment under this division, but 5087  
the tax commissioner shall make the assessment within one year 5088  
after the date the authority certifies to the tax commissioner the 5089  
amount to be paid by the taxpayer. 5090

(K) The director of development services, after consultation 5091  
with the tax commissioner and in accordance with Chapter 119. of 5092  
the Revised Code, shall adopt rules necessary to implement this 5093  
section. The rules may provide for recipients of tax exemptions 5094  
under this section to be charged fees to cover administrative 5095  
costs incurred in the administration of this section. The fees 5096  
collected shall be credited to the business assistance fund 5097  
created in section 122.174 of the Revised Code. At the time the 5098  
director gives public notice under division (A) of section 119.03 5099  
of the Revised Code of the adoption of the rules, the director 5100  
shall submit copies of the proposed rules to the chairpersons of 5101

the standing committees on economic development in the senate and 5102  
the house of representatives. 5103

(L) On or before the first day of August of each year, the 5104  
director of development services shall submit a report to the 5105  
governor, the president of the senate, and the speaker of the 5106  
house of representatives on the tax exemption authorized under 5107  
this section. The report shall include information on the number 5108  
of agreements that were entered into under this section during the 5109  
preceding calendar year, a description of the eligible computer 5110  
data center that is the subject of each such agreement, and an 5111  
update on the status of eligible computer data centers under 5112  
agreements entered into before the preceding calendar year. 5113

(M) A taxpayer may be made a party to an existing agreement 5114  
entered into under this section by the tax credit authority and 5115  
another taxpayer or group of taxpayers. In such a case, the 5116  
taxpayer shall be entitled to all benefits and bound by all 5117  
obligations contained in the agreement and all requirements 5118  
described in this section. When an agreement includes multiple 5119  
taxpayers, each taxpayer shall be entitled to a direct payment 5120  
permit as authorized in division (I) of this section. 5121

**Sec. 122.177.** (A) As used in this section: 5122

(1) "Business" means a sole proprietorship, a corporation for 5123  
profit, or a pass-through entity as defined in section 5733.04 of 5124  
the Revised Code. 5125

(2) "Career exploration internship" means a paid employment 5126  
relationship between a student intern and a business in which the 5127  
student intern acquires education, instruction, and experience 5128  
relevant to the student intern's career aspirations. 5129

(3) "Student intern" means an individual who, at the time the 5130  
business applies for a grant under division (B) of this section, 5131

meets both of the following criteria: 5132

(a) The individual is entitled to attend school in this 5133  
state. 5134

(b) The individual is either between sixteen and eighteen 5135  
years of age or is enrolled in grade eleven or twelve. 5136

(B) There is hereby created in the development services 5137  
agency the career exploration internship program to award grants 5138  
to businesses that employ a student intern in a career exploration 5139  
internship. To qualify for a grant under the program, the career 5140  
exploration internship shall be at least twenty weeks in duration 5141  
and include at least two hundred hours of paid work and 5142  
instruction in this state. To obtain a grant, the business shall 5143  
apply to the development services agency before the starting date 5144  
of the career exploration internship. The application shall 5145  
include all of the following: 5146

(1) A brief description of the career exploration internship; 5147

(2) A signed statement by the student intern briefly 5148  
describing the student intern's career aspirations and how the 5149  
student intern believes this career exploration internship may 5150  
help achieve those aspirations; 5151

(3) A signed statement by a principal or guidance counselor 5152  
at the student intern's school or, in the case of a home schooled 5153  
student, an individual responsible for administering instruction 5154  
to the student intern, acknowledging that the employment 5155  
opportunity qualifies as a career exploration internship and 5156  
expressing intent to advise the student intern as provided in 5157  
division (E) of this section; 5158

(4) The name, address, and telephone number of the business; 5159

(5) Any other information required by the development 5160  
services agency. 5161

(C)(1) The development services agency shall review and make 5162  
a determination with respect to each application submitted under 5163  
division (B) of this section in the order in which the application 5164  
is received. The agency shall not approve any application under 5165  
this section that is received by the agency ~~more than three years~~ 5166  
~~after the effective date of H.B. 107 of the 130th general assembly~~ 5167  
later than June 25, 2017, or that was submitted by a business that 5168  
does not have substantial operations in this state. The agency may 5169  
not otherwise deny an application unless the application is 5170  
incomplete, the proposed employment relationship does not qualify 5171  
as a career exploration internship for which a grant may be 5172  
awarded under this section, the business is ineligible to receive 5173  
a grant under division (D)(1) of this section, or the agency 5174  
determines that approving the application would cause the amount 5175  
that could be awarded to exceed the amount of money in the career 5176  
exploration internship fund. 5177

(2) The agency shall send written notice of its determination 5178  
to the applicant within thirty days after receiving the 5179  
application. If the agency determines that the application shall 5180  
not be approved, the notice shall include the reasons for such 5181  
determination. 5182

(3) The agency's determination is final and may not be 5183  
appealed for any reason. A business may submit a new or amended 5184  
application under division (B) of this section at any time before 5185  
or after receiving notice under division (C)(2) of this section. 5186

(D)(1) In any calendar year, the development services agency 5187  
shall not award grants under this section to any business that has 5188  
received grants for three career exploration internships in that 5189  
calendar year. The agency shall not award a grant to a business 5190  
unless the agency receives a report from the business within 5191  
thirty days after the end of the career exploration internship or 5192  
thirteen months after the approval of the application, whichever 5193

comes first, that includes all of the following:	5194
(a) The date the student intern began the internship;	5195
(b) The date the internship ended or a statement that the student will continue to be employed by the business;	5196 5197
(c) The total number of hours during the internship that the student intern was employed by the business;	5198 5199
(d) The total wages paid by the business to the student intern during the internship;	5200 5201
(e) A signed statement by the student intern briefly describing the duties performed during the internship and the skills and experiences gained throughout the internship;	5202 5203 5204
(f) Any other information required by the agency.	5205
(2) If the agency receives the report and determines that it contains all of the information and the statement required by division (D)(1) of this section and that the career exploration internship described in the report complies with all the provisions of this section, the agency shall award a grant to the business. The amount of the grant shall equal the lesser of the following:	5206 5207 5208 5209 5210 5211 5212
(a) Fifty per cent of the wages paid by the business to the student intern for the first twelve months following the date the application was approved;	5213 5214 5215
(b) Five thousand dollars.	5216
(E) The student intern and the principal, guidance counselor, or other qualified individual who signed the statement described in division (B)(3) of this section shall meet at least once in the thirty days following the end of the career exploration internship or in the thirteenth month following the start of the career exploration internship, whichever comes first. The purpose of the meeting is to discuss the student intern's experiences during the	5217 5218 5219 5220 5221 5222 5223

career exploration internship, consider the practical applications 5224  
of these experiences to the student intern's career aspirations, 5225  
and to establish or confirm goals for the student intern. If 5226  
practicable, the meeting shall be in person. Otherwise, the 5227  
meeting may be conducted over the telephone. 5228

(F) A business that receives a grant under this section may 5229  
submit a new application under division (B) of this section for 5230  
another career exploration internship with the same student 5231  
intern. Such an application does not have to include the 5232  
statements otherwise required by divisions (B)(2) and (3) of this 5233  
section. 5234

(G) Annually, ~~before on the seventh first~~ day of ~~January~~ 5235  
~~August~~ until the ~~January of the third year that follows the year~~ 5236  
~~that includes the effective date of H.B. 107 of the 130th general~~ 5237  
~~assembly~~ August 2017, the development services agency shall 5238  
compile a report indicating the number of career exploration 5239  
internships approved by the agency under this section, the 5240  
statements issued by the student interns under divisions (B)(2) 5241  
and (D)(1)(e) of this section, the number of student interns that 5242  
continued employment with the business after the termination of 5243  
the career exploration internship, and the total amount of grants 5244  
awarded under this section. The report shall not disclose any 5245  
student interns' personally identifiable information. The agency 5246  
shall provide copies of the report to the governor, the speaker 5247  
and minority leader of the house of representatives, and the 5248  
president and minority leader of the senate. 5249

(H) The development services agency may adopt rules necessary 5250  
to administer this section in accordance with Chapter 119. of the 5251  
Revised Code. 5252

(I) The career exploration internship fund is hereby created 5253  
in the state treasury. The fund shall consist of a portion of the 5254  
proceeds from the upfront license fees paid for the casino 5255



facilities authorized under Section 6(C) of Article XV, Ohio 5256  
Constitution. Money in the fund shall be used by the development 5257  
services agency to provide grants under this section. 5258

**Sec. 122.64.** (A) There is hereby established in the 5259  
development services agency a business services division. The 5260  
division shall be supervised by a deputy director appointed by the 5261  
director of development services. 5262

The division is responsible for the administration of the 5263  
state economic development financing programs established pursuant 5264  
to sections 122.17 and 122.18, sections 122.39 and 122.41 to 5265  
122.62, and Chapter 166. of the Revised Code. 5266

(B) The director of development services shall: 5267

(1) Receive applications for assistance pursuant to sections 5268  
122.39 and 122.41 to 122.62 and Chapter 166. of the Revised Code. 5269  
The director shall process the applications. 5270

(2) With the approval of the director of administrative 5271  
services, establish salary schedules for employees of the various 5272  
positions of employment with the division and assign the various 5273  
positions to those salary schedules; 5274

(3) Employ and fix the compensation of financial consultants, 5275  
appraisers, consulting engineers, superintendents, managers, 5276  
construction and accounting experts, attorneys, and other agents 5277  
for the assistance programs authorized pursuant to sections 122.17 5278  
and 122.18, sections 122.39 and 122.41 to 122.62, and Chapter 166. 5279  
of the Revised Code as are necessary; 5280

(4) Supervise the administrative operations of the division; 5281

(5) On or before the first day of ~~August~~ October in each 5282  
year, make an annual report of the activities and operations under 5283  
assistance programs authorized pursuant to sections 122.39 and 5284  
122.41 to 122.62 and Chapter 166. of the Revised Code for the 5285

preceding fiscal year to the governor and the general assembly. 5286  
Each such report shall set forth a complete operating and 5287  
financial statement covering such activities and operations during 5288  
the year in accordance with generally accepted accounting 5289  
principles and shall be audited by a certified public accountant. 5290  
The director of development services shall transmit a copy of the 5291  
audited financial report to the office of budget and management. 5292

**Sec. 122.85.** (A) As used in this section and in sections 5293  
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 5294

(1) "Tax credit-eligible production" means a motion picture 5295  
production certified by the director of development services under 5296  
division (B) of this section as qualifying the motion picture 5297  
company for a tax credit under section 5726.55, 5733.59, 5747.66, 5298  
or 5751.54 of the Revised Code. 5299

(2) "Certificate owner" means a motion picture company to 5300  
which a tax credit certificate is issued. 5301

(3) "Motion picture company" means an individual, 5302  
corporation, partnership, limited liability company, or other form 5303  
of business association producing a motion picture. 5304

(4) "Eligible production expenditures" means expenditures 5305  
made after June 30, 2009, for goods or services purchased and 5306  
consumed in this state by a motion picture company directly for 5307  
the production of a tax credit-eligible production. 5308

"Eligible production expenditures" includes, but is not 5309  
limited to, expenditures for resident and nonresident cast and 5310  
crew wages, accommodations, costs of set construction and 5311  
operations, editing and related services, photography, sound 5312  
synchronization, lighting, wardrobe, makeup and accessories, film 5313  
processing, transfer, sound mixing, special and visual effects, 5314  
music, location fees, and the purchase or rental of facilities and 5315

equipment. 5316

(5) "Motion picture" means entertainment content created in 5317  
whole or in part within this state for distribution or exhibition 5318  
to the general public, including, but not limited to, 5319  
feature-length films; documentaries; long-form, specials, 5320  
miniseries, series, and interstitial television programming; 5321  
interactive web sites; sound recordings; videos; music videos; 5322  
interactive television; interactive games; video games; 5323  
commercials; any format of digital media; and any trailer, pilot, 5324  
video teaser, or demo created primarily to stimulate the sale, 5325  
marketing, promotion, or exploitation of future investment in 5326  
either a product or a motion picture by any means and media in any 5327  
digital media format, film, or videotape, provided the motion 5328  
picture qualifies as a motion picture. "Motion picture" does not 5329  
include any television program created primarily as news, weather, 5330  
or financial market reports, a production featuring current events 5331  
or sporting events, an awards show or other gala event, a 5332  
production whose sole purpose is fundraising, a long-form 5333  
production that primarily markets a product or service or in-house 5334  
corporate advertising or other similar productions, a production 5335  
for purposes of political advocacy, or any production for which 5336  
records are required to be maintained under 18 U.S.C. 2257 with 5337  
respect to sexually explicit content. 5338

(B) For the purpose of encouraging and developing a strong 5339  
film industry in this state, the director of development may 5340  
certify a motion picture produced by a motion picture company as a 5341  
tax credit-eligible production. In the case of a television 5342  
series, the director may certify the production of each episode of 5343  
the series as a separate tax credit-eligible production. A motion 5344  
picture company shall apply for certification of a motion picture 5345  
as a tax credit-eligible production on a form and in the manner 5346  
prescribed by the director. Each application shall include the 5347

following information:	5348
(1) The name and telephone number of the motion picture production company;	5349 5350
(2) The name and telephone number of the company's contact person;	5351 5352
(3) A list of the first preproduction date through the last production date in Ohio;	5353 5354
(4) The Ohio production office address and telephone number;	5355
(5) The total production budget of the motion picture;	5356
(6) The total budgeted eligible production expenditures and the percentage that amount is of the total production budget of the motion picture;	5357 5358 5359
(7) The total percentage of the motion picture being shot in Ohio;	5360 5361
(8) The level of employment of cast and crew who reside in Ohio;	5362 5363
(9) A synopsis of the script;	5364
(10) The shooting script;	5365
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	5366 5367
(12) Documentation of financial ability to undertake and complete the motion picture;	5368 5369
(13) Estimated value of the tax credit based upon total budgeted eligible production expenditures;	5370 5371
(14) Any other information considered necessary by the director.	5372 5373
Within ninety days after certification of a motion picture as a tax credit-eligible production, and any time thereafter upon the	5374 5375

~~director of development services'~~ request of the director of 5376  
development services, the motion picture company shall present to 5377  
the director sufficient evidence of reviewable progress. If the 5378  
motion picture company fails to present sufficient evidence, the 5379  
director may rescind the certification. Upon rescission, the 5380  
director shall notify the applicant that the certification has 5381  
been rescinded. Nothing in this section prohibits an applicant 5382  
whose tax credit-eligible production certification has been 5383  
rescinded from submitting a subsequent application for 5384  
certification. 5385

(C)(1) A motion picture company whose motion picture has been 5386  
certified as a tax credit-eligible production may apply to the 5387  
director of development services on or after July 1, 2009, for a 5388  
refundable credit against the tax imposed by section 5726.02, 5389  
5733.06, 5747.02, or 5751.02 of the Revised Code. The director in 5390  
consultation with the tax commissioner shall prescribe the form 5391  
and manner of the application and the information or documentation 5392  
required to be submitted with the application. 5393

The credit is determined as follows: 5394

(a) If the total budgeted eligible production expenditures 5395  
stated in the application submitted under division (B) of this 5396  
section or the actual eligible production expenditures as finally 5397  
determined under division (D) of this section, whichever is least, 5398  
is less than or equal to three hundred thousand dollars, no credit 5399  
is allowed; 5400

(b) If the total budgeted eligible production expenditures 5401  
stated in the application submitted under division (B) of this 5402  
section or the actual eligible production expenditures as finally 5403  
determined under division (D) of this section, whichever is least, 5404  
is greater than three hundred thousand dollars, the credit equals 5405  
the sum of the following, subject to the limitation in division 5406  
(C)(4) of this section: 5407

(i) Twenty-five per cent of the least of such budgeted or 5408  
actual eligible expenditure amounts excluding budgeted or actual 5409  
eligible expenditures for resident cast and crew wages; 5410

(ii) Thirty-five per cent of budgeted or actual eligible 5411  
expenditures for resident cast and crew wages. 5412

(2) Except as provided in division (C)(4) of this section, if 5413  
the director of development services approves a motion picture 5414  
company's application for a credit, the director shall issue a tax 5415  
credit certificate to the company. The director in consultation 5416  
with the tax commissioner shall prescribe the form and manner of 5417  
issuing certificates. The director shall assign a unique 5418  
identifying number to each tax credit certificate and shall record 5419  
the certificate in a register devised and maintained by the 5420  
director for that purpose. The certificate shall state the amount 5421  
of the eligible production expenditures on which the credit is 5422  
based and the amount of the credit. Upon the issuance of a 5423  
certificate, the director shall certify to the tax commissioner 5424  
the name of the applicant, the amount of eligible production 5425  
expenditures shown on the certificate, and any other information 5426  
required by the rules adopted to administer this section. 5427

(3) The amount of eligible production expenditures for which 5428  
a tax credit may be claimed is subject to inspection and 5429  
examination by the tax commissioner or employees of the 5430  
commissioner under section 5703.19 of the Revised Code and any 5431  
other applicable law. Once the eligible production expenditures 5432  
are finally determined under section 5703.19 of the Revised Code 5433  
and division (D) of this section, the credit amount is not subject 5434  
to adjustment unless the director determines an error was 5435  
committed in the computation of the credit amount. 5436

(4) No tax credit certificate may be issued before the 5437  
completion of the tax credit-eligible production. Not more than 5438  
forty million dollars of tax credit may be allowed per fiscal 5439

biennium beginning on or after July 1, 2011, and not more than 5440  
twenty million dollars may be allowed in the first year of the 5441  
biennium. At any time, not more than five million dollars of tax 5442  
credit may be allowed per tax credit-eligible production. 5443

(D) A motion picture company whose motion picture has been 5444  
certified as a tax credit-eligible production shall engage, at the 5445  
company's expense, an independent certified public accountant to 5446  
examine the company's production expenditures to identify the 5447  
expenditures that qualify as eligible production expenditures. The 5448  
certified public accountant shall issue a report to the company 5449  
and to the director of development services certifying the 5450  
company's eligible production expenditures and any other 5451  
information required by the director. Upon receiving and examining 5452  
the report, the director may disallow any expenditure the director 5453  
determines is not an eligible production expenditure. If the 5454  
director disallows an expenditure, the director shall issue a 5455  
written notice to the motion picture production company stating 5456  
that the expenditure is disallowed and the reason for the 5457  
disallowance. Upon examination of the report and disallowance of 5458  
any expenditures, the director shall determine finally the lesser 5459  
of the total budgeted eligible production expenditures stated in 5460  
the application submitted under division (B) of this section or 5461  
the actual eligible production expenditures for the purpose of 5462  
computing the amount of the credit. 5463

(E) No credit shall be allowed under section 5726.55, 5464  
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 5465  
director has reviewed the report and made the determination 5466  
prescribed by division (D) of this section. 5467

(F) This state reserves the right to refuse the use of this 5468  
state's name in the credits of any tax credit-eligible motion 5469  
picture production. 5470

(G)(1) The director of development services in consultation 5471

with the tax commissioner shall adopt rules for the administration 5472  
of this section, including rules setting forth and governing the 5473  
criteria for determining whether a motion picture production is a 5474  
tax credit-eligible production; activities that constitute the 5475  
production of a motion picture; reporting sufficient evidence of 5476  
reviewable progress; expenditures that qualify as eligible 5477  
production expenditures; a competitive process for approving 5478  
credits; and consideration of geographic distribution of credits. 5479  
The rules shall be adopted under Chapter 119. of the Revised Code. 5480

(2) The director may require a reasonable application fee to 5481  
cover administrative costs of the tax credit program. The fees 5482  
collected shall be credited to the ~~motion picture tax credit~~ 5483  
~~program operating~~ business assistance fund, which is hereby 5484  
created in the ~~state treasury~~ section 122.174 of the Revised Code. 5485  
~~The motion picture tax credit program operating fund shall consist~~ 5486  
~~of all~~ All grants, gifts, fees, and contributions made to the 5487  
director for marketing and promotion of the motion picture 5488  
industry within this state shall also be credited to the fund. The 5489  
director shall use money in the fund to pay expenses related to 5490  
the administration of the Ohio film office and the credit 5491  
authorized by this section and sections 5726.55-, 5733.59, 5492  
5747.66, and 5751.54 of the Revised Code. 5493

**Sec. 122.87.** As used in sections 122.87 to 122.90 of the 5494  
Revised Code: 5495

(A) "Surety company" means a company that is authorized by 5496  
the department of insurance to issue bonds as surety. 5497

(B) "Minority business" means any of the following 5498  
occupations: 5499

(1) Minority construction contractor; 5500

(2) Minority seller; 5501



(3) Minority service vendor. 5502

(C) "Minority construction contractor" means a person who is 5503  
both a construction contractor and an owner of a minority business 5504  
enterprise certified under division (B) of section 123.151 of the 5505  
Revised Code. 5506

(D) "Minority seller" means a person who is both a seller of 5507  
goods and an owner of a minority business enterprise listed on the 5508  
special minority business enterprise bid notification list under 5509  
~~division (B) of~~ section 125.08 of the Revised Code. 5510

(E) "Minority service vendor" means a person who is both a 5511  
vendor of services and an owner of a minority business enterprise 5512  
listed on the special minority business enterprise bid 5513  
notification list under ~~division (B) of~~ section 125.08 of the 5514  
Revised Code. 5515

(F) "Minority business enterprise" has the meaning given in 5516  
section 122.71 of the Revised Code. 5517

(G) "EDGE business enterprise" means a sole proprietorship, 5518  
association, partnership, corporation, limited liability 5519  
corporation, or joint venture certified as a participant in the 5520  
encouraging diversity, growth, and equity program by the director 5521  
of administrative services under section 123.152 of the Revised 5522  
Code. 5523

**Sec. 122.95.** As used in ~~sections 122.95 to 122.952~~ this 5524  
section and section 122.951 of the Revised Code: 5525

(A) "Commercial or industrial areas" means areas zoned either 5526  
commercial or industrial by the local zoning authority or an area 5527  
not zoned, but in which there is located one or more commercial or 5528  
industrial activities. 5529

(B) "Eligible county" means any of the following: 5530

(1) A county designated as being in the "Appalachian region" 5531

under the "Appalachian Regional Development Act of 1965," 79 Stat. 5532  
5, 40 U.S.C. App. 403; 5533

(2) A county that is a "distressed area" as defined in 5534  
section 122.16 of the Revised Code; 5535

(3) A county that within the previous calendar year has had a 5536  
job loss numbering two hundred or more of which one hundred or 5537  
more are manufacturing-related as reported in the notices prepared 5538  
by the department of job and family services pursuant to the 5539  
"Worker Adjustment and Retraining Notification Act," 102 Stat. 890 5540  
(1988), 29 U.S.C. 2101 et seq., as amended. 5541

**Sec. 122.951.** (A) If the director of development services 5542  
determines that a grant ~~from the industrial site improvement fund~~ 5543  
may create new jobs or preserve existing jobs and employment 5544  
opportunities in an eligible county, the director may grant up to 5545  
seven hundred fifty thousand dollars ~~from the fund~~ to the eligible 5546  
county for the purpose of acquiring commercial or industrial land 5547  
or buildings and making improvements to commercial or industrial 5548  
areas within the eligible county, including, but not limited to: 5549

(1) Expanding, remodeling, renovating, and modernizing 5550  
buildings, structures, and other improvements; 5551

(2) Remediating environmentally contaminated property on 5552  
which hazardous substances exist under conditions that have caused 5553  
or would cause the property to be identified as contaminated by 5554  
the Ohio or United States environmental protection agency; and 5555

(3) Infrastructure improvements, including, but not limited 5556  
to, site preparation, including building demolition and removal; 5557  
streets, roads, bridges, and traffic control devices; parking lots 5558  
and facilities; water and sewer lines and treatment plants; gas, 5559  
electric, and telecommunications, including broadband, hook-ups; 5560  
and water and railway access improvements. 5561

A grant awarded under this section shall provide not more than seventy-five per cent of the estimated total cost of the project for which an application is submitted under this section. In addition, not more than ten per cent of the amount of the grant shall be used to pay the costs of professional services related to the project.

(B) An eligible county may apply to the director for a grant under this section in the form and manner prescribed by the director. The eligible county shall include on the application all information required by the director. The application shall require the eligible county to provide a detailed description of how the eligible county would use a grant to improve commercial or industrial areas within the eligible county, and to specify how a grant will lead to the creation of new jobs or the preservation of existing jobs and employment opportunities in the eligible county. The eligible county shall specify in the application the amount of the grant for which the eligible county is applying.

~~(C) An eligible county that receives a grant under this section is not eligible for any additional grants from the industrial site improvement fund in the fiscal year in which the grant is received and in the subsequent fiscal year.~~

~~(D)~~ An eligible county may designate a port authority, community improvement corporation as defined in section 122.71 of the Revised Code, or other economic development entity that is located in the county to apply for a grant under this section. If a port authority, community improvement corporation, or other economic development entity is so designated, references to an eligible county in this section include references to the authority, corporation, or other entity.

**Sec. 123.10.** (A) As used in this section and section 123.11 of the Revised Code, "public exigency" means an injury or

obstruction that occurs in any public works of the state 5593  
~~maintained by the director of administrative services~~ and that 5594  
materially impairs its immediate use or places in jeopardy 5595  
property adjacent to it; an immediate danger of such an injury or 5596  
obstruction; or an injury or obstruction, or an immediate danger 5597  
of an injury or obstruction, that occurs in any public works of 5598  
the state ~~maintained by the director of administrative services~~ 5599  
and that materially impairs its immediate use or places in 5600  
jeopardy property adjacent to it. 5601

(B) When a declaration of public exigency is issued pursuant 5602  
to division (C) of this section, the Ohio facilities construction 5603  
commission shall enter into contracts with proper persons for the 5604  
performance of labor, the furnishing of materials, or the 5605  
construction of any structures and buildings necessary to the 5606  
maintenance, control, and management of the public works of the 5607  
state or any part of those public works. Any contracts awarded for 5608  
the work performed pursuant to the declaration of a public 5609  
exigency may be awarded without competitive bidding or selection 5610  
as set forth in Chapter 153. of the Revised Code. 5611

(C) The executive director of the Ohio facilities 5612  
construction commission may issue a declaration of a public 5613  
exigency on the executive director's own initiative or upon the 5614  
request of the director of any state agency, a state institution 5615  
of higher education as defined in division (A)(1) of section 5616  
3345.12 of the Revised Code, or any other state instrumentality. 5617  
The executive director's declaration shall identify the specific 5618  
injury, obstruction, or danger that is the subject of the 5619  
declaration and shall set forth a dollar limitation for the 5620  
repair, removal, or prevention of that exigency under the 5621  
declaration. 5622

Before any project to repair, remove, or prevent a public 5623  
exigency under the executive director's declaration may begin, the 5624

executive director shall send notice of the project, in writing, 5625  
to the director of budget and management and to the members of the 5626  
controlling board. That notice shall detail the project to be 5627  
undertaken to address the public exigency and shall include a copy 5628  
of the executive director's declaration that establishes the 5629  
monetary limitations on that project. 5630

**Sec. 123.28.** As used in this section and in section 123.281 5631  
of the Revised Code: 5632

(A) "Culture" means any of the following: 5633

(1) Visual, musical, dramatic, graphic, design, and other 5634  
arts, including, but not limited to, architecture, dance, 5635  
literature, motion pictures, music, painting, photography, 5636  
sculpture, and theater, and the provision of training or education 5637  
in these arts; 5638

(2) The presentation or making available, in museums or other 5639  
indoor or outdoor facilities, of principles of science and their 5640  
development, use, or application in business, industry, or 5641  
commerce or of the history, heritage, development, presentation, 5642  
and uses of the arts described in division (A)(1) of this section 5643  
and of transportation; 5644

(3) The preservation, presentation, or making available of 5645  
features of archaeological, architectural, environmental, or 5646  
historical interest or significance in a state historical facility 5647  
or a local historical facility. 5648

(B) "Cultural organization" means either of the following: 5649

(1) A governmental agency or Ohio nonprofit corporation, 5650  
including the Ohio historical society, that provides programs or 5651  
activities in areas directly concerned with culture; 5652

(2) A regional arts and cultural district as defined in 5653  
section 3381.01 of the Revised Code. 5654

(C) "Cultural project" means all or any portion of an Ohio cultural facility for which the general assembly has made an appropriation or has specifically authorized the spending of money or the making of rental payments relating to the financing of construction.

(D) "Cooperative ~~contract~~ use agreement" means a contract between the Ohio facilities construction commission and a cultural organization providing the terms and conditions of the cooperative use of an Ohio cultural facility.

(E) "Costs of operation" means amounts required to manage an Ohio cultural facility that are incurred following the completion of construction of its cultural project, provided that both of the following apply:

(1) Those amounts either:

(a) Have been committed to a fund dedicated to that purpose;

(b) Equal the principal of any endowment fund, the income from which is dedicated to that purpose.

(2) The commission and the cultural organization have executed an agreement with respect to either of those funds.

(F) "Governmental agency" means a state agency, a state institution of higher education as defined in section 3345.12 of the Revised Code, a municipal corporation, county, township, or school district, a port authority created under Chapter 4582. of the Revised Code, any other political subdivision or special district in this state established by or pursuant to law, or any combination of these entities; except where otherwise indicated, the United States or any department, division, or agency of the United States, or any agency, commission, or authority established pursuant to an interstate compact or agreement.

(G) "Local contributions" means the value of an asset

provided by or on behalf of a cultural organization from sources 5685  
other than the state, the value and nature of which shall be 5686  
approved by the Ohio facilities construction commission, in its 5687  
sole discretion. "Local contributions" may include the value of 5688  
the site where a cultural project is to be constructed. All "local 5689  
contributions," except a contribution attributable to such a site, 5690  
shall be for the costs of construction of a cultural project or 5691  
the creation or expansion of an endowment for the costs of 5692  
operation of a cultural facility. 5693

(H) "Local historical facility" means a site or facility, 5694  
other than a state historical facility, of archaeological, 5695  
architectural, environmental, or historical interest or 5696  
significance, or a facility, including a storage facility, 5697  
appurtenant to the operations of such a site or facility, that is 5698  
owned by a cultural organization and is used for or in connection 5699  
with cultural activities, including the presentation or making 5700  
available of culture to the public. 5701

(I) "Manage," "operate," or "management" means the provision 5702  
of, or the exercise of control over the provision of, activities: 5703

(1) Relating to culture for an Ohio cultural facility, 5704  
including as applicable, but not limited to, providing for 5705  
displays, exhibitions, specimens, and models; booking of artists, 5706  
performances, or presentations; scheduling; and hiring or 5707  
contracting for directors, curators, technical and scientific 5708  
staff, ushers, stage managers, and others directly related to the 5709  
cultural activities in the facility; but not including general 5710  
building services; 5711

(2) Relating to sports and athletic events for an Ohio sports 5712  
facility, including as applicable, but not limited to, providing 5713  
for booking of athletes, teams, and events; scheduling; and hiring 5714  
or contracting for staff, ushers, managers, and others directly 5715  
related to the sports and athletic events in the facility; but not 5716

including general building services. 5717

(J) "Ohio cultural facility" means any of the following: 5718

(1) The theaters located in the state office tower at 77 5719  
South High street in Columbus; 5720

(2) Any cultural facility in this state that is managed 5721  
directly by, or is subject to a cooperative use or management 5722  
~~contract~~ agreement with, the Ohio facilities construction 5723  
commission. 5724

(3) A state historical facility or a local historical 5725  
facility. 5726

(K) "Construction" includes acquisition, including 5727  
acquisition by lease-purchase, demolition, reconstruction, 5728  
alteration, renovation, remodeling, enlargement, improvement, site 5729  
improvements, and related equipping and furnishing. 5730

(L) "State historical facility" means a site or facility that 5731  
has all of the following characteristics: 5732

(1) It is created, supervised, operated, protected, 5733  
maintained, and promoted by the Ohio historical society pursuant 5734  
to the society's performance of public functions under sections 5735  
149.30 and 149.302 of the Revised Code. 5736

(2) Its title must reside wholly or in part with the state, 5737  
the society, or both the state and the society. 5738

(3) It is managed directly by or is subject to a cooperative 5739  
use or management ~~contract~~ agreement with the Ohio facilities 5740  
construction commission and is used for or in connection with 5741  
cultural activities, including the presentation or making 5742  
available of culture to the public. 5743

(M) "Ohio sports facility" means all or a portion of a 5744  
stadium, arena, tennis facility, motorsports complex, or other 5745  
capital facility in this state. A primary purpose of the facility 5746



shall be to provide a site or venue for the presentation to the public of motorsports events, professional tennis tournaments, or events of one or more major or minor league professional athletic or sports teams that are associated with the state or with a city or region of the state. The facility shall be, in the case of a motorsports complex, owned by the state or governmental agency, or in all other instances, owned by or located on real property owned by the state or a governmental agency, and includes all parking facilities, walkways, and other auxiliary facilities, equipment, furnishings, and real and personal property and interests and rights therein, that may be appropriate for or used for or in connection with the facility or its operation, for capital costs of which state funds are spent pursuant to this section and section 123.281 of the Revised Code. A facility constructed as an Ohio sports facility may be both an Ohio cultural facility and an Ohio sports facility.

(N) "Motorsports" means sporting events in which motor vehicles are driven on a clearly demarcated tracked surface.

**Sec. 123.281.** (A) The Ohio facilities construction commission shall provide for the construction of a cultural project in conformity with Chapter 153. of the Revised Code, except for construction services provided on behalf of the state by a governmental agency or a cultural organization in accordance with divisions (B) and (C) of this section.

(B) In order for a governmental agency or a cultural organization to provide construction services on behalf of the state for a cultural project, other than a state historical facility, for which the general assembly has made an appropriation or specifically authorized the spending of money or the making of rental payments relating to the financing of the construction, the governmental agency or cultural organization shall submit to the

Ohio facilities construction commission a cooperative <u>use</u>	5778
agreement that includes, but is not limited to, provisions that:	5779
(1) Specify how the proposed project will support culture, <del>as</del>	5780
<del>defined in section 123.28 of the Revised Code;</del>	5781
(2) Specify that the governmental agency or cultural	5782
organization has local contributions amounting to not less than	5783
fifty per cent of the total state funding for the cultural	5784
project;	5785
(3) Specify that the funds shall be used only for	5786
construction, <del>as defined in section 123.28 of the Revised Code;</del>	5787
(4) Identify the facility to be constructed, renovated,	5788
remodeled, or improved;	5789
(5) Specify that the project scope meets the intent and	5790
purpose of the project appropriation and that the project can be	5791
completed and ready <del>for full occupancy</del> <u>to support culture</u> without	5792
exceeding appropriated funds;	5793
(6) Specify that the governmental agency or cultural	5794
organization shall hold the Ohio facilities construction	5795
commission harmless from all liability for the operation and	5796
maintenance costs of the facility;	5797
(7) Specify that the agreement or any actions taken under it	5798
are not subject to <del>Chapters</del> <u>Chapter</u> 123. or 153. of the Revised	5799
Code, except for <del>section</del> <u>sections 123.20, 123.201, 123.21, 123.28,</u>	5800
<u>123.281, and</u> 153.011 of the Revised Code, and are subject to	5801
Chapter 4115. of the Revised Code; and	5802
(8) Provide that amendments to the agreement shall require	5803
the approval of the Ohio facilities construction commission.	5804
(C) In order for a cultural organization to provide	5805
construction services on behalf of the state for a state	5806
historical facility for which the general assembly has made an	5807

appropriation or specifically authorized the spending of money or 5808  
the making of rental payments relating to the financing of the 5809  
construction, the cultural organization shall submit to the Ohio 5810  
facilities construction commission a cooperative use agreement 5811  
that includes, but is not limited to, provisions that: 5812

(1) Specify how the proposed project will support culture, ~~as~~ 5813  
~~defined in section 123.28 of the Revised Code;~~ 5814

(2) Specify that the funds shall be used only for 5815  
construction, ~~as defined in section 123.28 of the Revised Code;~~ 5816

(3) Specify that not more than three per cent of the funds 5817  
may be used by the cultural organization to administer the 5818  
project; 5819

(4) Identify the facility to be constructed, renovated, 5820  
remodeled, or improved; 5821

~~(4)~~(5) Specify that the project scope meets the intent and 5822  
purpose of the project appropriation and that the project can be 5823  
completed and ready ~~for full occupancy~~ to support culture without 5824  
exceeding appropriated funds; 5825

~~(5)~~(6) Specify that the cultural organization shall hold the 5826  
Ohio facilities construction commission harmless from all 5827  
liability for the operation and maintenance costs of the facility; 5828

~~(6)~~(7) Specify that the agreement or any actions taken under 5829  
it are not subject to ~~Chapters~~ Chapter 123., 153., or 4115. of the 5830  
Revised Code, except for sections 123.20, 123.201, 123.21, 123.28, 5831  
and 123.281 of the Revised Code; and 5832

~~(7)~~(8) Provide that amendments to the agreement shall require 5833  
the approval of the Ohio facilities construction commission. 5834

(D) For an Ohio sports facility that is financed in part by 5835  
obligations issued under Chapter 154. of the Revised Code, 5836  
construction services shall be provided on behalf of the state by 5837

or at the direction of the governmental agency or nonprofit corporation that will own or be responsible for the management of the facility. Any construction services to be provided by a governmental agency or nonprofit corporation shall be specified in a cooperative use agreement between the Ohio facilities construction commission and the governmental agency or nonprofit corporation. The agreement and any actions taken under it are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.20, 123.201, 123.21, 123.28, 123.281, and 153.011 of the Revised Code, and are subject to Chapter 4115. of the Revised Code.

(E) State funds shall not be used to pay or reimburse more than fifteen per cent of the initial estimated construction cost of an Ohio sports facility, excluding any site acquisition cost, and no state funds, including any state bond proceeds, shall be spent on any Ohio sports facility under this chapter unless, with respect to that facility, all of the following apply:

(1) The Ohio facilities construction commission has received a financial and development plan satisfactory to it, and provision has been made, by agreement or otherwise, satisfactory to the commission, for a contribution amounting to not less than eighty-five per cent of the total estimated construction cost of the facility, excluding any site acquisition cost, from sources other than the state.

(2) The general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the facility, or for rental payments relating to state financing of all or a portion of the costs of constructing the facility. Authorization to spend money, or an appropriation, for planning or determining the feasibility of or need for the facility does not constitute authorization to spend money on, or an appropriation for, costs of constructing the facility.

(3) If state bond proceeds are being used for the Ohio sports facility, the state or a governmental agency owns or has sufficient property interests in the facility or in the site of the facility or in the portion or portions of the facility financed from proceeds of state bonds, which may include, but is not limited to, the right to use or to require the use of the facility for the presentation of sport and athletic events to the public at the facility.

~~(E)~~(F) In addition to the requirements of division ~~(D)~~(E) of this section, no state funds, including any state bond proceeds, shall be spent on any Ohio sports facility that is a motorsports complex, unless, with respect to that facility, both of the following apply:

(1) Motorsports events shall be presented at the facility pursuant to a lease entered into with the owner of the facility. The term of the lease shall be for a period of not less than the greater of the useful life of the portion of the facility financed from proceeds of state bonds as determined using the guidelines for maximum maturities as provided under divisions (B) and (C) of section 133.20 of the Revised Code, or the period of time remaining to the date of payment or provision for payment of outstanding state bonds allocable to costs of the facility, all as determined by the director of budget and management and certified by the executive director of the Ohio facilities construction commission and to the treasurer of state.

(2) Any motorsports organization that commits to using the facility for an established period of time shall give the political subdivision in which the facility is located not less than six months' advance notice if the organization intends to cease utilizing the facility prior to the expiration of that established period. Such a motorsports organization shall be liable to the state for any state funds used on the construction

costs of the facility. 5902

~~(F)~~(G) In addition to the requirements of division ~~(D)~~(E) of 5903  
this section, no state bond proceeds shall be spent on any Ohio 5904  
sports facility that is a tennis facility, unless the owner or 5905  
manager of the facility provides contractual commitments from a 5906  
national or international professional tennis organization in a 5907  
form acceptable to the Ohio facilities construction commission 5908  
that assures that one or more sanctioned professional tennis 5909  
events will be presented at the facility during each year that the 5910  
bonds remain outstanding. 5911

**Sec. 124.14.** (A)(1) The director of administrative services 5912  
shall establish, and may modify or rescind, ~~by rule,~~ a job 5913  
classification plan for all positions, offices, and employments in 5914  
the service of the state. The director shall group jobs within a 5915  
classification so that the positions are similar enough in duties 5916  
and responsibilities to be described by the same title, to have 5917  
the same pay assigned with equity, and to have the same 5918  
qualifications for selection applied. The director shall, ~~by rule,~~ 5919  
assign a classification title to each classification within the 5920  
classification plan. However, the director shall consider in 5921  
establishing classifications, including classifications with 5922  
parenthetical titles, and assigning pay ranges such factors as 5923  
duties performed only on one shift, special skills in short supply 5924  
in the labor market, recruitment problems, separation rates, 5925  
comparative salary rates, the amount of training required, and 5926  
other conditions affecting employment. The director shall describe 5927  
the duties and responsibilities of the class, establish the 5928  
qualifications for being employed in each position in the class, 5929  
and file with the secretary of state a copy of specifications for 5930  
all of the classifications. The director shall file new, 5931  
additional, or revised specifications with the secretary of state 5932  
before they are used. 5933

The director shall, ~~by rule,~~ assign each classification, 5934  
either on a statewide basis or in particular counties or state 5935  
institutions, to a pay range established under section 124.15 or 5936  
section 124.152 of the Revised Code. The director may assign a 5937  
classification to a pay range on a temporary basis for a period of 5938  
six months. The director may establish, ~~by rule adopted under~~ 5939  
~~Chapter 119. of the Revised Code,~~ experimental classification 5940  
plans for some or all employees paid directly by warrant of the 5941  
director of budget and management. ~~The rule~~ Any such experimental 5942  
classification plan shall include specifications for each 5943  
classification within the plan and shall specifically address 5944  
compensation ranges, and methods for advancing within the ranges, 5945  
for the classifications, which may be assigned to pay ranges other 5946  
than the pay ranges established under section 124.15 or 124.152 of 5947  
the Revised Code. 5948

(2) The director of administrative services may reassign to a 5949  
proper classification those positions that have been assigned to 5950  
an improper classification. If the compensation of an employee in 5951  
such a reassigned position exceeds the maximum rate of pay for the 5952  
employee's new classification, the employee shall be placed in pay 5953  
step X and shall not receive an increase in compensation until the 5954  
maximum rate of pay for that classification exceeds the employee's 5955  
compensation. 5956

(3) The director may reassign an exempt employee, as defined 5957  
in section 124.152 of the Revised Code, to a bargaining unit 5958  
classification if the director determines that the bargaining unit 5959  
classification is the proper classification for that employee. 5960  
Notwithstanding Chapter 4117. of the Revised Code or instruments 5961  
and contracts negotiated under it, these placements are at the 5962  
director's discretion. 5963

(4) The director shall, ~~by rule,~~ assign related 5964  
classifications, which form a career progression, to a 5965

classification series. The director shall, ~~by rule,~~ assign each 5966  
classification in the classification plan a five-digit number, the 5967  
first four digits of which shall denote the classification series 5968  
to which the classification is assigned. When a career progression 5969  
encompasses more than ten classifications, the director shall, ~~by~~ 5970  
~~rule,~~ identify the additional classifications belonging to a 5971  
classification series. The additional classifications shall be 5972  
part of the classification series, notwithstanding the fact that 5973  
the first four digits of the number assigned to the additional 5974  
classifications do not correspond to the first four digits of the 5975  
numbers assigned to other classifications in the classification 5976  
series. 5977

(B) Division (A) of this section and sections 124.15 and 5978  
124.152 of the Revised Code do not apply to the following persons, 5979  
positions, offices, and employments: 5980

(1) Elected officials; 5981

(2) Legislative employees, employees of the legislative 5982  
service commission, employees in the office of the governor, 5983  
employees who are in the unclassified civil service and exempt 5984  
from collective bargaining coverage in the office of the secretary 5985  
of state, auditor of state, treasurer of state, and attorney 5986  
general, and employees of the supreme court; 5987

(3) Any position for which the authority to determine 5988  
compensation is given by law to another individual or entity; 5989

(4) Employees of the bureau of workers' compensation whose 5990  
compensation the administrator of workers' compensation 5991  
establishes under division (B) of section 4121.121 of the Revised 5992  
Code. 5993

(C) The director may employ a consulting agency to aid and 5994  
assist the director in carrying out this section. 5995

(D)(1) When the director proposes to modify a classification 5996



or the assignment of classes to appropriate pay ranges, the 5997  
director shall ~~send written notice of the proposed rule to notify~~ 5998  
the appointing authorities of the affected employees ~~thirty days~~ 5999  
before a ~~hearing on~~ implementing the proposed rule modification. 6000  
The director's notice shall include the effective date of the 6001  
modification. The appointing authorities shall notify the affected 6002  
employees regarding the proposed rule modification. ~~The director~~ 6003  
~~also shall send those appointing authorities notice of any final~~ 6004  
~~rule that is adopted within ten days after adoption.~~ 6005

(2) When the director proposes to reclassify any employee in 6006  
the service of the state so that the employee is adversely 6007  
affected, the director shall give to the employee affected and to 6008  
the employee's appointing authority a written notice setting forth 6009  
the proposed new classification, pay range, and salary. Upon the 6010  
request of any classified employee in the service of the state who 6011  
is not serving in a probationary period, the director shall 6012  
perform a job audit to review the classification of the employee's 6013  
position to determine whether the position is properly classified. 6014  
The director shall give to the employee affected and to the 6015  
employee's appointing authority a written notice of the director's 6016  
determination whether or not to reclassify the position or to 6017  
reassign the employee to another classification. An employee or 6018  
appointing authority desiring a hearing shall file a written 6019  
request for the hearing with the state personnel board of review 6020  
within thirty days after receiving the notice. The board shall set 6021  
the matter for a hearing and notify the employee and appointing 6022  
authority of the time and place of the hearing. The employee, the 6023  
appointing authority, or any authorized representative of the 6024  
employee who wishes to submit facts for the consideration of the 6025  
board shall be afforded reasonable opportunity to do so. After the 6026  
hearing, the board shall consider anew the reclassification and 6027  
may order the reclassification of the employee and require the 6028  
director to assign the employee to such appropriate classification 6029

as the facts and evidence warrant. As provided in division (A)(1) 6030  
of section 124.03 of the Revised Code, the board may determine the 6031  
most appropriate classification for the position of any employee 6032  
coming before the board, with or without a job audit. The board 6033  
shall disallow any reclassification or reassignment classification 6034  
of any employee when it finds that changes have been made in the 6035  
duties and responsibilities of any particular employee for 6036  
political, religious, or other unjust reasons. 6037

(E)(1) Employees of each county department of job and family 6038  
services shall be paid a salary or wage established by the board 6039  
of county commissioners. The provisions of section 124.18 of the 6040  
Revised Code concerning the standard work week apply to employees 6041  
of county departments of job and family services. A board of 6042  
county commissioners may do either of the following: 6043

(a) Notwithstanding any other section of the Revised Code, 6044  
supplement the sick leave, vacation leave, personal leave, and 6045  
other benefits of any employee of the county department of job and 6046  
family services of that county, if the employee is eligible for 6047  
the supplement under a written policy providing for the 6048  
supplement; 6049

(b) Notwithstanding any other section of the Revised Code, 6050  
establish alternative schedules of sick leave, vacation leave, 6051  
personal leave, or other benefits for employees not inconsistent 6052  
with the provisions of a collective bargaining agreement covering 6053  
the affected employees. 6054

(2) Division (E)(1) of this section does not apply to 6055  
employees for whom the state employment relations board 6056  
establishes appropriate bargaining units pursuant to section 6057  
4117.06 of the Revised Code, except in either of the following 6058  
situations: 6059

(a) The employees for whom the state employment relations 6060

board establishes appropriate bargaining units elect no 6061  
representative in a board-conducted representation election. 6062

(b) After the state employment relations board establishes 6063  
appropriate bargaining units for such employees, all employee 6064  
organizations withdraw from a representation election. 6065

(F)(1) Notwithstanding any contrary provision of sections 6066  
124.01 to 124.64 of the Revised Code, the board of trustees of 6067  
each state university or college, as defined in section 3345.12 of 6068  
the Revised Code, shall carry out all matters of governance 6069  
involving the officers and employees of the university or college, 6070  
including, but not limited to, the powers, duties, and functions 6071  
of the department of administrative services and the director of 6072  
administrative services specified in this chapter. Officers and 6073  
employees of a state university or college shall have the right of 6074  
appeal to the state personnel board of review as provided in this 6075  
chapter. 6076

(2) Each board of trustees shall adopt rules under section 6077  
111.15 of the Revised Code to carry out the matters of governance 6078  
described in division (F)(1) of this section. Until the board of 6079  
trustees adopts those rules, a state university or college shall 6080  
continue to operate pursuant to the applicable rules adopted by 6081  
the director of administrative services under this chapter. 6082

(G)(1) Each board of county commissioners may, by a 6083  
resolution adopted by a majority of its members, establish a 6084  
county personnel department to exercise the powers, duties, and 6085  
functions specified in division (G) of this section. As used in 6086  
division (G) of this section, "county personnel department" means 6087  
a county personnel department established by a board of county 6088  
commissioners under division (G)(1) of this section. 6089

(2)(a) Each board of county commissioners, by a resolution 6090  
adopted by a majority of its members, may designate the county 6091

personnel department of the county to exercise the powers, duties, 6092  
and functions specified in sections 124.01 to 124.64 and Chapter 6093  
325. of the Revised Code with regard to employees in the service 6094  
of the county, except for the powers and duties of the state 6095  
personnel board of review, which powers and duties shall not be 6096  
construed as having been modified or diminished in any manner by 6097  
division (G)(2) of this section, with respect to the employees for 6098  
whom the board of county commissioners is the appointing authority 6099  
or co-appointing authority. 6100

(b) Nothing in division (G)(2) of this section shall be 6101  
construed to limit the right of any employee who possesses the 6102  
right of appeal to the state personnel board of review to continue 6103  
to possess that right of appeal. 6104

(c) Any board of county commissioners that has established a 6105  
county personnel department may contract with the department of 6106  
administrative services, in accordance with division (H) of this 6107  
section, another political subdivision, or an appropriate public 6108  
or private entity to provide competitive testing services or other 6109  
appropriate services. 6110

(3) After the county personnel department of a county has 6111  
been established as described in division (G)(2) of this section, 6112  
any elected official, board, agency, or other appointing authority 6113  
of that county, upon written notification to the county personnel 6114  
department, may elect to use the services and facilities of the 6115  
county personnel department. Upon receipt of the notification by 6116  
the county personnel department, the county personnel department 6117  
shall exercise the powers, duties, and functions as described in 6118  
division (G)(2) of this section with respect to the employees of 6119  
that elected official, board, agency, or other appointing 6120  
authority. 6121

(4) Each board of county commissioners, by a resolution 6122  
adopted by a majority of its members, may disband the county 6123

personnel department. 6124

(5) Any elected official, board, agency, or appointing 6125  
authority of a county may end its involvement with a county 6126  
personnel department upon actual receipt by the department of a 6127  
certified copy of the notification that contains the decision to 6128  
no longer participate. 6129

(6) A county personnel department, in carrying out its 6130  
duties, shall adhere to merit system principles with regard to 6131  
employees of county departments of job and family services, child 6132  
support enforcement agencies, and public child welfare agencies so 6133  
that there is no threatened loss of federal funding for these 6134  
agencies, and the county is financially liable to the state for 6135  
any loss of federal funds due to the action or inaction of the 6136  
county personnel department. 6137

(H) County agencies may contract with the department of 6138  
administrative services for any human resources services, 6139  
including, but not limited to, establishment and modification of 6140  
job classification plans, competitive testing services, and 6141  
periodic audits and reviews of the county's uniform application of 6142  
the powers, duties, and functions specified in sections 124.01 to 6143  
124.64 and Chapter 325. of the Revised Code with regard to 6144  
employees in the service of the county. Nothing in this division 6145  
modifies the powers and duties of the state personnel board of 6146  
review with respect to employees in the service of the county. 6147  
Nothing in this division limits the right of any employee who 6148  
possesses the right of appeal to the state personnel board of 6149  
review to continue to possess that right of appeal. 6150

(I) The director of administrative services shall establish 6151  
the rate and method of compensation for all employees who are paid 6152  
directly by warrant of the director of budget and management and 6153  
who are serving in positions that the director of administrative 6154  
services has determined impracticable to include in the state job 6155

classification plan. This division does not apply to elected 6156  
officials, legislative employees, employees of the legislative 6157  
service commission, employees who are in the unclassified civil 6158  
service and exempt from collective bargaining coverage in the 6159  
office of the secretary of state, auditor of state, treasurer of 6160  
state, and attorney general, employees of the courts, employees of 6161  
the bureau of workers' compensation whose compensation the 6162  
administrator of workers' compensation establishes under division 6163  
(B) of section 4121.121 of the Revised Code, or employees of an 6164  
appointing authority authorized by law to fix the compensation of 6165  
those employees. 6166

(J) The director of administrative services shall set the 6167  
rate of compensation for all intermittent, seasonal, temporary, 6168  
emergency, and casual employees in the service of the state who 6169  
are not considered public employees under section 4117.01 of the 6170  
Revised Code. Those employees are not entitled to receive employee 6171  
benefits. This rate of compensation shall be equitable in terms of 6172  
the rate of employees serving in the same or similar 6173  
classifications. This division does not apply to elected 6174  
officials, legislative employees, employees of the legislative 6175  
service commission, employees who are in the unclassified civil 6176  
service and exempt from collective bargaining coverage in the 6177  
office of the secretary of state, auditor of state, treasurer of 6178  
state, and attorney general, employees of the courts, employees of 6179  
the bureau of workers' compensation whose compensation the 6180  
administrator establishes under division (B) of section 4121.121 6181  
of the Revised Code, or employees of an appointing authority 6182  
authorized by law to fix the compensation of those employees. 6183

**Sec. 124.15.** (A) Board and commission members appointed prior 6184  
to July 1, 1991, shall be paid a salary or wage in accordance with 6185  
the following schedules of rates: 6186

Schedule B		Pay Ranges and Step Values				6187
Range		Step 1	Step 2	Step 3	Step 4	6188
23	Hourly	5.72	5.91	6.10	6.31	6189
	Annually	11897.60	12292.80	12688.00	13124.80	6190
		Step 5	Step 6			6191
	Hourly	6.52	6.75			6192
	Annually	13561.60	14040.00			6193
		Step 1	Step 2	Step 3	Step 4	6194
24	Hourly	6.00	6.20	6.41	6.63	6195
	Annually	12480.00	12896.00	13332.80	13790.40	6196
		Step 5	Step 6			6197
	Hourly	6.87	7.10			6198
	Annually	14289.60	14768.00			6199
		Step 1	Step 2	Step 3	Step 4	6200
25	Hourly	6.31	6.52	6.75	6.99	6201
	Annually	13124.80	13561.60	14040.00	14539.20	6202
		Step 5	Step 6			6203
	Hourly	7.23	7.41			6204
	Annually	15038.40	15412.80			6205
		Step 1	Step 2	Step 3	Step 4	6206
26	Hourly	6.63	6.87	7.10	7.32	6207
	Annually	13790.40	14289.60	14768.00	15225.60	6208
		Step 5	Step 6			6209
	Hourly	7.53	7.77			6210
	Annually	15662.40	16161.60			6211
		Step 1	Step 2	Step 3	Step 4	6212
27	Hourly	6.99	7.23	7.41	7.64	6213
	Annually	14534.20	15038.40	15412.80	15891.20	6214
		Step 5	Step 6	Step 7		6215
	Hourly	7.88	8.15	8.46		6216
	Annually	16390.40	16952.00	17596.80		6217
		Step 1	Step 2	Step 3	Step 4	6218
						6219

28	Hourly	7.41	7.64	7.88	8.15	6220
	Annually	15412.80	15891.20	16390.40	16952.00	6221
		Step 5	Step 6	Step 7		6222
	Hourly	8.46	8.79	9.15		6223
	Annually	17596.80	18283.20	19032.00		6224
		Step 1	Step 2	Step 3	Step 4	6225
29	Hourly	7.88	8.15	8.46	8.79	6226
	Annually	16390.40	16952.00	17596.80	18283.20	6227
		Step 5	Step 6	Step 7		6228
	Hourly	9.15	9.58	10.01		6229
	Annually	19032.00	19926.40	20820.80		6230
		Step 1	Step 2	Step 3	Step 4	6231
30	Hourly	8.46	8.79	9.15	9.58	6232
	Annually	17596.80	18283.20	19032.00	19926.40	6233
		Step 5	Step 6	Step 7		6234
	Hourly	10.01	10.46	10.99		6235
	Annually	20820.80	21756.80	22859.20		6236
		Step 1	Step 2	Step 3	Step 4	6237
31	Hourly	9.15	9.58	10.01	10.46	6238
	Annually	19032.00	19962.40	20820.80	21756.80	6239
		Step 5	Step 6	Step 7		6240
	Hourly	10.99	11.52	12.09		6241
	Annually	22859.20	23961.60	25147.20		6242
		Step 1	Step 2	Step 3	Step 4	6243
32	Hourly	10.01	10.46	10.99	11.52	6244
	Annually	20820.80	21756.80	22859.20	23961.60	6245
		Step 5	Step 6	Step 7	Step 8	6246
	Hourly	12.09	12.68	13.29	13.94	6247
	Annually	25147.20	26374.40	27643.20	28995.20	6248
		Step 1	Step 2	Step 3	Step 4	6249
33	Hourly	10.99	11.52	12.09	12.68	6250
	Annually	22859.20	23961.60	25147.20	26374.40	6251
		Step 5	Step 6	Step 7	Step 8	6252



	Hourly	13.29	13.94	14.63	15.35	6253
	Annually	27643.20	28995.20	30430.40	31928.00	6254
		Step 1	Step 2	Step 3	Step 4	6255
34	Hourly	12.09	12.68	13.29	13.94	6256
	Annually	25147.20	26374.40	27643.20	28995.20	6257
		Step 5	Step 6	Step 7	Step 8	6258
	Hourly	14.63	15.35	16.11	16.91	6259
	Annually	30430.40	31928.00	33508.80	35172.80	6260
		Step 1	Step 2	Step 3	Step 4	6261
35	Hourly	13.29	13.94	14.63	15.35	6262
	Annually	27643.20	28995.20	30430.40	31928.00	6263
		Step 5	Step 6	Step 7	Step 8	6264
	Hourly	16.11	16.91	17.73	18.62	6265
	Annually	33508.80	35172.80	36878.40	38729.60	6266
		Step 1	Step 2	Step 3	Step 4	6267
36	Hourly	14.63	15.35	16.11	16.91	6268
	Annually	30430.40	31928.00	33508.80	35172.80	6269
		Step 5	Step 6	Step 7	Step 8	6270
	Hourly	17.73	18.62	19.54	20.51	6271
	Annually	36878.40	38729.60	40643.20	42660.80	6272
	Schedule C					6273
		Pay Range and Values				6274
	Range	Minimum		Maximum		6275
41	Hourly	10.44		15.72		6276
	Annually	21715.20		32697.60		6277
42	Hourly	11.51		17.35		6278
	Annually	23940.80		36088.00		6279
43	Hourly	12.68		19.12		6280
	Annually	26374.40		39769.60		6281
44	Hourly	13.99		20.87		6282
	Annually	29099.20		43409.60		6283
45	Hourly	15.44		22.80		6284
	Annually	32115.20		47424.00		6285

46 Hourly	17.01	24.90	6286
Annually	35380.80	51792.00	6287
47 Hourly	18.75	27.18	6288
Annually	39000.00	56534.40	6289
48 Hourly	20.67	29.69	6290
Annually	42993.60	61755.20	6291
49 Hourly	22.80	32.06	6292
Annually	47424.00	66684.80	6293

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 6294  
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(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code. 6296  
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(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee in the service of the state, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and those personal services shall not be considered as a part of the employee's compensation. An appointing authority that appoints employees in the service of the state, with the approval of the director of administrative services and the director of budget and management, may establish payments to employees for uniforms, tools, equipment, and other requirements of the department and payments for the maintenance of them. 6299  
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The director of administrative services may review collective bargaining agreements entered into under Chapter 4117. of the Revised Code that cover employees in the service of the state and 6315  
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determine whether certain benefits or payments provided to the 6318  
employees covered by those agreements should also be provided to 6319  
employees in the service of the state who are exempt from 6320  
collective bargaining coverage and are paid in accordance with 6321  
section 124.152 of the Revised Code or are listed in division 6322  
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 6323  
the review, the director of administrative services, with the 6324  
approval of the director of budget and management, may provide to 6325  
some or all of these employees any payment or benefit, except for 6326  
salary, contained in such a collective bargaining agreement even 6327  
if it is similar to a payment or benefit already provided by law 6328  
to some or all of these employees. Any payment or benefit so 6329  
provided shall not exceed the highest level for that payment or 6330  
benefit specified in such a collective bargaining agreement. The 6331  
director of administrative services shall not provide, and the 6332  
director of budget and management shall not approve, any payment 6333  
or benefit to such an employee under this division unless the 6334  
payment or benefit is provided pursuant to a collective bargaining 6335  
agreement to a state employee who is in a position with similar 6336  
duties as, is supervised by, or is employed by the same appointing 6337  
authority as, the employee to whom the benefit or payment is to be 6338  
provided. 6339

As used in this division, "payment or benefit already 6340  
provided by law" includes, but is not limited to, bereavement, 6341  
personal, vacation, administrative, and sick leave, disability 6342  
benefits, holiday pay, and pay supplements provided under the 6343  
Revised Code, but does not include wages or salary. 6344

(E) New employees paid in accordance with schedule B of 6345  
division (A) of this section or schedule E-1 of section 124.152 of 6346  
the Revised Code shall be employed at the minimum rate established 6347  
for the range unless otherwise provided. Employees with 6348  
qualifications that are beyond the minimum normally required for 6349

the position and that are determined by the director to be 6350  
exceptional may be employed in, or may be transferred or promoted 6351  
to, a position at an advanced step of the range. Further, in time 6352  
of a serious labor market condition when it is relatively 6353  
impossible to recruit employees at the minimum rate for a 6354  
particular classification, the entrance rate may be set at an 6355  
advanced step in the range by the director of administrative 6356  
services. This rate may be limited to geographical regions of the 6357  
state. Appointments made to an advanced step under the provision 6358  
regarding exceptional qualifications shall not affect the step 6359  
assignment of employees already serving. However, anytime the 6360  
hiring rate of an entire classification is advanced to a higher 6361  
step, all incumbents of that classification being paid at a step 6362  
lower than that being used for hiring, shall be advanced beginning 6363  
at the start of the first pay period thereafter to the new hiring 6364  
rate, and any time accrued at the lower step will be used to 6365  
calculate advancement to a succeeding step. If the hiring rate of 6366  
a classification is increased for only a geographical region of 6367  
the state, only incumbents who work in that geographical region 6368  
shall be advanced to a higher step. When an employee in the 6369  
unclassified service changes from one state position to another or 6370  
is appointed to a position in the classified service, or if an 6371  
employee in the classified service is appointed to a position in 6372  
the unclassified service, the employee's salary or wage in the new 6373  
position shall be determined in the same manner as if the employee 6374  
were an employee in the classified service. When an employee in 6375  
the unclassified service who is not eligible for step increases is 6376  
appointed to a classification in the classified service under 6377  
which step increases are provided, future step increases shall be 6378  
based on the date on which the employee last received a pay 6379  
increase. If the employee has not received an increase during the 6380  
previous year, the date of the appointment to the classified 6381  
service shall be used to determine the employee's annual step 6382

advancement eligibility date. In reassigning any employee to a 6383  
classification resulting in a pay range increase or to a new pay 6384  
range as a result of a promotion, an increase pay range 6385  
adjustment, or other classification change resulting in a pay 6386  
range increase, the director shall assign such employee to the 6387  
step in the new pay range that will provide an increase of 6388  
approximately four per cent if the new pay range can accommodate 6389  
the increase. When an employee is being assigned to a 6390  
classification or new pay range as the result of a class plan 6391  
change, if the employee has completed a probationary period, the 6392  
employee shall be placed in a step no lower than step two of the 6393  
new pay range. If the employee has not completed a probationary 6394  
period, the employee may be placed in step one of the new pay 6395  
range. Such new salary or wage shall become effective on such date 6396  
as the director determines. 6397

(F) If employment conditions and the urgency of the work 6398  
require such action, the director of administrative services may, 6399  
upon the application of a department head, authorize payment at 6400  
any rate established within the range for the class of work, for 6401  
work of a casual or intermittent nature or on a project basis. 6402  
Payment at such rates shall not be made to the same individual for 6403  
more than three calendar months in any one calendar year. Any such 6404  
action shall be subject to the approval of the director of budget 6405  
and management as to the availability of funds. This section and 6406  
sections 124.14 and 124.152 of the Revised Code do not repeal any 6407  
authority of any department or public official to contract with or 6408  
fix the compensation of professional persons who may be employed 6409  
temporarily for work of a casual nature or for work on a project 6410  
basis. 6411

(G)(1) Except as provided in divisions (G)(2) and (3) of this 6412  
section, each state employee paid in accordance with schedule B of 6413  
this section or schedule E-1 of section 124.152 of the Revised 6414

Code shall be eligible for advancement to succeeding steps in the 6415  
range for the employee's class or grade according to the schedule 6416  
established in this division. Beginning on the first day of the 6417  
pay period within which the employee completes the prescribed 6418  
probationary period in the employee's classification with the 6419  
state, each employee shall receive an automatic salary adjustment 6420  
equivalent to the next higher step within the pay range for the 6421  
employee's class or grade. 6422

Except as provided in divisions (G)(2) and (3) of this 6423  
section, each employee paid in accordance with schedule E-1 of 6424  
section 124.152 of the Revised Code shall be eligible to advance 6425  
to the next higher step until the employee reaches the top step in 6426  
the range for the employee's class or grade, if the employee has 6427  
maintained satisfactory performance in accordance with criteria 6428  
established by the employee's appointing authority. Those step 6429  
advancements shall not occur more frequently than once in any 6430  
twelve-month period. 6431

When an employee is promoted, the step entry date shall be 6432  
set to account for a probationary period. When an employee is 6433  
reassigned to a higher pay range, the step entry date shall be set 6434  
to allow an employee who is not at the highest step of the range 6435  
to receive a step advancement one year from the reassignment date. 6436  
Step advancement shall not be affected by demotion. A promoted 6437  
employee shall advance to the next higher step of the pay range on 6438  
the first day of the pay period in which the required probationary 6439  
period is completed. Step advancement shall become effective at 6440  
the beginning of the pay period within which the employee attains 6441  
the necessary length of service. Time spent on authorized leave of 6442  
absence shall be counted for this purpose. 6443

If determined to be in the best interest of the state 6444  
service, the director of administrative services may, either 6445  
statewide or in selected agencies, adjust the dates on which 6446

annual step advancements are received by employees paid in 6447  
accordance with schedule E-1 of section 124.152 of the Revised 6448  
Code. 6449

(2)(a) There shall be a moratorium on annual step 6450  
advancements under division (G)(1) of this section beginning June 6451  
21, 2009, through June 20, 2011. Step advancements shall resume 6452  
with the pay period beginning June 21, 2011. Upon the resumption 6453  
of step advancements, there shall be no retroactive step 6454  
advancements for the period the moratorium was in effect. The 6455  
moratorium shall not affect an employee's performance evaluation 6456  
schedule. 6457

An employee who begins a probationary period before June 21, 6458  
2009, shall advance to the next step in the employee's pay range 6459  
at the end of probation, and then become subject to the 6460  
moratorium. An employee who is hired, promoted, or reassigned to a 6461  
higher pay range between June 21, 2009, through June 20, 2011, 6462  
shall not advance to the next step in the employee's pay range 6463  
until the next anniversary of the employee's date of hire, 6464  
promotion, or reassignment that occurs on or after June 21, 2011. 6465

(b) The moratorium under division (G)(2)(a) of this section 6466  
shall apply to the employees of the secretary of state, the 6467  
auditor of state, the treasurer of state, and the attorney 6468  
general, who are subject to this section unless the secretary of 6469  
state, the auditor of state, the treasurer of state, or the 6470  
attorney general decides to exempt the office's employees from the 6471  
moratorium and so notifies the director of administrative services 6472  
in writing on or before July 1, 2009. 6473

(3) Employees in intermittent positions shall be employed at 6474  
the minimum rate established for the pay range for their 6475  
classification and are not eligible for step advancements. 6476

(H) Employees in appointive managerial or professional 6477

positions paid in accordance with schedule C of this section or 6478  
schedule E-2 of section 124.152 of the Revised Code may be 6479  
appointed at any rate within the appropriate pay range. This rate 6480  
of pay may be adjusted higher or lower within the respective pay 6481  
range at any time the appointing authority so desires as long as 6482  
the adjustment is based on the employee's ability to successfully 6483  
administer those duties assigned to the employee. Salary 6484  
adjustments shall not be made more frequently than once in any 6485  
six-month period under this provision to incumbents holding the 6486  
same position and classification. 6487

(I) When an employee is assigned to duty outside this state, 6488  
the employee may be compensated, upon request of the department 6489  
head and with the approval of the director of administrative 6490  
services, at a rate not to exceed fifty per cent in excess of the 6491  
employee's current base rate for the period of time spent on that 6492  
duty. 6493

(J) Unless compensation for members of a board or commission 6494  
is otherwise specifically provided by law, the director of 6495  
administrative services shall establish the rate and method of 6496  
payment for members of boards and commissions pursuant to the pay 6497  
schedules listed in section 124.152 of the Revised Code. 6498

(K) Regular full-time employees in positions assigned to 6499  
classes within the instruction and education administration series 6500  
under the ~~rules~~ job classification plans of the director of 6501  
administrative services, except certificated employees on the 6502  
instructional staff of the state school for the blind or the state 6503  
school for the deaf, whose positions are scheduled to work on the 6504  
basis of an academic year rather than a full calendar year, shall 6505  
be paid according to the pay range assigned by ~~such rules~~ the 6506  
applicable job classification plan, but only during those pay 6507  
periods included in the academic year of the school where the 6508  
employee is located. 6509



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

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

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

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

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

(a) Determine for each level of training, experience, and other professional qualification for which an hourly rate is set forth in the current schedule, the per cent that rate is of the rate set forth in such schedule for a teacher with a bachelor's degree and no experience. If there is more than one such rate for such a teacher, the lowest rate shall be used to make the computation.

(b) Determine which six city, local, and exempted village school districts with territory in Franklin county have in effect on, or have adopted by, the first day of April for the school year

that begins on the ensuing first day of July, teacher salary 6541  
schedules with the highest minimum salaries for a teacher with a 6542  
bachelor's degree and no experience; 6543

(c) Divide the sum of such six highest minimum salaries by 6544  
ten thousand five hundred sixty; 6545

(d) Multiply each per cent determined in division (L)(1)(a) 6546  
of this section by the quotient obtained in division (L)(1)(c) of 6547  
this section; 6548

(e) One hundred five per cent of each product thus obtained 6549  
shall be the hourly rate for the corresponding level of training, 6550  
experience, or other professional qualification in the schedule 6551  
for the ensuing fiscal year. 6552

(2) Annually, assign each certificated employee on the 6553  
instructional staff of the superintendent's respective school to 6554  
an hourly rate on the schedule that is commensurate with the 6555  
employee's training, experience, and other professional 6556  
qualifications. 6557

If an employee is employed on the basis of an academic year, 6558  
the employee's annual salary shall be calculated by multiplying 6559  
the employee's assigned hourly rate times one thousand seven 6560  
hundred sixty. If an employee is not employed on the basis of an 6561  
academic year, the employee's annual salary shall be calculated in 6562  
accordance with the following formula: 6563

(a) Multiply the number of days the employee is required to 6564  
work pursuant to the employee's contract by eight; 6565

(b) Multiply the product of division (L)(2)(a) of this 6566  
section by the employee's assigned hourly rate. 6567

Each employee shall be paid an annual salary in biweekly 6568  
installments. The amount of each installment shall be calculated 6569  
by dividing the employee's annual salary by the number of biweekly 6570

installments to be paid during the year. 6571

Sections 124.13 and 124.19 of the Revised Code do not apply 6572  
to an employee who is paid under this division. 6573

As used in this division, "academic year" means the number of 6574  
days in each school year that the schools are required to be open 6575  
for instruction with pupils in attendance. Upon completing an 6576  
academic year, an employee paid under this division shall be 6577  
deemed to have completed one year of service. An employee paid 6578  
under this division is eligible to receive a pay supplement under 6579  
division (L)(1), (2), or (3) of section 124.181 of the Revised 6580  
Code for which the employee qualifies, but is not eligible to 6581  
receive a pay supplement under division (L)(4) or (5) of that 6582  
section. An employee paid under this division is eligible to 6583  
receive a pay supplement under division (L)(6) of section 124.181 6584  
of the Revised Code for which the employee qualifies, except that 6585  
the supplement is not limited to a maximum of five per cent of the 6586  
employee's regular base salary in a calendar year. 6587

(M) Division (A) of this section does not apply to "exempt 6588  
employees," as defined in section 124.152 of the Revised Code, who 6589  
are paid under that section. 6590

Notwithstanding any other provisions of this chapter, when an 6591  
employee transfers between bargaining units or transfers out of or 6592  
into a bargaining unit, the director of administrative services 6593  
shall establish the employee's compensation and adjust the maximum 6594  
leave accrual schedule as the director deems equitable. 6595

**Sec. 124.181.** (A) Except as provided in divisions (M) and (P) 6596  
of this section, any employee paid in accordance with schedule B 6597  
of section 124.15 or schedule E-1 or schedule E-1 for step seven 6598  
only of section 124.152 of the Revised Code is eligible for the 6599  
pay supplements provided in this section upon application by the 6600  
appointing authority substantiating the employee's qualifications 6601

for the supplement and with the approval of the director of 6602  
administrative services except as provided in division (E) of this 6603  
section. 6604

(B)(1) Except as provided in section 124.183 of the Revised 6605  
Code, in computing any of the pay supplements provided in this 6606  
section for an employee paid in accordance with schedule B of 6607  
section 124.15 of the Revised Code, the classification salary base 6608  
shall be the minimum hourly rate of the pay range, provided in 6609  
that section, in which the employee is assigned at the time of 6610  
computation. 6611

(2) Except as provided in section 124.183 of the Revised 6612  
Code, in computing any of the pay supplements provided in this 6613  
section for an employee paid in accordance with schedule E-1 of 6614  
section 124.152 of the Revised Code, the classification salary 6615  
base shall be the minimum hourly rate of the pay range, provided 6616  
in that section, in which the employee is assigned at the time of 6617  
computation. 6618

(3) Except as provided in section 124.183 of the Revised 6619  
Code, in computing any of the pay supplements provided in this 6620  
section for an employee paid in accordance with schedule E-1 for 6621  
step seven only of section 124.152 of the Revised Code, the 6622  
classification salary base shall be the minimum hourly rate in the 6623  
corresponding pay range, provided in schedule E-1 of that section, 6624  
to which the employee is assigned at the time of the computation. 6625

(C) The effective date of any pay supplement, except as 6626  
provided in section 124.183 of the Revised Code or unless 6627  
otherwise provided in this section, shall be determined by the 6628  
director. 6629

(D) The director shall, by rule, establish standards 6630  
regarding the administration of this section. 6631

(E)(1) Except as otherwise provided in this division, 6632

beginning on the first day of the pay period within which the 6633  
employee completes five years of total service with the state 6634  
government or any of its political subdivisions, each employee in 6635  
positions paid in accordance with schedule B of section 124.15 of 6636  
the Revised Code or in accordance with schedule E-1 or schedule 6637  
E-1 for step seven only of section 124.152 of the Revised Code 6638  
shall receive an automatic salary adjustment equivalent to two and 6639  
one-half per cent of the classification salary base, to the 6640  
nearest whole cent. Each employee shall receive thereafter an 6641  
annual adjustment equivalent to one-half of one per cent of the 6642  
employee's classification salary base, to the nearest whole cent, 6643  
for each additional year of qualified employment until a maximum 6644  
of ten per cent of the employee's classification salary base is 6645  
reached. The granting of longevity adjustments shall not be 6646  
affected by promotion, demotion, or other changes in 6647  
classification held by the employee, nor by any change in pay 6648  
range for the employee's class or grade. Longevity pay adjustments 6649  
shall become effective at the beginning of the pay period within 6650  
which the employee completes the necessary length of service, 6651  
except that when an employee requests credit for prior service, 6652  
the effective date of the prior service credit and of any 6653  
longevity adjustment shall be the first day of the pay period 6654  
following approval of the credit by the director of administrative 6655  
services. No employee, other than an employee who submits proof of 6656  
prior service within ninety days after the date of the employee's 6657  
hiring, shall receive any longevity adjustment for the period 6658  
prior to the director's approval of a prior service credit. Time 6659  
spent on authorized leave of absence shall be counted for this 6660  
purpose. 6661

(2) An employee who has retired in accordance with the 6662  
provisions of any retirement system offered by the state and who 6663  
is employed by the state or any political subdivision of the state 6664  
on or after June 24, 1987, shall not have prior service with the 6665

state or any political subdivision of the state counted for the 6666  
purpose of determining the amount of the salary adjustment 6667  
provided under this division. 6668

(3) There shall be a moratorium on employees' receipt under 6669  
this division of credit for service with the state government or 6670  
any of its political subdivisions during the period from July 1, 6671  
2003, through June 30, 2005. In calculating the number of years of 6672  
total service under this division, no credit shall be included for 6673  
service during the moratorium. The moratorium shall apply to the 6674  
employees of the secretary of state, the auditor of state, the 6675  
treasurer of state, and the attorney general, who are subject to 6676  
this section unless the secretary of state, the auditor of state, 6677  
the treasurer of state, or the attorney general decides to exempt 6678  
the office's employees from the moratorium and so notifies the 6679  
director of administrative services in writing on or before July 6680  
1, 2003. 6681

If an employee is exempt from the moratorium, receives credit 6682  
for a period of service during the moratorium, and takes a 6683  
position with another entity in the state government or any of its 6684  
political subdivisions, either during or after the moratorium, and 6685  
if that entity's employees are or were subject to the moratorium, 6686  
the employee shall continue to retain the credit. However, if the 6687  
moratorium is in effect upon the taking of the new position, the 6688  
employee shall cease receiving additional credit as long as the 6689  
employee is in the position, until the moratorium expires. 6690

(F) When an exceptional condition exists that creates a 6691  
temporary or a permanent hazard for one or more positions in a 6692  
class paid in accordance with schedule B of section 124.15 of the 6693  
Revised Code or in accordance with schedule E-1 or schedule E-1 6694  
for step seven only of section 124.152 of the Revised Code, a 6695  
special hazard salary adjustment may be granted for the time the 6696  
employee is subjected to the hazardous condition. All special 6697

hazard conditions shall be identified for each position and 6698  
incidence from information submitted to the director on an 6699  
appropriate form provided by the director and categorized into 6700  
standard conditions of: some unusual hazard not common to the 6701  
class; considerable unusual hazard not common to the class; and 6702  
exceptional hazard not common to the class. 6703

(1) A hazardous salary adjustment of five per cent of the 6704  
employee's classification salary base may be applied in the case 6705  
of some unusual hazardous condition not common to the class for 6706  
those hours worked, or a fraction of those hours worked, while the 6707  
employee was subject to the unusual hazard condition. 6708

(2) A hazardous salary adjustment of seven and one-half per 6709  
cent of the employee's classification salary base may be applied 6710  
in the case of some considerable hazardous condition not common to 6711  
the class for those hours worked, or a fraction of those hours 6712  
worked, while the employee was subject to the considerable hazard 6713  
condition. 6714

(3) A hazardous salary adjustment of ten per cent of the 6715  
employee's classification salary base may be applied in the case 6716  
of some exceptional hazardous condition not common to the class 6717  
for those hours worked, or a fraction of those hours worked, when 6718  
the employee was subject to the exceptional hazard condition. 6719

(4) Each claim for temporary hazard pay shall be submitted as 6720  
a separate payment and shall be subject to an administrative audit 6721  
by the director as to the extent and duration of the employee's 6722  
exposure to the hazardous condition. 6723

(G) When a full-time employee whose salary or wage is paid 6724  
directly by warrant of the director of budget and management and 6725  
who also is eligible for overtime under the "Fair Labor Standards 6726  
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 6727  
ordered by the appointing authority to report back to work after 6728

termination of the employee's regular work schedule and the 6729  
employee reports, the employee shall be paid for such time. The 6730  
employee shall be entitled to four hours at the employee's total 6731  
rate of pay or overtime compensation for the actual hours worked, 6732  
whichever is greater. This division does not apply to work that is 6733  
a continuation of or immediately preceding an employee's regular 6734  
work schedule. 6735

(H) When a certain position or positions paid in accordance 6736  
with schedule B of section 124.15 of the Revised Code or in 6737  
accordance with schedule E-1 or schedule E-1 for step seven only 6738  
of section 124.152 of the Revised Code require the ability to 6739  
speak or write a language other than English, a special pay 6740  
supplement may be granted to attract bilingual individuals, to 6741  
encourage present employees to become proficient in other 6742  
languages, or to retain qualified bilingual employees. The 6743  
bilingual pay supplement provided in this division may be granted 6744  
in the amount of five per cent of the employee's classification 6745  
salary base for each required foreign language and shall remain in 6746  
effect as long as the bilingual requirement exists. 6747

(I) The director of administrative services may establish a 6748  
shift differential for employees. The differential shall be paid 6749  
to employees in positions working in other than the regular or 6750  
first shift. In those divisions or agencies where only one shift 6751  
prevails, no shift differential shall be paid regardless of the 6752  
hours of the day that are worked. The director and the appointing 6753  
authority shall designate which positions shall be covered by this 6754  
division. 6755

(J) ~~Whenever an employee is assigned to work~~ An appointing 6756  
authority may assign an employee to work in a higher level 6757  
position for a continuous period of more than two weeks but no 6758  
more than two years ~~because of a vacancy, the~~. The employee's pay 6759  
~~may~~ shall be established at a rate that is approximately four per 6760



cent above the employee's current base rate for the period the 6761  
employee occupies the position, provided that this temporary 6762  
~~occupancy~~ assignment is approved by the director. Employees paid 6763  
under this division shall continue to receive any of the pay 6764  
supplements due them under other divisions of this section based 6765  
on the step one base rate for their normal classification. 6766

(K) If a certain position, or positions, within a class paid 6767  
in accordance with schedule B of section 124.15 of the Revised 6768  
Code or in accordance with schedule E-1 or schedule E-1 for step 6769  
seven only of section 124.152 of the Revised Code are mandated by 6770  
state or federal law or regulation or other regulatory agency or 6771  
other certification authority to have special technical 6772  
certification, registration, or licensing to perform the functions 6773  
which are under the mandate, a special professional achievement 6774  
pay supplement may be granted. This special professional 6775  
achievement pay supplement shall not be granted when all 6776  
incumbents in all positions in a class require a license as 6777  
provided in the classification description published by the 6778  
department of administrative services; to licensees where no 6779  
special or extensive training is required; when certification is 6780  
granted upon completion of a stipulated term of in-service 6781  
training; when an appointing authority has required certification; 6782  
or any other condition prescribed by the director. 6783

(1) Before this supplement may be applied, evidence as to the 6784  
requirement must be provided by the agency for each position 6785  
involved, and certification must be received from the director as 6786  
to the director's concurrence for each of the positions so 6787  
affected. 6788

(2) The professional achievement pay supplement provided in 6789  
this division shall be granted in an amount up to ten per cent of 6790  
the employee's classification salary base and shall remain in 6791  
effect as long as the mandate exists. 6792

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

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

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

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

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

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

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

(M)(1) A state agency, board, or commission may establish a

supplementary compensation schedule for those licensed physicians 6824  
employed by the agency, board, or commission in positions 6825  
requiring a licensed physician. The supplementary compensation 6826  
schedule, together with the compensation otherwise authorized by 6827  
this chapter, shall provide for the total compensation for these 6828  
employees to range appropriately, but not necessarily uniformly, 6829  
for each classification title requiring a licensed physician, in 6830  
accordance with a schedule approved by the state controlling 6831  
board. The individual salary levels recommended for each such 6832  
physician employed shall be approved by the director. 6833  
Notwithstanding section 124.11 of the Revised Code, such personnel 6834  
are in the unclassified civil service. 6835

(2) The director of administrative services may approve 6836  
supplementary compensation for the director of health, if the 6837  
director is a licensed physician, in accordance with a 6838  
supplementary compensation schedule approved under division (M)(1) 6839  
of this section or in accordance with another supplementary 6840  
compensation schedule the director of administrative services 6841  
considers appropriate. The supplementary compensation shall not 6842  
exceed twenty per cent of the director of health's base rate of 6843  
pay. 6844

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 6845  
117.42, and 131.02 of the Revised Code, the state shall not 6846  
institute any civil action to recover and shall not seek 6847  
reimbursement for overpayments made in violation of division (E) 6848  
of this section or division (C) of section 9.44 of the Revised 6849  
Code for the period starting after June 24, 1987, and ending on 6850  
October 31, 1993. 6851

(O) Employees of the office of the treasurer of state who are 6852  
exempt from collective bargaining coverage may be granted a merit 6853  
pay supplement of up to one and one-half per cent of their step 6854  
rate. The rate at which this supplement is granted shall be based 6855

on performance standards established by the treasurer of state. 6856  
Any supplements granted under this division shall be administered 6857  
on an annual basis. 6858

(P) Intermittent employees appointed under section 124.30 of 6859  
the Revised Code are not eligible for the pay supplements provided 6860  
by this section. 6861

(Q) Employees of the office of the auditor of state who are 6862  
exempt from collective bargaining and who are paid in accordance 6863  
with schedule E-1 or in accordance with schedule E-1 for step 7 6864  
only and are paid a salary or wage in accordance with the schedule 6865  
of rates in division (B) or (C) of section 124.152 of the Revised 6866  
Code shall receive a reduction of two per cent in their hourly and 6867  
annual pay calculation beginning with the pay period that 6868  
immediately follows July 1, 2009. 6869

**Sec. 124.392.** (A) As used in this section: 6870

(1) "Exempt employee" has the same meaning as in section 6871  
124.152 of the Revised Code. 6872

(2) "Fiscal emergency" means a fiscal emergency declared by 6873  
the governor under section 126.05 of the Revised Code. 6874

(B) The director of administrative services may establish a 6875  
voluntary cost savings program for exempt employees. 6876

(C) The director of administrative services shall establish a 6877  
mandatory cost savings program applicable to exempt employees. 6878  
Subject to division (C)(1) of this section, the program may 6879  
include, but is not limited to, a loss of pay or loss of holiday 6880  
pay as determined by the director. The program may be administered 6881  
differently among exempt employees based on their classifications, 6882  
appointment categories, appointing authorities, or other relevant 6883  
distinctions. 6884

(1) Each full-time exempt employee shall participate in the 6885

program for a total of eighty hours of mandatory cost savings in 6886  
both fiscal year 2010 and fiscal year 2011. Each part-time exempt 6887  
employee shall participate in the program by not receiving holiday 6888  
pay during both fiscal year 2010 and fiscal year 2011. Each 6889  
employee of the secretary of state, auditor of state, treasurer of 6890  
state, and attorney general shall participate in the program 6891  
unless the secretary of state, auditor of state, treasurer of 6892  
state, or attorney general decides to exempt the officer's 6893  
employees from the program and so notifies the director of 6894  
administrative services in writing on or before July 1, 2009. 6895

After July 1, 2009, the secretary of state, auditor of state, 6896  
treasurer of state, or attorney general may decide to begin 6897  
participation in the program for eighty hours or less and shall 6898  
notify the director of administrative services in writing. The 6899  
secretary of state, auditor of state, treasurer of state, or 6900  
attorney general and the director shall mutually agree upon an 6901  
implementation date. 6902

(2) After June 30, 2011, the director of administrative 6903  
services, in consultation with the director of budget and 6904  
management, may implement mandatory cost savings days applicable 6905  
to exempt employees in the event of a fiscal emergency. Each 6906  
employee of the secretary of state, auditor of state, treasurer of 6907  
state, and attorney general shall participate in the mandatory 6908  
cost savings days unless the secretary of state, auditor of state, 6909  
treasurer of state, or attorney general decides to exempt the 6910  
officer's employees from the mandatory cost savings days and so 6911  
notifies the director of administrative services in the manner the 6912  
director of administrative services prescribes by rule adopted 6913  
under this section. 6914

(D) The director shall adopt rules in accordance with Chapter 6915  
119. of the Revised Code to provide for the administration of the 6916  
voluntary cost savings program and the mandatory cost savings 6917

program and ~~days~~. 6918

(E) Cost savings days provided pursuant to this section or by 6919  
a labor-management contract or agreement shall be considered 6920  
remuneration for purposes of section 4141.31 of the Revised Code. 6921

~~(F) The cost savings fund is hereby created in the state 6922  
treasury. Savings accrued through employee participation in the 6923  
mandatory cost savings program and in mandatory cost savings days 6924  
shall be allocated to the fund. The fund may be used to pay 6925  
employees who participated in the mandatory cost savings program 6926  
or in mandatory cost savings days. Any investment earnings of the 6927  
fund shall be credited to the fund. 6928~~

~~Sec. 125.02. Except as to the adjutant general for military 6929  
supplies and services, the capital capitol square review and 6930  
advisory board, the general assembly, the judicial branch, and 6931  
institutions administered by boards of trustees, the (A) The 6932  
department of administrative services ~~may~~ shall establish 6933  
contracts for supplies and services, including telephone, other 6934  
telecommunications, and computer services, for the use of state 6935  
agencies, ~~or~~ and may establish such contracts for the use of any 6936  
political subdivision as described in division (B) of section 6937  
125.04 of the Revised Code, except for the following: 6938~~

(1) The adjutant general for military supplies and services; 6939

(2) The general assembly; 6940

(3) The judicial branch; 6941

(4) State institutions of higher education; 6942

(5) State elected officials as set forth in section 125.041 6943  
of the Revised Code; 6944

(6) The capitol square review and advisory board. 6945

~~The department~~ The entities set forth in divisions (A)(1) to 6946

(6) of this section may request the department of administrative services' assistance in the procurement of supplies and services for their respective offices and, upon the department's approval, may participate in contracts awarded by the department. 6947  
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(B) For purchases under division (C) of section 125.05 of the Revised Code, the department shall grant a state agency a release and permit to make the purchase if the department determines that it is not possible or advantageous for the department to make a purchase. 6951  
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(C) Upon request, the department may grant a blanket release and permit to a state agency for specific purchases. The department may grant the blanket release and permit for a fiscal year or for a biennium as determined by the director of administrative services. 6956  
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(D) The director of administrative services shall adopt rules regarding circumstances and criteria for obtaining a release and permit under this section. The director of administrative services shall prescribe uniform rules governing forms of specifications, advertisements for proposals, the opening of bids, the making of awards and contracts, and the purchase of supplies and performance of work. 6961  
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(E) The director may enter into cooperative purchasing agreements to purchase supplies or services with the following: 6968  
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(1) The entities set forth in divisions (A)(1) to (5) of this section; 6970  
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(2) One or more other states; 6972

(3) Groups of states; 6973

(4) The United States or any department, division, or agency of the United States; 6974  
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(5) Other purchasing consortia; 6976

(6) The department of transportation; or 6977

(7) Any political subdivision of this state described in 6978  
division (B) of section 125.04 of the Revised Code. 6979

(F) The United States or any department, division, or agency 6980  
of the United States, one or more other states, groups of states, 6981  
other purchasing consortia, or any agency, commission, or 6982  
authority established under an interstate compact or agreement may 6983  
purchase supplies and services from contracts established by the 6984  
department of administrative services. 6985

(G) Except as provided in section 125.04 of the Revised Code, 6986  
the department of administrative services shall purchase any 6987  
policy of insurance, including a surety or fidelity bond, covering 6988  
officers or employees of a state agency, for which the annual 6989  
premium is more than one thousand dollars and which the state may 6990  
procure. The department shall purchase the insurance in conformity 6991  
with sections 125.04 to 125.15 of the Revised Code. As used in 6992  
this division, "annual premium" means the total premium for one 6993  
year for one type of insurance regardless of the number of 6994  
policies. 6995

**Sec. 125.035.** (A) Except as otherwise provided in the Revised 6996  
Code, a state agency wanting to purchase supplies or services 6997  
shall make the purchase subject to the requirements of an 6998  
applicable first or second requisite procurement program described 6999  
in this section, or obtain a determination from the department of 7000  
administrative services that the purchase is not subject to a 7001  
first or second requisite procurement program. State agencies 7002  
shall submit a purchase request to the department of 7003  
administrative services unless the department has determined the 7004  
request does not require a review. The director of administrative 7005  
services shall adopt rules under Chapter 119. of the Revised Code 7006  
to provide for the manner of carrying out the function and the 7007



power and duties imposed upon and vested in the director by this section. 7008  
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(B) The following programs are first requisite procurement programs that shall be given preference in the following order in fulfilling a purchase request: 7010  
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(1) Ohio penal industries within the department of rehabilitation and correction; and 7013  
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(2) Community rehabilitation programs administered by the department of administrative services under sections 125.601 to 125.6012 of the Revised Code. 7015  
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(C) The following programs are second requisite procurement programs that may be able to fulfill the purchase request if the first requisite procurement programs are unable to do so: 7018  
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(1) Business enterprise program at the department of opportunities for Ohioans with disabilities as prescribed in sections 3304.28 to 3304.33 of the Revised Code; 7021  
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(2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code; 7024  
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(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code; 7027  
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(4) Office of support services at the department of mental health as prescribed in section 5119.44 of the Revised Code; 7030  
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(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and 7032  
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(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency. 7034  
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(D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the first requisite procurement programs. When the department has made its determination, it shall:

(1) Direct the requesting agency to obtain the desired supplies or services through the proper first requisite procurement program;

(2) Provide the agency with a waiver from the use of the applicable first requisite procurement programs under sections 125.609 or 5147.07 of the Revised Code; or

(3) Determine whether the purchase can be fulfilled through a second requisite procurement program under division (E) of this section.

(E) In making the determination that a purchase is subject to a second requisite procurement program, the department shall identify potentially applicable programs and notify each program of the requested purchase. The notified second requisite procurement program shall respond to the department within two business days with regard to its ability to provide the requested purchase. If the second requisite procurement program can provide the requested purchase, the department shall direct the requesting agency to make the requested purchase from the appropriate second requisite procurement program. If the department has not received notification from a second requisite procurement program within two business days and the department has made the determination that the purchase is not subject to a second requisite procurement program, the department shall provide a waiver to the requesting agency.

(F) Within five business days after receipt of a request, the department shall notify the requesting agency of its determination and provide any waiver under divisions (D) or (E) of this section. If the department fails to respond within five business days or fails to provide an explanation for any further delay within that time, the requesting agency may use direct purchasing authority to make the requested purchase, subject to the requirements of division (G) of this section and section 127.16 of the Revised Code. 7069  
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(G) As provided in sections 125.02 and 125.05 of the Revised Code and subject to such rules as the director of administrative services may adopt, the department may issue a release and permit to the agency to secure supplies or services. A release and permit shall specify the supplies or services to which it applies, the time during which it is operative, and the reason for its issuance. A release and permit for telephone, other telecommunications, and computer services shall be provided in accordance with section 125.18 of the Revised Code and shall specify the type of services to be rendered, the number and type of hardware to be used, and may specify the amount of such services to be performed. No requesting agency shall proceed with such purchase until it has received an approved release and permit from the director of administrative services or the director's designee. 7078  
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**Sec. 125.04.** ~~(A) Except as provided in division (D) of this section, the department of administrative services shall determine what supplies and services are purchased by or for state agencies. Whenever the department of administrative services makes any change or addition to the lists of supplies and services that it determines to purchase for state agencies, it shall provide a list to the agencies of the changes or additions. Except for the requirements of division (B) of this section, section 125.092, and~~ 7093  
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division (B) of section 125.11 of the Revised Code, sections 7101  
125.04 to 125.08 and 125.09 to 125.15 of the Revised Code do not 7102  
apply to or affect ~~the educational state~~ institutions of ~~the state~~ 7103  
higher education. 7104

(B)(1) As used in this division: 7105

(a) "Chartered nonpublic school" has the same meaning as in 7106  
section 3310.01 of the Revised Code. 7107

(b) "Emergency medical service organization" has the same 7108  
meaning as in section 4765.01 of the Revised Code. 7109

(c) "Governmental agency" means a political subdivision or 7110  
special district in this state established by or under law, or any 7111  
combination of these entities; the United States or any 7112  
department, division, or agency of the United States; one or more 7113  
other states or groups of states; other purchasing consortia; and 7114  
any agency, commission, or authority established under an 7115  
interstate compact or agreement. 7116

(d) "Political subdivision" means any county, township, 7117  
municipal corporation, school district, conservancy district, 7118  
township park district, park district created under Chapter 1545. 7119  
of the Revised Code, regional transit authority, regional airport 7120  
authority, regional water and sewer district, or port authority. 7121  
"Political subdivision" also includes any other political 7122  
subdivision described in the Revised Code that has been approved 7123  
by the department to participate in the department's contracts 7124  
under this division. 7125

~~(d)~~(e) "Private fire company" has the same meaning as in 7126  
section 9.60 of the Revised Code. 7127

(f) "State institution of higher education" has the meaning 7128  
defined in section 3345.011 of the Revised Code. 7129

(2) Subject to division (C) of this section, the department 7130

of administrative services may permit a state institution of 7131  
higher education, governmental agency, political subdivision, 7132  
county board of elections, private fire company, private, 7133  
nonprofit emergency medical service organization, or chartered 7134  
nonpublic school to participate in contracts into which the 7135  
department has entered for the purchase of supplies and services. 7136  
The department may charge the entity a reasonable fee to cover the 7137  
administrative costs the department incurs as a result of 7138  
participation by the entity in such a purchase contract. 7139

A political subdivision desiring to participate in such 7140  
purchase contracts shall file with the department a certified copy 7141  
of an ordinance or resolution of the legislative authority or 7142  
governing board of the political subdivision. The resolution or 7143  
ordinance shall request that the political subdivision be 7144  
authorized to participate in such contracts and shall agree that 7145  
the political subdivision will be bound by such terms and 7146  
conditions as the department prescribes and that it will directly 7147  
pay the vendor under each purchase contract. A board of elections 7148  
desiring to participate in such purchase contracts shall file with 7149  
the purchasing authority a written request for inclusion in the 7150  
program. A private fire company, private, nonprofit emergency 7151  
medical service organization, or chartered nonpublic school 7152  
desiring to participate in such purchase contracts shall file with 7153  
the department a written request for inclusion in the program 7154  
signed by the chief officer of the company, organization, or 7155  
chartered nonpublic school. A governmental agency desiring to 7156  
participate in such purchase contracts shall file with the 7157  
department a written request for inclusion in the program. A state 7158  
institution of higher education desiring to participate in such 7159  
purchase contracts shall file with the department a certified copy 7160  
of resolution of the board of trustees or similar authorizing 7161  
body. The resolution shall request that the state institution of 7162  
higher education be authorized to participate in such contracts. 7163

A request for inclusion shall include an agreement to be bound by such terms and conditions as the department prescribes and to make direct payments to the vendor under each purchase contract.

The department shall include in its annual report, an estimate of the ~~cost it incurs by permitting~~ purchases made by state institutions of higher education, governmental agencies, political subdivisions, county boards of elections, private fire companies, private, nonprofit emergency medical service organizations, and chartered nonpublic schools ~~to participate in~~ from contracts pursuant to this division. The department may require such entities to file a report with the department, as often as it finds necessary, stating how many such contracts the entities participated in within a specified period of time, and any other information the department requires.

(3) Purchases made by a political subdivision or a county board of elections under this division are exempt from any competitive selection procedures otherwise required by law. No political subdivision shall make any purchase under this division when bids have been received for such purchase by the subdivision, unless such purchase can be made upon the same terms, conditions, and specifications at a lower price under this division.

(C) A political subdivision as defined in division (B) of this section or a county board of elections may purchase supplies or services from another party, including a political subdivision, instead of through participation in contracts described in division (B) of this section if the political subdivision or county board of elections can purchase those supplies or services from the other party upon equivalent terms, conditions, and specifications but at a lower price than it can through those contracts. Purchases that a political subdivision or county board of elections makes under this division are exempt from any

competitive selection procedures otherwise required by law. A 7196  
political subdivision or county board of elections that makes any 7197  
purchase under this division shall maintain sufficient information 7198  
regarding the purchase to verify that the political subdivision or 7199  
county board of elections satisfied the conditions for making a 7200  
purchase under this division. Nothing in this division restricts 7201  
any action taken by a county or township as authorized by division 7202  
(B)(1) of section 9.48 of the Revised Code. 7203

(D) This section does not apply to supplies or services 7204  
~~required by the legislative or judicial branches, the capitol~~ 7205  
~~square review and advisory board, the adjutant general for~~ 7206  
~~military supplies and services, to supplies or services~~ purchased 7207  
by a state agency directly as provided in ~~division (A), (B), or~~ 7208  
~~(F)~~ of section 125.05 of the Revised Code, or to purchases of 7209  
supplies or services for the emergency management agency as 7210  
provided in section ~~125.023~~ 125.061 of the Revised Code. 7211

**Sec. 125.041.** (A) Nothing in sections 125.02, ~~125.03~~ 125.04 7212  
to 125.08, 125.12 to 125.16, 125.18, 125.31 to 125.76, or 125.831 7213  
of the Revised Code shall be construed as limiting the attorney 7214  
general, auditor of state, secretary of state, or treasurer of 7215  
state in any of the following: 7216

~~(A)~~(1) Purchases for less than the dollar amounts for the 7217  
purchase of supplies or services determined ~~pursuant to division~~ 7218  
~~(E)~~ of under section 125.05 of the Revised Code; 7219

~~(B)~~(2) Purchases that equal or exceed the dollar amounts for 7220  
the purchase of supplies or services determined ~~pursuant to~~ 7221  
~~division (E)~~ of under section 125.05 of the Revised Code with the 7222  
approval of the controlling board, if that approval is required by 7223  
section 127.16 of the Revised Code; 7224

~~(C)~~(3) The final determination of the nature or quantity 7225  
making of any purchase of supplies or services ~~to be purchased~~ 7226

~~pursuant to~~ under division (B) of section ~~125.06~~ 125.02 or under 7227  
division (G) of section 125.035 of the Revised Code; 7228

~~(D)~~(4) The final determination and disposal of excess and 7229  
surplus supplies; 7230

~~(E)~~(5) The inventory of state property; 7231

~~(F)~~(6) The purchase of printing; 7232

~~(G)~~(7) Activities related to information technology 7233  
development and use; 7234

~~(H)~~(8) The fleet management program. 7235

(B) Nothing in this section shall be construed as preventing 7236  
the attorney general, auditor of state, secretary of state, or 7237  
treasurer of state from complying with or participating in any 7238  
aspect of Chapter 125. of the Revised Code through the department 7239  
of administrative services. 7240

**Sec. 125.05.** Except as provided in division ~~(F)~~(D) of this 7241  
section, no state agency shall purchase any supplies or services 7242  
except as provided in divisions (A) to ~~(D)~~(C) of this section. 7243

(A) ~~Subject to division (E) of this section,~~ a A state agency 7244  
may, without competitive selection, make any purchase of supplies 7245  
or services that cost ~~twenty five~~ less than fifty thousand dollars 7246  
~~or less after complying with divisions (A) to (E) of section~~ 7247  
125.035 of the Revised Code. The agency may make the purchase 7248  
directly or may make the purchase from or through the department 7249  
of administrative services, whichever the agency determines. The 7250  
agency shall adopt written procedures consistent with the 7251  
department's purchasing procedures and shall use those procedures 7252  
when making purchases under this division. 7253

~~(B) Subject to division (E) of this section and in accordance~~ 7254  
~~with section 125.051 of the Revised Code, a state agency may make~~ 7255  
~~purchases of supplies and services that cost more than twenty five~~ 7256



~~thousand dollars but less than fifty thousand dollars if the~~ 7257  
~~purchases are made under the direction of an employee of the~~ 7258  
~~agency who is certified by the department to make purchases and if~~ 7259  
~~the purchases comply with the department's purchasing procedures.~~ 7260  
Section 127.16 of the Revised Code does not apply to purchases 7261  
made under this division. ~~Until the certification effective date~~ 7262  
~~established by the department in rules adopted under section~~ 7263  
~~125.051 of the Revised Code, state agencies may make purchases of~~ 7264  
~~supplies and services that cost more than twenty five thousand~~ 7265  
~~dollars but less than fifty thousand dollars in the same manner as~~ 7266  
~~provided in division (A) of this section.~~ 7267

(B) A state agency shall make purchases of supplies and 7268  
services that cost fifty thousand dollars or more through the 7269  
department of administrative services and the process provided in 7270  
section 125.035 of the Revised Code, unless the department grants 7271  
a waiver under divisions (D) or (E) of that section and a release 7272  
and permit under division (G) of that section. 7273

~~(C) Subject to division (E) of this section, a state agency~~ 7274  
~~wanting to purchase supplies or services that cost more than~~ 7275  
~~twenty five thousand dollars shall, unless otherwise authorized by~~ 7276  
~~law, make the purchase from or through the department. The~~ 7277  
~~department shall make the purchase by competitive selection. If~~ 7278  
~~the director of administrative services determines that it is not~~ 7279  
~~possible or not advantageous to the state for the department to~~ 7280  
~~make the purchase, the department shall grant the agency a release~~ 7281  
~~and permit under section 125.06 of the Revised Code to make the~~ 7282  
~~purchase. Section 127.16 of the Revised Code does not apply to~~ 7283  
~~purchases the department makes under this section.~~ 7284

~~(D)~~ An agency that has been granted a release and permit 7285  
under division (G) of section 125.035 of the Revised Code to make 7286  
a purchase may make the purchase without competitive selection if 7287  
after making the purchase the cumulative purchase threshold as 7288

computed under division (E) of section 127.16 of the Revised Code 7289  
would: 7290

(1) Be exceeded and the controlling board approves the 7291  
purchase; 7292

(2) Not be exceeded and the department of administrative 7293  
services approves the purchase. 7294

~~(E) Not later than the thirty-first day of January of each 7295  
even numbered year, the directors of administrative services and 7296  
budget and management shall review and recommend to the general 7297  
assembly, if necessary, adjustments to the amounts specified in 7298  
divisions (A) to (C) of this section and division (B) of section 7299  
127.16 of the Revised Code. 7300~~

~~(F)~~(D) If the department of education or the Ohio education 7301  
computer network determines that it can purchase software services 7302  
or supplies for specified school districts at a price less than 7303  
the price for which the districts could purchase the same software 7304  
services or supplies for themselves, the department or network 7305  
shall certify that fact to the department of administrative 7306  
services and, acting as an agent for the specified school 7307  
districts, shall make that purchase without following the 7308  
provisions in divisions (A) to (D) of this section. 7309

Sec. 125.061. (A) During the period of an emergency as 7310  
defined in section 5502.21 of the Revised Code, the department of 7311  
administrative services may suspend, for the emergency management 7312  
agency established in section 5502.022 of the Revised Code or any 7313  
other state agency participating in response and recovery 7314  
activities as defined in section 5502.21 of the Revised Code, the 7315  
purchasing and contracting requirements contained in Chapter 125. 7316  
and any requirement of Chapter 153. of the Revised Code that 7317  
otherwise would apply to the agency. The director of public safety 7318  
or the executive director of the emergency management agency shall 7319

make the request for the suspension of these requirements to the 7320  
department of administrative services concurrently with the 7321  
request to the governor or the president of the United States for 7322  
the declaration of an emergency. The governor also shall include 7323  
in any proclamation the governor issues declaring an emergency 7324  
language requesting the suspension of those requirements during 7325  
the period of the emergency. 7326

(B) Before any purchase may be made under a suspension 7327  
authorized by this section, the director of administrative 7328  
services shall send notice of the suspension as approved under 7329  
division (A) of this section to the director of budget and 7330  
management and to the members of the controlling board. The notice 7331  
shall provide details of the request for suspension and shall 7332  
include a copy of the director's approval. 7333

(C) Purchases made by state agencies under this section are 7334  
exempt from the requirements of section 127.16 of the Revised 7335  
Code, except that state agencies making purchases under this 7336  
section shall file a report with the president of the controlling 7337  
board describing all such purchases made by the agency during the 7338  
period covered by the emergency declaration. The report shall be 7339  
filed within ninety days after the declaration expires. 7340

**Sec. 125.07.** (A) In accordance with rules the director shall 7341  
adopt under Chapter 119. of the Revised Code, the director of 7342  
administrative services may make purchases by competitive sealed 7343  
bid. The competitive sealed bid, at a minimum, shall contain a 7344  
detailed description of the supplies or services to be purchased, 7345  
terms and conditions of the sale, and any other information the 7346  
director considers to be necessary for the intended purchase. 7347  
Competitive sealed bids shall be awarded as provided in section 7348  
125.11 of the Revised Code. 7349

~~(B)~~ The department of administrative services, in making a purchase by competitive selection pursuant to ~~division (C) of section 125.05 of the Revised Code~~ sealed bid, shall give notice in the following manner:

~~(A)(1)~~ The department shall advertise the intended purchases by notice ~~that is posted by mail or electronic means and that is~~ for the benefit of competing persons producing or dealing in the supplies or services to be purchased, ~~including, but not limited to, the persons whose names appear on the appropriate list provided for in section 125.08 of the Revised Code.~~ The notice may be in the form of the bid or proposal document or of a listing in a periodic bulletin, or in any other electronic form the director of administrative services considers appropriate to sufficiently notify ~~qualified~~ competing persons of the intended purchases.

~~(B)(2)~~ The notice required under this division ~~(A) of this section~~ shall include the time and place where bids ~~or proposals~~ will be accepted and opened, or, when bids are made in a reverse auction, the time when bids will be accepted; the conditions under which bids ~~or proposals~~ will be received; the terms of the proposed purchases; and an itemized list of the supplies or services to be purchased and the estimated quantities or amounts of them.

~~(C)(3)~~ The ~~posting of the~~ notice required under this division ~~(A) of this section~~ shall be completed by posted the number of days ~~the director determines~~ preceding the day when the bids ~~or proposals~~ will be opened or accepted that the director determines sufficient to enable interested bidders to prepare their bids.

~~(D)~~ The department also shall maintain, in a public place in its office, a bulletin board upon which it shall post and maintain a copy of the notice required under division (A) of this section for at least the number of days the director determines under ~~division (C) of this section~~ preceding the day of the opening or

~~acceptance of the bids or proposals. The failure to so 7382  
additionally post the notice shall invalidate all proceedings had 7383  
and any contract entered into pursuant to the proceedings. 7384~~

~~Sec. 125.08. (A) The department of administrative services 7385  
may divide the state into purchasing districts wherein supplies or 7386  
services are to be delivered and shall describe those districts on 7387  
all applications for the notification list provided for in this 7388  
section. 7389~~

~~Any person may have that person's name and address, or the 7390  
name and address of an agent, placed on the competitive selection 7391  
notification list of the department of administrative services by 7392  
sending to the department the person's name and address, together 7393  
with a list of the supplies or services described in the manner 7394  
prescribed by the department produced or dealt in by the person 7395  
with a request for such listing, a list of the districts in which 7396  
the person desires to participate, and all other information the 7397  
director of administrative services may prescribe. Whenever any 7398  
name and address together with a list of the supplies or services 7399  
produced or dealt in is so listed, the department shall post 7400  
notice, as provided in division (A) of section 125.07 of the 7401  
Revised Code, for the benefit of the persons listed on the 7402  
notification list that are qualified Ohio business enterprises, 7403  
which shall include Ohio penal industries as defined by rule of 7404  
the director of administrative services, or have a significant 7405  
Ohio presence in this state's economy, except that, in those 7406  
circumstances in which the director considers it in the best 7407  
interest of this state, the director shall post notice, as 7408  
provided in division (A) of section 125.07 of the Revised Code, 7409  
for the benefit of all persons listed on the notification list. 7410  
The department need only provide competitive selection documents 7411  
for a proposed contract to persons who specifically request the 7412  
documents. 7413~~

~~The director may remove a person from the notification list 7414  
and place the person on an inactive list if the person fails to 7415  
respond to any notices of proposed purchases that appear in four 7416  
consecutive bulletins or other forms of notification that list 7417  
those notices. Upon written request to the director by the person 7418  
so removed, the director may return the person to the notification 7419  
list if the person provides sufficient evidence regarding intent 7420  
to offer bids or proposals to the state. The director shall not 7421  
remove any person from the list without notice to the person. The 7422  
notice may be a part of the notices of proposed purchase. 7423~~

~~(B) Any person who is certified by the equal employment 7424  
opportunity coordinator of the department of administrative 7425  
services in accordance with the rules adopted under division 7426  
(B)(1) of section 123.151 of the Revised Code as a minority 7427  
business enterprise may have that person's name placed on a 7428  
special minority business enterprise notification list to be used 7429  
in connection with contracts awarded under section 125.081 of the 7430  
Revised Code. The minority business enterprise notification list 7431  
shall be used for bidding on contracts set aside for minority 7432  
business enterprises only. In all other respects, the list shall 7433  
be maintained and used in the same manner and according to the 7434  
same procedures as the notification list provided for under 7435  
division (A) of this section, except that a firm shall not be 7436  
removed from the list unless the coordinator determines that the 7437  
firm is no longer a minority business enterprise. A minority 7438  
business enterprise may have its name placed on both the 7439  
notification lists provided for in this section. 7440~~

~~(C) The director of administrative services may require an 7441  
annual registration fee for the listings provided for in division 7442  
(A) or (B) of this section. This fee shall not be more than ten 7443  
dollars. The department may charge a fee for any compilation of 7444  
descriptions of supplies or services. This fee shall be reasonable 7445~~

~~and shall not exceed the cost required to maintain the 7446  
notification lists and provide for the distribution of the 7447  
proposed purchase to the persons whose names appear on the lists. 7448~~

**Sec. 125.081.** (A) From the purchases that the department of 7449  
administrative services is required by law to make through 7450  
competitive selection, the director of administrative services 7451  
shall select a number of such purchases, the aggregate value of 7452  
which equals approximately fifteen per cent of the estimated total 7453  
value of all such purchases to be made in the current fiscal year. 7454  
The director shall set aside the purchases selected for 7455  
competition only by minority business enterprises, as defined in 7456  
division (E)(1) of section 122.71 of the Revised Code. The 7457  
competitive selection procedures for such purchases set aside 7458  
shall be the same as for all other purchases the department is 7459  
required to make through competitive selection, except that only 7460  
minority business enterprises certified by the equal employment 7461  
opportunity coordinator of the department of administrative 7462  
services in accordance with the rules adopted under division 7463  
(B)(1) of section 123.151 of the Revised Code and listed by the 7464  
director under ~~division (B) of~~ section 125.08 of the Revised Code 7465  
shall be qualified to compete. 7466

(B) To the extent that any agency of the state, other than 7467  
the department of administrative services, the legislative and 7468  
judicial branches, boards of elections, and the adjutant general, 7469  
is authorized to make purchases, the agency shall set aside a 7470  
number of purchases, the aggregate value of which equals 7471  
approximately fifteen per cent of the aggregate value of such 7472  
purchases for the current fiscal year for competition by minority 7473  
business enterprises only. The procedures for such purchases shall 7474  
be the same as for all other such purchases made by the agency, 7475  
except that only minority business enterprises certified by the 7476  
equal employment opportunity coordinator in accordance with rules 7477

adopted under division (B)(1) of section 123.151 of the Revised Code shall be qualified to compete.

(C) In the case of purchases set aside under division (A) or (B) of this section, if no bid is submitted by a minority business enterprise, the purchase shall be made according to usual procedures. The contracting agency shall from time to time set aside such additional purchases for which only minority business enterprises may compete, as are necessary to replace those purchases previously set aside for which no minority business enterprises bid and to ensure that, in any fiscal year, the aggregate amount of contracts awarded to minority business enterprises will equal approximately fifteen per cent of the total amount of contracts awarded by the agency.

(D) The provisions of this section shall not preclude any minority business enterprise from competing for any other state purchases that are not specifically set aside for minority business enterprises.

(E) No funds of any state agency shall be expended in any fiscal year for any purchase for which competitive selection is required, until the director of the department of administrative services certifies to the equal employment opportunity coordinator, the clerk of the senate, and the clerk of the house of representatives of the general assembly that approximately fifteen per cent of the aggregate amount of the projected expenditure for such purchases in the fiscal year has been set aside as provided for in this section.

(F) Any person who intentionally misrepresents self as owning, controlling, operating, or participating in a minority business enterprise for the purpose of obtaining contracts, subcontracts, or any other benefits under this section shall be guilty of theft by deception as provided for in section 2913.02 of the Revised Code.



**Sec. 125.082.** (A) When purchasing equipment, materials, or 7510  
supplies, the general assembly; the offices of all elected state 7511  
officers; all departments, boards, offices, commissions, agencies, 7512  
institutions, including, without limitation, state-supported 7513  
institutions of higher education, and other instrumentalities of 7514  
this state; the supreme court; all courts of appeals; and all 7515  
courts of common pleas, may purchase recycled products in 7516  
accordance with ~~the guidelines adopted under division (B) of this~~ 7517  
~~section if the products are available and meet the performance~~ 7518  
~~specifications of the procuring entities. Purchases of recycled~~ 7519  
~~products shall comply with any rules adopted under division (C) of~~ 7520  
~~this section~~ by the director of administrative services. 7521

(B) The director of administrative services shall adopt rules 7522  
in accordance with Chapter 119. of the Revised Code establishing 7523  
guidelines for the procurement of recycled products pursuant to 7524  
division (A) of this section. ~~To the extent practicable, the~~ 7525  
~~guidelines shall do all of the following:~~ 7526

~~(1) Be consistent with and substantially equivalent to any~~ 7527  
~~relevant regulations adopted by the administrator of the United~~ 7528  
~~States environmental protection agency pursuant to the "Resource~~ 7529  
~~Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A.~~ 7530  
~~6921, as amended;~~ 7531

~~(2) Establish the minimum percentage of recycled materials~~ 7532  
~~the various products shall contain in order to be considered~~ 7533  
~~"recycled" for the purposes of division (A) of this section;~~ 7534

~~(3) So far as practicable and economically feasible,~~ 7535  
~~incorporate specifications for recycled content materials to~~ 7536  
~~promote the use and purchase of recycled products by state~~ 7537  
~~agencies.~~ 7538

~~(C) The director may adopt rules in accordance with Chapter~~ 7539  
~~119. of the Revised Code establishing a maximum percentage by~~ 7540

~~which the cost of recycled products purchased under division (A) 7541  
of this section may exceed the cost of comparable products made of 7542  
virgin materials. 7543~~

~~(D) The department of administrative services and the 7544  
environmental protection agency annually shall prepare and submit 7545  
to the governor, president of the senate, and speaker of the house 7546  
of representatives a report that describes, so far as practicable, 7547  
the value and types of recycled products that are purchased with 7548  
moneys disbursed from the state treasury by the general assembly; 7549  
the offices of all elected state officers; and all departments, 7550  
boards, offices, commissions, agencies, and institutions of this 7551  
state. 7552~~

**Sec. 125.10.** (A) The department of administrative services 7553  
may require that all competitive sealed bids, competitive sealed 7554  
proposals, and bids received in a reverse auction be accompanied 7555  
by a performance bond or other ~~cash surety~~ financial assurance 7556  
acceptable to the director of administrative services, in the sum 7557  
and with the sureties it prescribes, payable to the state, and 7558  
conditioned that the person submitting the bid or proposal, if 7559  
that person's bid or proposal is accepted, will faithfully execute 7560  
the terms of the contract and promptly make deliveries of the 7561  
supplies purchased. 7562

(B) A sealed copy of each competitive sealed bid or 7563  
competitive sealed proposal shall be filed with the department 7564  
prior to the time specified in the notice for opening of the bids 7565  
or proposals. All competitive sealed bids and competitive sealed 7566  
proposals shall be publicly opened in the office of the department 7567  
at the time specified in the notice. A representative of the 7568  
auditor of state shall be present at the opening of all 7569  
competitive sealed bids and competitive sealed proposals, and 7570  
shall certify the opening of each competitive sealed bid and 7571

competitive sealed proposal. No competitive sealed bid or 7572  
competitive sealed proposal shall be considered valid unless it is 7573  
so certified. 7574

**Sec. 125.11.** (A) Subject to division (B) of this section, 7575  
contracts awarded pursuant to a reverse auction under section 7576  
125.072 of the Revised Code or pursuant to competitive sealed 7577  
bidding, including contracts awarded under section 125.081 of the 7578  
Revised Code, shall be awarded to the lowest responsive and 7579  
responsible bidder ~~on each item~~ in accordance with section 9.312 7580  
of the Revised Code. When the contract is for meat products as 7581  
defined in section 918.01 of the Revised Code or poultry products 7582  
as defined in section 918.21 of the Revised Code, only those bids 7583  
received from vendors ~~offering products from establishments on the~~ 7584  
~~current list of meat and poultry vendors established and~~ 7585  
~~maintained by the director of administrative services under~~ 7586  
~~section 125.17 of the Revised Code~~ under inspection of the United 7587  
States department of agriculture or who are licensed by the Ohio 7588  
department of agriculture shall be eligible for acceptance. The 7589  
department of administrative services may accept or reject any or 7590  
all bids in whole or by items, except that when the contract is 7591  
for services or products available from a qualified nonprofit 7592  
agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 7593  
4115.35 of the Revised Code, the contract shall be awarded to that 7594  
agency. 7595

(B) Prior to awarding a contract under division (A) of this 7596  
section, the department of administrative services or the state 7597  
agency responsible for evaluating a contract for the purchase of 7598  
products shall evaluate the bids received according to the 7599  
criteria and procedures established pursuant to divisions (C)(1) 7600  
and (2) of section 125.09 of the Revised Code for determining if a 7601  
product is produced or mined in the United States and if a product 7602  
is produced or mined in this state. The department or other state 7603

agency shall first ~~remove~~ consider bids that offer products that 7604  
have ~~not~~ been or that will ~~not~~ be produced or mined in the United 7605  
States. From among the remaining bids, the department or other 7606  
state agency shall select the lowest responsive and responsible 7607  
bid, in accordance with section 9.312 of the Revised Code, from 7608  
among the bids that offer products that have been produced or 7609  
mined in this state where sufficient competition can be generated 7610  
within this state to ensure that compliance with these 7611  
requirements will not result in an excessive price for the product 7612  
or acquiring a disproportionately inferior product. 7613

(C) Division (B) of this section applies to contracts for 7614  
which competitive bidding is waived by the controlling board. 7615

(D) Division (B) of this section does not apply to the 7616  
purchase by the division of liquor control of spirituous liquor. 7617

(E) The director of administrative services shall publish in 7618  
the form of a model act for use by counties, townships, municipal 7619  
corporations, or any other political subdivision described in 7620  
division (B) of section 125.04 of the Revised Code, a system of 7621  
preferences for products mined and produced in this state and in 7622  
the United States and for Ohio-based contractors. The model act 7623  
shall reflect substantial equivalence to the system of preferences 7624  
in purchasing and public improvement contracting procedures under 7625  
which the state operates pursuant to this chapter and section 7626  
153.012 of the Revised Code. To the maximum extent possible, 7627  
consistent with the Ohio system of preferences in purchasing and 7628  
public improvement contracting procedures, the model act shall 7629  
incorporate all of the requirements of the federal "Buy America 7630  
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 7631  
the rules adopted under that act. 7632

Before and during the development and promulgation of the 7633  
model act, the director shall consult with appropriate statewide 7634  
organizations representing counties, townships, and municipal 7635

corporations so as to identify the special requirements and 7636  
concerns these political subdivisions have in their purchasing and 7637  
public improvement contracting procedures. The director shall 7638  
promulgate the model act by rule adopted pursuant to Chapter 119. 7639  
of the Revised Code and shall revise the act as necessary to 7640  
reflect changes in this chapter or section 153.012 of the Revised 7641  
Code. 7642

The director shall make available copies of the model act, 7643  
supporting information, and technical assistance to any township, 7644  
county, or municipal corporation wishing to incorporate the 7645  
provisions of the act into its purchasing or public improvement 7646  
contracting procedure. 7647

**Sec. 125.112.** (A) As used in this section: 7648

(1) "Agency" means a department created under section 121.02 7649  
of the Revised Code. 7650

(2) "Entity" means, whether for profit or nonprofit, a 7651  
corporation, association, partnership, limited liability company, 7652  
sole proprietorship, or other business entity. "Entity" does not 7653  
include an individual who receives state assistance that is not 7654  
related to the individual's business. 7655

(3)(a) "State award" means a contract awarded by the state 7656  
costing over twenty-five thousand dollars. 7657

(b) "State award" does not include compensation received as 7658  
an employee of the state or any state financial assistance and 7659  
expenditure received from the general assembly or any legislative 7660  
agency, any court or judicial agency, the secretary of state, 7661  
auditor of state, treasurer of state, or attorney general and 7662  
their respective offices. 7663

(B) The department of administrative services shall establish 7664  
and maintain a single searchable web site, accessible by the 7665

public at no cost, that includes all of the following information 7666  
for each state award: 7667

(1) The name of the entity receiving the award; 7668

(2) The amount of the award; 7669

(3) Information on the award, the agency or other 7670  
instrumentality of the state that is providing the award, and the 7671  
commodity code; 7672

(4) Any other relevant information determined by the 7673  
department of administrative services. 7674

(C) The department of administrative services may consult 7675  
with other state agencies in the development, establishment, 7676  
operation, and support of the web site required by division (B) of 7677  
this section. State awards shall be posted on the web site within 7678  
thirty days after being made. The department of administrative 7679  
services shall provide an opportunity for public comment as to the 7680  
utility of the web site required by division (B) of this section 7681  
and any suggested improvements. 7682

(D) The web site required by division (B) of this section 7683  
shall be fully operational not later than one year after ~~the~~ 7684  
~~effective date of this section~~ December 30, 2008, and shall 7685  
include information on state awards made in fiscal year 2008 and 7686  
thereafter. It shall also provide an electronic link to the daily 7687  
journals of the senate and house of representatives. 7688

(E) The director of administrative services shall submit to 7689  
the general assembly an annual report regarding the implementation 7690  
of the web site established pursuant to division (B) of this 7691  
section. The report shall include data regarding the usage of the 7692  
web site and any public comments on the utility of the site, 7693  
including recommendations for improving data quality and 7694  
collection. The director shall post each report on the web site. 7695

(F) Each agency awarding a grant to an entity in fiscal year 2008 and thereafter shall establish and maintain a separate web site listing the name of the entity receiving each grant, the grant amount, information on each grant, and any other relevant information determined by the department of administrative services. Each agency shall provide the link to such a web site to the department of administrative services within a reasonable time after ~~the effective date of this section~~ December 30, 2008, and shall thereafter update its web site within thirty days of awarding a new grant. Not later than one year after ~~the effective date of this section~~ December 30, 2008, the department of administrative services shall establish and maintain a separate web site, accessible to the public at no cost, which contains the links to the agency web sites required by this division.

(G) ~~The~~ At the end of the closeout year, the attorney general shall ~~monitor the compliance of~~ determine the extent to which an entity has complied with the terms and conditions, including performance metrics, ~~if any,~~ of a state award for economic development received by that entity. As necessary, the agency that makes and administers the state award for economic development shall assist the attorney general with that ~~monitoring~~ determination. The attorney general shall submit to the general assembly pursuant to section 101.68 of the Revised Code an annual report regarding the level of compliance of each such ~~entities~~ entity with the terms and conditions, including ~~any~~ performance metrics, of their state awards for economic development. When the attorney general determines appropriate and to the extent that an entity that receives or has received a state award for economic development does not comply with a performance metric that is specified in the terms and conditions of the award, the attorney general shall pursue against and from that entity such remedies and recoveries as are available under law. For purposes of this division, "state Closeout year" means the calendar year by which

an entity that receives a state award for economic development 7729  
must comply with a performance metric specified in the terms and 7730  
conditions of the award. "State award for economic development" 7731  
means state financial assistance and expenditure in any of the 7732  
following forms: grants, subgrants, loans, awards, cooperative 7733  
agreements, or other similar and related forms of financial 7734  
assistance and contracts, subcontracts, purchase orders, task 7735  
orders, delivery orders, or other similar and related 7736  
transactions. "State award for economic development" does not 7737  
include compensation received as an employee of the state or any 7738  
state financial assistance and expenditure received from the 7739  
general assembly or any legislative agency, any court or judicial 7740  
agency, the secretary of state, auditor of state, treasurer of 7741  
state, or attorney general and their respective offices. 7742

(H) Nothing in this section shall be construed as requiring 7743  
the disclosure of information that is not a public record under 7744  
section 149.43 of the Revised Code. 7745

**Sec. 125.13.** (A) As used in this section: 7746

(1) "Emergency medical service organization" has the same 7747  
meaning as in section 4765.01 of the Revised Code. 7748

(2) "Private fire company" has the same meaning as in section 7749  
9.60 of the Revised Code. 7750

(B) ~~Except as otherwise provided in section 5139.03 of the~~ 7751  
~~Revised Code, whenever~~ Whenever a state agency ~~determines that it~~ 7752  
has excess or surplus supplies, it shall notify the director of 7753  
administrative services. ~~Upon request by the director and on~~ On 7754  
forms provided by the director, the state agency shall furnish to 7755  
the director a list of ~~all those~~ its excess and surplus supplies 7756  
~~and an appraisal of their value, including the location of the~~ 7757  
supplies and whether the supplies are currently in the agency's 7758  
control. 7759



(C) The Upon receipt of notification and at no cost to the 7760  
state agency, the director of administrative services shall make 7761  
arrangements for their disposition and shall take immediate 7762  
control of a state agency's excess and surplus supplies, except 7763  
for the following excess and surplus supplies: 7764

(1) Excess or surplus supplies that have a value below the 7765  
minimum value that the director establishes for excess and surplus 7766  
supplies under division (F) of this section; 7767

(2) Excess or surplus supplies that the director has 7768  
authorized an agency to donate to a ~~public entity~~ governmental 7769  
agency, including, but not limited to, public schools and surplus 7770  
computers and computer equipment transferred to a public school 7771  
under division ~~(H)~~(G) of this section; 7772

(3) Excess or surplus supplies that an agency trades in as 7773  
full or partial payment when purchasing a replacement item; 7774

(4) Hazardous property; 7775

(5) Excess or surplus supplies that the director has 7776  
authorized to be part of an interagency transfer; 7777

(6) Excess or surplus supplies that are donated under 7778  
division (H) of this section. 7779

(D) The director shall inventory excess and surplus supplies 7780  
in the director's control and post on a public web site a list of 7781  
the supplies available for acquisition. The director may have the 7782  
supplies repaired. The director shall not charge a fee for the 7783  
collection or transportation of excess and surplus supplies. 7784

(E) The director may do ~~either~~ any of the following: 7785

(1) Dispose of declared surplus or excess supplies in the 7786  
director's control by sale, lease, donation, or transfer. If the 7787  
director does so, the director shall dispose of those supplies in 7788  
any of the following ~~order of priority~~ manners: 7789

(a) To state agencies <u>or by interagency trade;</u>	7790
(b) To state-supported or state-assisted institutions of higher education;	7791 7792
(c) To tax-supported agencies, municipal corporations, or other political subdivisions of this state, private fire companies, or private, nonprofit emergency medical service organizations;	7793 7794 7795 7796
(d) To nonpublic elementary and secondary schools chartered by the state board of education under section 3301.16 of the Revised Code;	7797 7798 7799
(e) <u>To a nonprofit organization that is both exempt from federal income taxation under 26 U.S.C. 501(a) and (c)(3) and that receives funds from the state or has a contract with the state;</u>	7800 7801 7802
(f) To the general public by auction, sealed bid, sale, or negotiation.	7803 7804
(2) If the director has attempted to dispose of any declared surplus or excess motor vehicle that does not exceed four thousand five hundred dollars in value pursuant to divisions (E)(1)(a) to (c) of this section, donate the motor vehicle to a nonprofit organization exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3) for the purpose of meeting the transportation needs of participants in the Ohio works first program established under Chapter 5107. of the Revised Code and participants in the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code. The director may not donate a motor vehicle furnished to the state highway patrol to a nonprofit organization pursuant to this division.	7805 7806 7807 7808 7809 7810 7811 7812 7813 7814 7815 7816
(F) The director may adopt rules governing the sale, lease, or transfer of surplus and excess supplies in the director's control by public auction, sealed bid, sale, or negotiation, except that no employee of the disposing agency shall be allowed	7817 7818 7819 7820

to purchase, lease, or receive any such supplies. The director may 7821  
dispose of declared surplus or excess supplies, including motor 7822  
vehicles, in the director's control as the director determines 7823  
proper if such supplies cannot be disposed of pursuant to division 7824  
(E) of this section. The director shall by rule establish a 7825  
minimum value for excess and surplus supplies and prescribe 7826  
procedures for a state agency to follow in disposing of excess and 7827  
surplus supplies in its control that have a value below the 7828  
minimum value established by the director. 7829

~~(G) No state supported or state assisted institution of 7830  
higher education, tax supported agency, municipal corporation, or 7831  
other political subdivision of this state, private fire company, 7832  
or private, nonprofit emergency medical service organization shall 7833  
sell, lease, or transfer excess or surplus supplies acquired under 7834  
this section to private entities or the general public at a price 7835  
greater than the price it originally paid for those supplies. 7836~~

~~(H)~~ The director of administrative services may authorize any 7837  
state agency to transfer surplus computers and computer equipment 7838  
that are not needed by other state agencies directly to an 7839  
accredited public school within the state. The computers and 7840  
computer equipment may be repaired or refurbished prior to 7841  
transfer. The state agency may charge a service fee to the public 7842  
schools for the property not to exceed the direct cost of 7843  
repairing or refurbishing it. The state agency shall deposit such 7844  
funds into the account used for repair or refurbishment. 7845

(H) Excess and surplus supplies of food shall be exempt from 7846  
this section and may be donated directly to nonprofit food 7847  
pantries and institutions without notification to the director of 7848  
administrative services. 7849

**Sec. 125.27.** (A) There is hereby created in the state 7850  
treasury the building improvement fund. The fund shall retain the 7851

interest earned. 7852

(B) The fund shall consist of any ~~payments made by intrastate~~ 7853  
~~transfer voucher from the appropriation item for office building~~ 7854  
~~operating payments~~ money transferred or deposited into the fund 7855  
pursuant to section 125.28 of the Revised Code. 7856

(C) The fund shall be used for major maintenance or 7857  
improvements required in ~~the James A. Rhodes or Frank J. Lausche~~ 7858  
~~state office tower, Toledo government center, Senator Oliver R.~~ 7859  
~~Oeasek government office building, and Vern Riffe center for~~ 7860  
~~government and the arts~~ facilities maintained by the department of 7861  
administrative services. 7862

**Sec. 125.28.** (A)(1) ~~Each state agency that is supported in~~ 7863  
~~whole or in part by nongeneral revenue fund money and that~~ 7864  
~~occupies space in the James A. Rhodes or Frank J. Lausche state~~ 7865  
~~office tower, Toledo government center, Senator Oliver R. Oeasek~~ 7866  
~~government office building, Vern Riffe center for government and~~ 7867  
~~the arts, capitol square, or governor's mansion shall reimburse~~ 7868  
~~the general revenue fund for the cost of occupying the space in~~ 7869  
~~the ratio that the occupied space in each facility attributable to~~ 7870  
~~the nongeneral revenue fund money bears to the total space~~ 7871  
~~occupied by the state agency in the facility.~~ 7872

(2) ~~All agencies that occupy space in the old blind school or~~ 7873  
~~that occupy warehouse space in the general services facility shall~~ 7874  
~~reimburse the department of administrative services for the cost~~ 7875  
~~of occupying the space. The director of administrative services~~ 7876  
~~shall determine the amount of debt service, if any, to be charged~~ 7877  
~~to building tenants~~ reimbursable cost of space in state-owned or 7878  
state-leased facilities and shall collect reimbursements for it. 7879

(3) ~~Each agency that is supported in whole or in part by~~ 7880  
~~nongeneral revenue fund money and that occupies space in any other~~ 7881

~~facility or facilities owned and maintained by the department of 7882  
administrative services or space in the general services facility 7883  
other than warehouse space shall reimburse the department for the 7884  
cost of occupying the space, including debt service, if any, in 7885  
the ratio that the occupied space in each facility attributable to 7886  
the nongeneral revenue fund money bears to the total space 7887  
occupied by the state agency in the facility that cost. 7888~~

(B) ~~The director of administrative services may provide 7889  
building maintenance services and minor construction project 7890  
management services to any state agency and may collect 7891  
reimbursements for the cost of providing those services. 7892~~

(C) All money collected by the department of administrative 7893  
services for operating expenses of facilities owned or maintained 7894  
by the department shall be deposited into the state treasury to 7895  
the credit of the building management fund, which is hereby 7896  
~~created, or to the credit of the building operation fund, which is 7897  
hereby created.~~ All money collected by the department for minor 7898  
construction project management services shall be deposited into 7899  
the state treasury to the credit of the minor construction project 7900  
management fund, which is hereby created. All money collected for 7901  
~~debt service~~ depreciation and related costs shall be deposited 7902  
into the general revenue building improvement fund created under 7903  
section 125.27 of the Revised Code or deposited into the building 7904  
management fund and then transferred by the director of budget and 7905  
management to the building improvement fund. 7906

~~(D) The director of administrative services shall determine 7907  
the reimbursable cost of space in state owned or state leased 7908  
facilities and shall collect reimbursements for that cost. 7909~~

**Sec. 125.31.** (A) The department of administrative services 7910  
shall have supervision of all public printing except as follows: 7911

(1) Printing for the general assembly shall be the sole 7912

responsibility of the clerk of the senate and the clerk of the 7913  
house of representatives unless the clerk of the senate or the 7914  
clerk of the house of representatives chooses either of the 7915  
options specified in section 101.523 or 101.524 of the Revised 7916  
Code. 7917

(2) Printing for the Ohio arts council shall be under the 7918  
supervision of the council. 7919

(3) Printing for the capitol square review and advisory board 7920  
shall be under the supervision of the board. 7921

~~(4) Printing for the bureau of workers' compensation shall be 7922  
under the supervision of the administrator of workers' 7923  
compensation unless the administrator requests the department to 7924  
supervise printing for the bureau. 7925~~

~~(5) Printing for state-supported institutions of higher 7926  
education shall be under the supervision of the department of 7927  
purchasing of each such institution or the department or officer 7928  
within each institution that performs the functions of a 7929  
department of purchasing. 7930~~

(B) The department of administrative services shall 7931  
determine, except as otherwise specifically provided by law, the 7932  
number of copies to be printed of each publication or document, 7933  
the source of reproduction, the manner of binding, quality of 7934  
paper, the general kind, size, and spacing of type to be used in 7935  
all reports, publications, bulletins, documents, or pamphlets 7936  
printed at public expense. 7937

The department shall not use its authority to curtail the 7938  
release of public information by any elected state official. 7939

(C) For the purposes of sections 125.31 to 125.76 of the 7940  
Revised Code, all functions, powers, and duties assigned to the 7941  
department of administrative services are considered to be 7942  
assigned to the division of state printing within the department 7943

of administrative services. 7944

**Sec. 125.36.** If the department of administrative services is 7945  
of the opinion that any bids or proposals should be rejected in 7946  
the interest of the state, it may reject any or all bids or 7947  
proposals and advertise the invitation to bid or the request for 7948  
proposals a second time. If after the second advertisement for 7949  
bids or proposals the department determines that any or all bids 7950  
or proposals are not in the interest of the state, it may purchase 7951  
the various ~~kinds of paper~~ printing goods and services required at 7952  
the lowest price for which such ~~paper~~ printing goods and services 7953  
can be obtained in the open market. 7954

**Sec. 125.38.** If ~~such a bond is~~ required by the department of 7955  
administrative services, a bid or proposal for a term contract for 7956  
~~paper printing goods and services, including final printed~~ 7957  
product, shall be accompanied by a bond to the state, in a sum 7958  
specified in the invitation to bid or request for proposals, 7959  
executed by the ~~bidder~~ offeror, with either one corporate or two 7960  
personal sureties, satisfactory to the department, conditioned for 7961  
the performance of the contract awarded the ~~bidder~~ offeror, and 7962  
for the payment to the state, by the ~~bidder~~ offeror, as liquidated 7963  
damages, of any excess of cost over the bid or proposal of such 7964  
~~bidder~~ offeror, which the state may be obliged to pay for such 7965  
~~paper printing goods and services~~ by reason of the failure of the 7966  
~~bidder~~ offeror to complete the contract. ~~This~~ A bid or proposal 7967  
unaccompanied by such bond shall not be considered, and this bond 7968  
shall be void if no contract is awarded to the ~~bidder, and no bid~~ 7969  
~~unaccompanied by such bond shall be entertained by the department~~ 7970  
offeror. 7971

**Sec. 125.39.** If the contractor fails to furnish ~~paper~~ 7972  
printing goods and services according to the terms of the 7973

contract, the department of administrative services shall purchase 7974  
the required ~~paper~~ printing goods and services on the open market 7975  
after notifying the contractor in writing of such action, and the 7976  
cost in excess of the contract shall be collected from the 7977  
contractor or the posted bond, if a bond was provided. 7978

**Sec. 125.42.** (A) No agency, officer, board, or commission, 7979  
except the clerk of the senate and the clerk of the house of 7980  
representatives, shall print or cause to be printed at the public 7981  
expense, any report, bulletin, document, or pamphlet, unless such 7982  
report, bulletin, document, or pamphlet is first submitted to, and 7983  
the printing thereof approved by, the department of administrative 7984  
services. If ~~such~~ the department approves the printing, it shall 7985  
determine the form of such printing and the number of copies. 7986

If such approval is given, the department shall cause the 7987  
same to be printed and bound as provided by sections ~~125.47 to~~ 7988  
~~125.56~~ 125.49 and 125.51 of the Revised Code, except as otherwise 7989  
provided by section 125.45 of the Revised Code; and when printed, 7990  
such publications or forms shall be delivered to the ordering 7991  
officer, board, commission, or department, or sold at a price not 7992  
to exceed the total cost. 7993

(B) The department of administrative services annually shall 7994  
set a maximum cost per page and a maximum total cost for the 7995  
printing by any board, commission, council, or other public body 7996  
of the state of any annual report or any other report that it is 7997  
required by law to produce. No board, commission, council, or 7998  
other public body of the state shall expend or incur the 7999  
expenditure of any amount in excess of these maximum amounts 8000  
without the prior approval of the department. This division does 8001  
not apply to the general assembly or any court. 8002

**Sec. 125.43.** The department of administrative services shall 8003



~~examine and correct the proof sheets of the printing for the~~ 8004  
~~state, and see that the work is any printing services are executed~~ 8005  
~~in accordance with law, and when necessary, prepare indexes for~~ 8006  
~~the public documents.~~ The printing of all publications approved by 8007  
the department of administrative services shall be ordered through 8008  
it and it shall see that the number of copies ordered is received 8009  
from the printer and delivered to the proper department. 8010

**Sec. 125.45.** (A) The department of administrative services 8011  
shall maintain facilities to perform office reproduction services 8012  
for all boards, commissions, or departments ~~except for the bureau~~ 8013  
~~of workers' compensation.~~ Upon written application to the 8014  
department of administrative services, permission may be granted 8015  
to a board, commission, or department to perform such services 8016  
outside the central facility and such permission shall state the 8017  
extent of the services which the department, board, or commission 8018  
shall perform. 8019

(B) Office reproduction services ~~using stencils, masters, or~~ 8020  
~~plates~~ are restricted to duplicating equipment not larger than 8021  
seventeen by twenty-two inches. Not to exceed five thousand press 8022  
impressions shall be produced of any such order except that up to 8023  
one thousand production copies may be produced of any item 8024  
consisting of multiple pages and except that over five thousand, 8025  
but not more than ten thousand, press impressions may be produced 8026  
if the director of administrative services determines that there 8027  
is an emergency due to the timing of service delivery or another 8028  
factor that may cause financial hardship to the state. 8029

~~Nothing in this section precludes the bureau from entering~~ 8030  
~~into a contract with the department of administrative services for~~ 8031  
~~the department to perform office reproduction services for the~~ 8032  
~~bureau.~~ 8033

(C) No state agency, other than the department of 8034

administrative services, shall perform printing or office 8035  
reproduction services for political subdivisions. 8036

**Sec. 125.49.** Each bid or proposal for state printing shall 8037  
state specifically the price at which the ~~bidder~~ offeror will 8038  
undertake to ~~de~~ provide the ~~work~~ finished product as specified in 8039  
the ~~classes of printing invitation to bid or request for~~ 8040  
proposals, including the necessary binding covered by such bid or 8041  
proposal. 8042

**Sec. 125.51.** After careful examination and computation of 8043  
each ~~proposal~~ bid, within thirty days the department of 8044  
administrative services shall award the contract for such printing 8045  
to the lowest responsive and responsible bidder, in accordance 8046  
with section 9.312 of the Revised Code, having proper facilities 8047  
to ~~insure~~ ensure prompt performance of the work. No contract shall 8048  
be awarded unless it contains an agreement for the completion of 8049  
the work within the time fixed by the department, but the time so 8050  
fixed may be extended by the department if deemed in the best 8051  
interest of the state. 8052

**Sec. 125.58.** The department of administrative services shall 8053  
promptly notify each successful ~~bidder~~ offeror of the acceptance 8054  
of the ~~bidder's~~ offeror's bid or proposal for state printing. If 8055  
such ~~bidder~~ offeror fails to execute the contract because of death 8056  
or other cause, or if the ~~bidder~~ offeror fails to execute the work 8057  
required by the contract in a proper manner and with reasonable 8058  
promptness, or the contract is abandoned, or its execution is 8059  
temporarily suspended, the department may enter into a contract 8060  
with another person for the prompt execution of the work for the 8061  
lowest price which may be obtained. Before any work is relet in 8062  
consequence of the misconduct or default of the contractor, the 8063  
department shall give the contractor written notice thereof. The 8064

department of administrative services may set a daily penalty 8065  
charge for late orders, provided the penalty schedule and amount 8066  
are stated in the invitation to bid or request for proposals for 8067  
the printing. 8068

**Sec. 125.601.** ~~(A) Not later than July 1, 2007, the~~ The 8069  
director of administrative services shall establish the office of 8070  
procurement from community rehabilitation programs within the 8071  
department of administrative services. The director shall 8072  
designate an employee of the department to serve as administrator 8073  
of the office. 8074

~~(B) Not later than July 1, 2007, the director shall abolish~~ 8075  
~~the state committee for the purchase of products and services~~ 8076  
~~provided by persons with severe disabilities in accordance with~~ 8077  
~~section 4115.36 of the Revised Code.~~ 8078

**Sec. 125.607.** (A) Before purchasing any supply or service, a 8079  
governmental ordering office shall determine, in compliance with 8080  
section 125.035 of the Revised Code, whether the supply or service 8081  
is on the procurement list maintained by the office of procurement 8082  
from community rehabilitation programs. If the supply or service 8083  
is on the list at an established fair market price, the government 8084  
ordering office shall purchase it from the qualified nonprofit 8085  
agency or approved agent at that price. 8086

(B) If the supply or service is on the procurement list but a 8087  
fair market price has not been established, the government 8088  
ordering office shall attempt to negotiate an agreement with one 8089  
or more of the listed qualified nonprofit agencies or approved 8090  
agents. The office of procurement from community rehabilitation 8091  
programs may accept as fair market price an agreement negotiated 8092  
between the government ordering office and a qualified nonprofit 8093  
agency or approved agent. 8094

(C) If an agreement is not successfully negotiated, the 8095  
office may establish a fair market price, or it may release a 8096  
government ordering office from the requirements of this section. 8097

(D) A purchase under divisions (A) to (C) of this section is 8098  
not subject to any competitive selection or competitive bidding 8099  
requirements, notwithstanding any other provision of law. 8100

(E) The department of administrative services has the 8101  
authority to structure or regulate competition among qualified 8102  
nonprofit agencies for the overall benefit of the program. 8103

**Sec. 125.609.** The ~~office of procurement from community~~ 8104  
~~rehabilitation programs~~ department of administrative services, on 8105  
its own or pursuant to a request from a government ordering 8106  
office, may release a government ordering office from compliance 8107  
with sections 125.60 to 125.6012 of the Revised Code. If the 8108  
~~office~~ department determines that compliance is not possible or 8109  
not advantageous, or if conditions prescribed in rules as may be 8110  
adopted under section 125.603 of the Revised Code for granting a 8111  
release are met, the ~~office~~ department may grant a release. The 8112  
release shall be in writing, and shall specify the supplies or 8113  
services to which it applies, the period of time during which it 8114  
is effective, and the reason for which it is granted. 8115

**Sec. 125.76.** All printing and binding for the state, not 8116  
authorized by sections 125.43 to 125.71 or section 3345.10 of the 8117  
Revised Code, except for maps and printing that is the sole 8118  
responsibility of the clerk of the senate or the clerk of the 8119  
house of representatives, shall be subject to such sections so far 8120  
as practical, and whether provided for by law or resolution of the 8121  
general assembly the department of administrative services shall 8122  
advertise for bids or proposals and let contracts therefor as 8123  
provided in such sections. 8124

Sec. 125.901. (A) There is hereby established the Ohio 8125  
geographically referenced information program council within the 8126  
department of administrative services to coordinate the property 8127  
owned by the state. The department of administrative services 8128  
shall provide administrative support for the council. 8129

(B) The council shall consist of the following fifteen 8130  
members: 8131

(1) The state chief information officer, or the officer's 8132  
designee, who shall serve as the council chair; 8133

(2) The director of ~~the department of~~ natural resources, or 8134  
the director's designee; 8135

(3) The director of transportation, or the director's 8136  
designee; 8137

(4) The director of environmental protection, or the 8138  
director's designee; 8139

(5) The director of development services, or the director's 8140  
designee; 8141

(6) The treasurer of state, or the treasurer of state's 8142  
designee; 8143

(7) ~~An individual appointed by the governor from the 8144  
organization that represents the state's county auditors;~~ 8145

~~(8) An individual appointed by the governor from the 8146  
organization that represents the state's county commissioners;~~ 8147

~~(9) An individual appointed by the governor from the 8148  
organization that represents the state's county engineers;~~ 8149

~~(10) An individual appointed by the governor from the 8150  
organization that represents the state's regional councils;~~ 8151

~~(11) Two individuals appointed by the governor from the 8152  
organization that represents the state's municipal governments,~~ 8153

~~one of whom shall represent a municipality with a population of 8154  
fewer than one hundred thousand people and one of whom shall 8155  
represent a municipality with a population of one hundred thousand 8156  
or more people; 8157~~

~~(12) An individual appointed by the governor representing the 8158  
interests of the regulated utilities in this state; 8159~~

~~(13) An individual appointed by the governor representing the 8160  
interests of a public university; 8161~~

~~(14) The attorney general, or the attorney general's 8162  
designee; 8163~~

(8) The director of higher education or the director's 8164  
designee; 8165

(9) The chief of the division of oil and gas resources 8166  
management in the department of natural resources or the chief's 8167  
designee; 8168

(10) The director of public safety or the director's 8169  
designee; 8170

(11) The executive director of the county auditors' 8171  
association or the executive director's designee; 8172

(12) The executive director of the county commissioners' 8173  
association or the executive director's designee; 8174

(13) The executive director of the county engineers' 8175  
association or the executive director's designee; 8176

(14) The executive director of the Ohio municipal league or 8177  
the executive director's designee; 8178

(15) The executive director of the Ohio townships association 8179  
or the executive director's designee. 8180

~~(C) The governor shall make initial appointments for the 8181  
members as provided in this section within a reasonable time. The 8182~~

~~members appointed to the council by the governor pursuant to this~~ 8183  
~~section shall serve two year terms, with each term ending on the~~ 8184  
~~same day of the same month as did the term that it succeeds. The~~ 8185  
~~chair of the council shall appoint a new member to fill any~~ 8186  
~~vacancy created by a member appointed by the governor before the~~ 8187  
~~expiration of that member's term. Otherwise, vacancies shall be~~ 8188  
~~filled in the same manner as provided in division (B) of this~~ 8189  
~~section. Any member appointed to fill a vacancy occurring prior to~~ 8190  
~~the expiration date of the term for which a predecessor was~~ 8191  
~~appointed shall hold office as a member for the remainder of that~~ 8192  
~~term. A member shall continue in office subsequent to the~~ 8193  
~~expiration date of the member's term until the member's successor~~ 8194  
~~takes office or until a period of sixty days has elapsed,~~ 8195  
~~whichever occurs first. All members may be reappointed Members of~~ 8196  
~~the council shall serve without compensation.~~ 8197

**Sec. 128.021.** (A) Not later than January 1, 2014, and in 8198  
accordance with Chapter 119. of the Revised Code, the steering 8199  
committee shall adopt rules that establish technical and 8200  
operational standards for public safety answering points eligible 8201  
to receive disbursements under section 128.55 of the Revised Code. 8202  
The rules shall incorporate industry standards and best practices 8203  
for wireless 9-1-1 services. Public safety answering points shall 8204  
comply with the standards not later than two years after the 8205  
effective date of the rules adopting the standards. 8206

(B) Not later than one year after the effective date of this 8207  
amendment, and in accordance with Chapter 119. of the Revised 8208  
Code, the steering committee shall conduct an assessment of the 8209  
operational standards for public safety answering points developed 8210  
under division (A) of this section and revise the standards as 8211  
necessary to ensure that the operational standards contain the 8212  
following: 8213

(1) Policies to ensure that public safety answering point personnel prioritize life-saving questions in responding to each call to a 9-1-1 system established under this chapter; 8214  
8215  
8216

(2) A requirement that all public safety answering point personnel complete proper training or provide proof of prior training to give instructions regarding emergency situations. 8217  
8218  
8219

**Sec. 128.40.** There is hereby created within the department of 8220  
administrative services the 9-1-1 program office, headed by an 8221  
administrator in the unclassified civil service pursuant to 8222  
division (A)(9) of section 124.11 of the Revised Code. The 8223  
administrator shall be appointed by and serve at the pleasure of 8224  
the director of administrative services and shall report directly 8225  
to the state chief information officer. The program office shall 8226  
~~administer~~ oversee administration of the wireless 9-1-1 government 8227  
assistance fund ~~as specified in sections 128.53 and 128.55 of the~~ 8228  
~~Revised Code, the wireless 9-1-1 program fund, and the next~~ 8229  
generation 9-1-1 fund. 8230

**Sec. 128.54.** (A) ~~Beginning January 1, 2014:~~ 8231

(1) For the purpose of receiving, distributing, and 8232  
accounting for amounts received from the wireless 9-1-1 charges 8233  
imposed under section 128.42 of the Revised Code, the following 8234  
funds are created in the state treasury: 8235

(a) The wireless 9-1-1 government assistance fund; 8236

(b) The wireless 9-1-1 administrative fund; 8237

(c) The wireless 9-1-1 program fund; 8238

(d) The next generation 9-1-1 fund. 8239

(2) Amounts remitted under section 128.46 of the Revised Code 8240  
shall be paid to the treasurer of state for deposit as follows: 8241

(a) Ninety-seven per cent to the wireless 9-1-1 government 8242



assistance fund. All interest earned on the wireless 9-1-1 8243  
government assistance fund shall be credited to the fund. 8244

(b) One per cent to the wireless 9-1-1 administrative fund; 8245

(c) Two per cent to the 9-1-1 program fund. 8246

(3) The tax commissioner shall use the wireless 9-1-1 8247  
administrative fund to defray the costs incurred in carrying out 8248  
this chapter. 8249

(4) The steering committee shall use the 9-1-1 program fund 8250  
to defray the costs incurred by the steering committee in carrying 8251  
out this chapter. 8252

(5) Annually, the tax commissioner ~~and the steering~~ 8253  
~~committee~~, after paying administrative costs under division (A)(3) 8254  
of this section, shall transfer any excess remaining in the 8255  
wireless 9-1-1 administrative ~~funds~~ fund to the next generation 8256  
9-1-1 fund, created under this section. 8257

(B) ~~The~~ At the direction of the steering committee, the tax 8258  
commissioner shall transfer the funds remaining in the wireless 8259  
9-1-1 government assistance fund ~~after the disbursements made~~ 8260  
~~under division (B)(1) of section 128.55 of the Revised Code~~ to the 8261  
credit of the next generation 9-1-1 fund. All interest earned on 8262  
the next generation 9-1-1 fund shall be credited to the fund. 8263

(C) From the wireless 9-1-1 government assistance fund, the 8264  
director of budget and management shall, as funds are available, 8265  
transfer to the tax refund fund, created under section 5703.052 of 8266  
the Revised Code, amounts equal to the refunds certified by the 8267  
tax commissioner under division (D) of section 128.47 of the 8268  
Revised Code. 8269

**Sec. 128.55.** (A) ~~Prior to January 1, 2014, the steering~~ 8270  
~~committee shall disburse moneys from the wireless 9-1-1 government~~ 8271  
~~assistance fund to each county in the same manner as the 2012~~ 8272

~~disbursements, in accordance with divisions (A) and (B) of section 8273  
4931.64 of the Revised Code as those divisions existed prior to 8274  
the effective date of H.B. 360 of the 129th general assembly, 8275  
December 20, 2012. 8276~~

~~(B) Beginning January 1, 2014: 8277~~

(1) The tax commissioner, not later than the last day of each 8278  
month, shall disburse moneys from the wireless 9-1-1 government 8279  
assistance fund, plus any accrued interest on the fund, to each 8280  
county treasurer. 8281

(a) If there are sufficient funds in the wireless 9-1-1 8282  
government assistance fund, each county treasurer shall receive 8283  
the same amount distributed to that county by the public utilities 8284  
commission in the corresponding calendar month in 2013. ~~If any 8285  
excess remains after these distributions are made, the tax 8286  
commissioner shall transfer that excess to the next generation 8287  
9-1-1 fund. 8288~~

(b) If the funds available are insufficient to make the 8289  
distributions as provided in division ~~(B)~~(A)(1)(a) of this 8290  
section, each county's share shall be reduced in proportion to the 8291  
amounts received in the corresponding calendar month in 2013, 8292  
until the total amount to be distributed to the counties is 8293  
equivalent to the amount available in the wireless 9-1-1 8294  
government assistance fund. Any shortfall in distributions 8295  
resulting from insufficient funds from a previous month shall be 8296  
remedied in the following month. 8297

(2) The tax commissioner shall disburse moneys from the next 8298  
generation 9-1-1 fund in accordance with the guidelines 8299  
established under section 128.022 of the Revised Code. 8300

~~(C)~~(B) Immediately upon receipt by a county treasurer of a 8301  
disbursement under division (A) ~~or (B)(1)~~ of this section, the 8302

county shall disburse, in accordance with the allocation formula 8303  
set forth in the final plan, the amount the county so received to 8304  
any other subdivisions in the county and any regional councils of 8305  
governments in the county that pay the costs of a public safety 8306  
answering point providing wireless enhanced 9-1-1 under the plan. 8307

~~(D)~~(C) Nothing in this chapter affects the authority of a 8308  
subdivision operating or served by a public safety answering point 8309  
of a 9-1-1 system or a regional council of governments operating a 8310  
public safety answering point of a 9-1-1 system to use, as 8311  
provided in the final plan for the system or in an agreement under 8312  
section 128.09 of the Revised Code, any other authorized revenue 8313  
of the subdivision or the regional council of governments for the 8314  
purposes of providing basic or enhanced 9-1-1. 8315

**Sec. 128.57.** Except as otherwise provided in section 128.571 8316  
of the Revised Code: 8317

(A) A countywide 9-1-1 system receiving a disbursement under 8318  
section 128.55 of the Revised Code shall provide countywide 8319  
wireless enhanced 9-1-1 in accordance with this chapter beginning 8320  
as soon as reasonably possible after receipt of the first 8321  
disbursement or, if that service is already implemented, shall 8322  
continue to provide such service. Except as provided in divisions 8323  
(B), (C), and (E) of this section, a disbursement shall be used 8324  
solely for the purpose of paying either or both of the following: 8325

(1) Any costs of designing, upgrading, purchasing, leasing, 8326  
programming, installing, testing, or maintaining the necessary 8327  
data, hardware, software, and trunking required for the public 8328  
safety answering point or points of the 9-1-1 system to provide 8329  
wireless enhanced 9-1-1, which costs are incurred before or on or 8330  
after May 6, 2005, and consist of such additional costs of the 8331  
9-1-1 system over and above any costs incurred to provide wireline 8332  
9-1-1 or to otherwise provide wireless enhanced 9-1-1. Annually, 8333

up to twenty-five thousand dollars of the disbursements received 8334  
on or after January 1, 2009, may be applied to data, hardware, and 8335  
software that automatically alerts personnel receiving a 9-1-1 8336  
call that a person at the subscriber's address or telephone number 8337  
may have a mental or physical disability, of which that personnel 8338  
shall inform the appropriate emergency service provider. On or 8339  
after the provision of technical and operational standards 8340  
pursuant to section 128.021 of the Revised Code, a regional 8341  
council of governments operating a public safety answering point 8342  
or a subdivision shall consider the standards before incurring any 8343  
costs described in this division. 8344

(2) Any costs of training the staff of the public safety 8345  
answering point or points to provide wireless enhanced 9-1-1, 8346  
which costs are incurred before or on or after May 6, 2005. 8347

(B) A subdivision or a regional council of governments that 8348  
certifies to the steering committee that it has paid the costs 8349  
described in divisions (A)(1) and (2) of this section and is 8350  
providing countywide wireless enhanced 9-1-1 may use disbursements 8351  
received under section 128.55 of the Revised Code to pay any of 8352  
its personnel costs of one or more public safety answering points 8353  
providing countywide wireless enhanced 9-1-1. 8354

(C) After receiving its July 2013 disbursement under division 8355  
(A) of section 128.55 of the Revised Code as that division existed 8356  
prior to the amendments to that division by H. B. 64 of the 131st 8357  
general assembly, a regional council of governments operating a 8358  
public safety answering point or a subdivision may use any 8359  
remaining balance of disbursements it received under that 8360  
division, as it existed prior to the amendments to it by H. B. 64 8361  
of the 131st general assembly, to pay any of its costs of 8362  
providing countywide wireless 9-1-1, including the personnel costs 8363  
of one or more public safety answering points providing that 8364  
service. 8365

(D) The costs described in divisions (A), (B), (C), and (E) 8366  
of this section may include any such costs payable pursuant to an 8367  
agreement under division (J) of section 128.03 of the Revised 8368  
Code. 8369

(E)(1) No disbursement to a countywide 9-1-1 system for costs 8370  
of a public safety answering point shall be made from the wireless 8371  
9-1-1 government assistance fund or the next generation 9-1-1 fund 8372  
unless the public safety answering point meets the standards set 8373  
by rule of the steering committee under section 128.021 of the 8374  
Revised Code. 8375

(2) The steering committee shall monitor compliance with the 8376  
standards and shall notify the tax commissioner to suspend 8377  
disbursements to a countywide 9-1-1 system that fails to meet the 8378  
standards. Upon receipt of this notification, the commissioner 8379  
shall suspend disbursements until the commissioner is notified of 8380  
compliance with the standards. 8381

(F) The auditor of state may audit and review each county's 8382  
expenditures of funds received from the wireless 9-1-1 government 8383  
assistance fund to verify that the funds were used in accordance 8384  
with the requirements of this chapter. 8385

Sec. 131.025. The attorney general shall enter into an 8386  
agreement with the United States secretary of the treasury to 8387  
participate in the federal treasury offset program for the 8388  
collection of the following debts certified to the attorney 8389  
general pursuant to section 131.02 of the Revised Code: 8390

(A) State income tax obligations pursuant to 26 U.S.C. 8391  
6402(e); 8392

(B) Covered unemployment compensation debts pursuant to 26 8393  
U.S.C. 6402(f). 8394

**Sec. 131.34.** (A) No moneys shall be transferred between funds 8395

or between state agencies on an intrastate transfer voucher, or by 8396  
any other procedure, unless such a transfer is a payment for goods 8397  
or services or a service subscription or unless such a transfer is 8398  
required or authorized by law. 8399

(B)(1) Any state agency that has provided goods or services 8400  
or a service subscription to another state agency may, ~~if the~~ 8401  
~~providing agency does not receive payment from the receiving~~ 8402  
~~agency within thirty days after delivering the goods or services~~ 8403  
~~and submitting an invoice requesting payment for them,~~ certify to 8404  
the director of budget and management ~~that~~ both of the following: 8405

(a) That the goods or services have been delivered and the or 8406  
that the service subscription has been initiated; 8407

(b) The amount that is due for them the goods and services or 8408  
the service subscription. 8409

(2) A providing agency may make such certification only if it 8410  
does not receive payment from the receiving agency within thirty 8411  
days after: 8412

(a) Delivering the goods or services or initiating the 8413  
service subscription; 8414

(b) Submitting an invoice requesting payment for the goods 8415  
and services or the service subscription. 8416

(C) If the director determines that all or part of the 8417  
certified amount should have been paid by the receiving agency and 8418  
that the receiving agency has an unobligated balance in an 8419  
appropriation for the payment, ~~he~~ the director may transfer the 8420  
amount that should have been paid from the appropriate fund of the 8421  
receiving agency to the appropriate fund of the providing agency 8422  
on an intrastate transfer voucher. 8423

(D) For the purposes of this section, "service subscription" 8424  
means an ongoing service provided to a state agency by another 8425

state agency for which an estimated payment is made in advance and 8426  
final payment due is determined based on actual use. 8427

**Sec. 131.35.** (A) With respect to the federal funds received 8428  
into any fund of the state from which transfers may be made under 8429  
division (D) of section 127.14 of the Revised Code: 8430

(1) No state agency may make expenditures of any federal 8431  
funds, whether such funds are advanced prior to expenditure or as 8432  
reimbursement, unless such expenditures are made pursuant to 8433  
specific appropriations of the general assembly, are authorized by 8434  
the controlling board pursuant to division (A)(5) of this section, 8435  
or are authorized by an executive order issued in accordance with 8436  
section 107.17 of the Revised Code, and until an allotment has 8437  
been approved by the director of budget and management. All 8438  
federal funds received by a state agency shall be reported to the 8439  
director within fifteen days of the receipt of such funds or the 8440  
notification of award, whichever occurs first. The director shall 8441  
prescribe the forms and procedures to be used when reporting the 8442  
receipt of federal funds. 8443

(2) If the federal funds received are greater than the amount 8444  
of such funds appropriated by the general assembly for a specific 8445  
purpose, the total appropriation of federal and state funds for 8446  
such purpose shall remain at the amount designated by the general 8447  
assembly, except that the expenditure of federal funds received in 8448  
excess of such specific appropriation may be authorized by the 8449  
controlling board, subject to division (D) of this section. 8450

(3) To the extent that the expenditure of excess federal 8451  
funds is authorized, the controlling board may transfer a like 8452  
amount of general revenue fund appropriation authority from the 8453  
affected agency to the emergency purposes appropriation of the 8454  
controlling board, if such action is permitted under federal 8455  
regulations. 8456

(4) Additional funds may be created by the controlling board 8457  
to receive revenues not anticipated in an appropriations act for 8458  
the biennium in which such new revenues are received. ~~Expenditures~~ 8459  
Subject to division (D) of this section, expenditures from such 8460  
additional funds may be authorized by the controlling board, but 8461  
such authorization shall not extend beyond the end of the biennium 8462  
in which such funds are created. 8463

(5) Controlling board authorization for a state agency to 8464  
make an expenditure of federal funds constitutes authority for the 8465  
agency to participate in the federal program providing the funds, 8466  
and the agency is not required to obtain an executive order under 8467  
section 107.17 of the Revised Code to participate in the federal 8468  
program. 8469

(B) With respect to nonfederal funds received into the 8470  
waterways safety fund, the wildlife fund, and any fund of the 8471  
state from which transfers may be made under division (D) of 8472  
section 127.14 of the Revised Code: 8473

(1) No state agency may make expenditures of any such funds 8474  
unless the expenditures are made pursuant to specific 8475  
appropriations of the general assembly. 8476

(2) If the receipts received into any fund are greater than 8477  
the amount appropriated, the appropriation for that fund shall 8478  
remain at the amount designated by the general assembly or, 8479  
subject to division (D) of this section, as increased and approved 8480  
by the controlling board. 8481

(3) Additional funds may be created by the controlling board 8482  
to receive revenues not anticipated in an appropriations act for 8483  
the biennium in which such new revenues are received. ~~Expenditures~~ 8484  
Subject to division (D) of this section, expenditures from such 8485  
additional funds may be authorized by the controlling board, but 8486  
such authorization shall not extend beyond the end of the biennium 8487



in which such funds are created. 8488

(C) The controlling board shall not authorize more than ten 8489  
per cent of additional spending from the occupational licensing 8490  
and regulatory fund, created in section 4743.05 of the Revised 8491  
Code, in excess of any appropriation made by the general assembly 8492  
to a licensing agency except an appropriation for costs related to 8493  
the examination or reexamination of applicants for a license. As 8494  
used in this division, "licensing agency" and "license" have the 8495  
same meanings as in section 4745.01 of the Revised Code. 8496

(D)(1) The amount of any expenditure authorized under 8497  
division (A)(2) or (4) or (B)(2) or (3) of this section for a 8498  
specific or related purpose or item in any fiscal year shall not 8499  
exceed ten per cent of the amount appropriated by the general 8500  
assembly for that specific or related purpose or item for that 8501  
fiscal year, or ten million dollars, whichever amount is less. 8502

(2) The controlling board may not create any additional funds 8503  
under division (A)(4) or (B)(3) of this section if the revenue 8504  
received that was not anticipated in an appropriation act exceeds 8505  
ten million dollars. 8506

**Sec. 133.01.** As used in this chapter, in sections 9.95, 9.96, 8507  
and 2151.655 of the Revised Code, in other sections of the Revised 8508  
Code that make reference to this chapter unless the context does 8509  
not permit, and in related proceedings, unless otherwise expressly 8510  
provided: 8511

(A) "Acquisition" as applied to real or personal property 8512  
includes, among other forms of acquisition, acquisition by 8513  
exercise of a purchase option, and acquisition of interests in 8514  
property, including, without limitation, easements and 8515  
rights-of-way, and leasehold and other lease interests initially 8516  
extending or extendable for a period of at least sixty months. 8517

(B) "Anticipatory securities" means securities, including 8518  
notes, issued in anticipation of the issuance of other securities. 8519

(C) "Board of elections" means the county board of elections 8520  
of the county in which the subdivision is located. If the 8521  
subdivision is located in more than one county, "board of 8522  
elections" means the county board of elections of the county that 8523  
contains the largest portion of the population of the subdivision 8524  
or that otherwise has jurisdiction in practice over and 8525  
customarily handles election matters relating to the subdivision. 8526

(D) "Bond retirement fund" means the bond retirement fund 8527  
provided for in section 5705.09 of the Revised Code, and also 8528  
means a sinking fund or any other special fund, regardless of the 8529  
name applied to it, established by or pursuant to law or the 8530  
proceedings for the payment of debt charges. Provision may be made 8531  
in the applicable proceedings for the establishment in a bond 8532  
retirement fund of separate accounts relating to debt charges on 8533  
particular securities, or on securities payable from the same or 8534  
common sources, and for the application of moneys in those 8535  
accounts only to specified debt charges on specified securities or 8536  
categories of securities. Subject to law and any provisions in the 8537  
applicable proceedings, moneys in a bond retirement fund or 8538  
separate account in a bond retirement fund may be transferred to 8539  
other funds and accounts. 8540

(E) "Capitalized interest" means all or a portion of the 8541  
interest payable on securities from their date to a date stated or 8542  
provided for in the applicable legislation, which interest is to 8543  
be paid from the proceeds of the securities. 8544

(F) "Chapter 133. securities" means securities authorized by 8545  
or issued pursuant to or in accordance with this chapter. 8546

(G) "County auditor" means the county auditor of the county 8547  
in which the subdivision is located. If the subdivision is located 8548

in more than one county, "county auditor" means the county auditor 8549  
of the county that contains the highest amount of the tax 8550  
valuation of the subdivision or that otherwise has jurisdiction in 8551  
practice over and customarily handles property tax matters 8552  
relating to the subdivision. In the case of a county that has 8553  
adopted a charter, "county auditor" means the officer who 8554  
generally has the duties and functions provided in the Revised 8555  
Code for a county auditor. 8556

(H) "Credit enhancement facilities" means letters of credit, 8557  
lines of credit, stand-by, contingent, or firm securities purchase 8558  
agreements, insurance, or surety arrangements, guarantees, and 8559  
other arrangements that provide for direct or contingent payment 8560  
of debt charges, for security or additional security in the event 8561  
of nonpayment or default in respect of securities, or for making 8562  
payment of debt charges to and at the option and on demand of 8563  
securities holders or at the option of the issuer or upon certain 8564  
conditions occurring under put or similar arrangements, or for 8565  
otherwise supporting the credit or liquidity of the securities, 8566  
and includes credit, reimbursement, marketing, remarketing, 8567  
indexing, carrying, interest rate hedge, and subrogation 8568  
agreements, and other agreements and arrangements for payment and 8569  
reimbursement of the person providing the credit enhancement 8570  
facility and the security for that payment and reimbursement. 8571

(I) "Current operating expenses" or "current expenses" means 8572  
the lawful expenditures of a subdivision, except those for 8573  
permanent improvements and for payments of debt charges of the 8574  
subdivision. 8575

(J) "Debt charges" means the principal, including any 8576  
mandatory sinking fund deposits and mandatory redemption payments, 8577  
interest, and any redemption premium, payable on securities as 8578  
those payments come due and are payable. The use of "debt charges" 8579  
for this purpose does not imply that any particular securities 8580

constitute debt within the meaning of the Ohio Constitution or 8581  
other laws. 8582

(K) "Financing costs" means all costs and expenses relating 8583  
to the authorization, including any required election, issuance, 8584  
sale, delivery, authentication, deposit, custody, clearing, 8585  
registration, transfer, exchange, fractionalization, replacement, 8586  
payment, and servicing of securities, including, without 8587  
limitation, costs and expenses for or relating to publication and 8588  
printing, postage, delivery, preliminary and final official 8589  
statements, offering circulars, and informational statements, 8590  
travel and transportation, underwriters, placement agents, 8591  
investment bankers, paying agents, registrars, authenticating 8592  
agents, remarketing agents, custodians, clearing agencies or 8593  
corporations, securities depositories, financial advisory 8594  
services, certifications, audits, federal or state regulatory 8595  
agencies, accounting and computation services, legal services and 8596  
obtaining approving legal opinions and other legal opinions, 8597  
credit ratings, redemption premiums, and credit enhancement 8598  
facilities. Financing costs may be paid from any moneys available 8599  
for the purpose, including, unless otherwise provided in the 8600  
proceedings, from the proceeds of the securities to which they 8601  
relate and, as to future financing costs, from the same sources 8602  
from which debt charges on the securities are paid and as though 8603  
debt charges. 8604

(L) "Fiscal officer" means the following, or, in the case of 8605  
absence or vacancy in the office, a deputy or assistant authorized 8606  
by law or charter to act in the place of the named officer, or if 8607  
there is no such authorization then the deputy or assistant 8608  
authorized by legislation to act in the place of the named officer 8609  
for purposes of this chapter, in the case of the following 8610  
subdivisions: 8611

(1) A county, the county auditor; 8612

- (2) A municipal corporation, the city auditor or village clerk or clerk-treasurer, or the officer who, by virtue of a charter, has the duties and functions provided in the Revised Code for the city auditor or village clerk or clerk-treasurer; 8613  
8614  
8615  
8616
- (3) A school district, the treasurer of the board of education; 8617  
8618
- (4) A regional water and sewer district, the secretary of the board of trustees; 8619  
8620
- (5) A joint township hospital district, the treasurer of the district; 8621  
8622
- (6) A joint ambulance district, the clerk of the board of trustees; 8623  
8624
- (7) A joint recreation district, the person designated pursuant to section 755.15 of the Revised Code; 8625  
8626
- (8) A detention facility district or a district organized under section 2151.65 of the Revised Code or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, the county auditor of the county designated by law to act as the auditor of the district; 8627  
8628  
8629  
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8631
- (9) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the fiscal officer of the township; 8632  
8633  
8634
- (10) A joint fire district, the clerk of the board of trustees of that district; 8635  
8636
- (11) A regional or county library district, the person responsible for the financial affairs of that district; 8637  
8638
- (12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code; 8639  
8640  
8641
- (13) A joint emergency medical services district, the person 8642

appointed as fiscal officer pursuant to division (D) of section 8643  
307.053 of the Revised Code; 8644

(14) A fire and ambulance district, the person appointed as 8645  
fiscal officer under division (B) of section 505.375 of the 8646  
Revised Code; 8647

(15) A subdivision described in division (MM)(19) of this 8648  
section, the officer who is designated by law as or performs the 8649  
functions of its chief fiscal officer; 8650

(16) A joint police district, the treasurer of the district; 8651

(17) A lake facilities authority, the fiscal officer 8652  
designated under section 353.02 of the Revised Code; 8653

(18) A regional transportation improvement project, the 8654  
county auditor designated under section 5595.10 of the Revised 8655  
Code. 8656

(M) "Fiscal year" has the same meaning as in section 9.34 of 8657  
the Revised Code. 8658

(N) "Fractionalized interests in public obligations" means 8659  
participations, certificates of participation, shares, or other 8660  
instruments or agreements, separate from the public obligations 8661  
themselves, evidencing ownership of interests in public 8662  
obligations or of rights to receive payments of, or on account of, 8663  
principal or interest or their equivalents payable by or on behalf 8664  
of an obligor pursuant to public obligations. 8665

(O) "Fully registered securities" means securities in 8666  
certificated or uncertificated form, registered as to both 8667  
principal and interest in the name of the owner. 8668

(P) "Fund" means to provide for the payment of debt charges 8669  
and expenses related to that payment at or prior to retirement by 8670  
purchase, call for redemption, payment at maturity, or otherwise. 8671

(Q) "General obligation" means securities to the payment of 8672

debt charges on which the full faith and credit and the general 8673  
property taxing power, including taxes within the tax limitation 8674  
if available to the subdivision, of the subdivision are pledged. 8675

(R) "Interest" or "interest equivalent" means those payments 8676  
or portions of payments, however denominated, that constitute or 8677  
represent consideration for forbearing the collection of money, or 8678  
for deferring the receipt of payment of money to a future time. 8679

(S) "Internal Revenue Code" means the "Internal Revenue Code 8680  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 8681  
includes any laws of the United States providing for application 8682  
of that code. 8683

(T) "Issuer" means any public issuer and any nonprofit 8684  
corporation authorized to issue securities for or on behalf of any 8685  
public issuer. 8686

(U) "Legislation" means an ordinance or resolution passed by 8687  
a majority affirmative vote of the then members of the taxing 8688  
authority unless a different vote is required by charter 8689  
provisions governing the passage of the particular legislation by 8690  
the taxing authority. 8691

(V) "Mandatory sinking fund redemption requirements" means 8692  
amounts required by proceedings to be deposited in a bond 8693  
retirement fund for the purpose of paying in any year or fiscal 8694  
year by mandatory redemption prior to stated maturity the 8695  
principal of securities that is due and payable, except for 8696  
mandatory prior redemption requirements as provided in those 8697  
proceedings, in a subsequent year or fiscal year. 8698

(W) "Mandatory sinking fund requirements" means amounts 8699  
required by proceedings to be deposited in a year or fiscal year 8700  
in a bond retirement fund for the purpose of paying the principal 8701  
of securities that is due and payable in a subsequent year or 8702  
fiscal year. 8703

(X) "Net indebtedness" has the same meaning as in division 8704  
(A) of section 133.04 of the Revised Code. 8705

(Y) "Obligor," in the case of securities or fractionalized 8706  
interests in public obligations issued by another person the debt 8707  
charges or their equivalents on which are payable from payments 8708  
made by a public issuer, means that public issuer. 8709

(Z) "One purpose" relating to permanent improvements means 8710  
any one permanent improvement or group or category of permanent 8711  
improvements for the same utility, enterprise, system, or project, 8712  
development or redevelopment project, or for or devoted to the 8713  
same general purpose, function, or use or for which 8714  
self-supporting securities, based on the same or different sources 8715  
of revenues, may be issued or for which special assessments may be 8716  
levied by a single ordinance or resolution. "One purpose" 8717  
includes, but is not limited to, in any case any off-street 8718  
parking facilities relating to another permanent improvement, and: 8719

(1) Any number of roads, highways, streets, bridges, 8720  
sidewalks, and viaducts; 8721

(2) Any number of off-street parking facilities; 8722

(3) In the case of a county, any number of permanent 8723  
improvements for courthouse, jail, county offices, and other 8724  
county buildings, and related facilities; 8725

(4) In the case of a school district, any number of 8726  
facilities and buildings for school district purposes, and related 8727  
facilities. 8728

(AA) "Outstanding," referring to securities, means securities 8729  
that have been issued, delivered, and paid for, except any of the 8730  
following: 8731

(1) Securities canceled upon surrender, exchange, or 8732  
transfer, or upon payment or redemption; 8733



(2) Securities in replacement of which or in exchange for 8734  
which other securities have been issued; 8735

(3) Securities for the payment, or redemption or purchase for 8736  
cancellation prior to maturity, of which sufficient moneys or 8737  
investments, in accordance with the applicable legislation or 8738  
other proceedings or any applicable law, by mandatory sinking fund 8739  
redemption requirements, mandatory sinking fund requirements, or 8740  
otherwise, have been deposited, and credited for the purpose in a 8741  
bond retirement fund or with a trustee or paying or escrow agent, 8742  
whether at or prior to their maturity or redemption, and, in the 8743  
case of securities to be redeemed prior to their stated maturity, 8744  
notice of redemption has been given or satisfactory arrangements 8745  
have been made for giving notice of that redemption, or waiver of 8746  
that notice by or on behalf of the affected security holders has 8747  
been filed with the subdivision or its agent for the purpose. 8748

(BB) "Paying agent" means the one or more banks, trust 8749  
companies, or other financial institutions or qualified persons, 8750  
including an appropriate office or officer of the subdivision, 8751  
designated as a paying agent or place of payment of debt charges 8752  
on the particular securities. 8753

(CC) "Permanent improvement" or "improvement" means any 8754  
property, asset, or improvement certified by the fiscal officer, 8755  
which certification is conclusive, as having an estimated life or 8756  
period of usefulness of five years or more, and includes, but is 8757  
not limited to, real estate, buildings, and personal property and 8758  
interests in real estate, buildings, and personal property, 8759  
equipment, furnishings, and site improvements, and reconstruction, 8760  
rehabilitation, renovation, installation, improvement, 8761  
enlargement, and extension of property, assets, or improvements so 8762  
certified as having an estimated life or period of usefulness of 8763  
five years or more. The acquisition of all the stock ownership of 8764  
a corporation is the acquisition of a permanent improvement to the 8765

extent that the value of that stock is represented by permanent 8766  
improvements. A permanent improvement for parking, highway, road, 8767  
and street purposes includes resurfacing, but does not include 8768  
ordinary repair. 8769

(DD) "Person" has the same meaning as in section 1.59 of the 8770  
Revised Code and also includes any federal, state, interstate, 8771  
regional, or local governmental agency, any subdivision, and any 8772  
combination of those persons. 8773

(EE) "Proceedings" means the legislation, certifications, 8774  
notices, orders, sale proceedings, trust agreement or indenture, 8775  
mortgage, lease, lease-purchase agreement, assignment, credit 8776  
enhancement facility agreements, and other agreements, 8777  
instruments, and documents, as amended and supplemented, and any 8778  
election proceedings, authorizing, or providing for the terms and 8779  
conditions applicable to, or providing for the security or sale or 8780  
award of, public obligations, and includes the provisions set 8781  
forth or incorporated in those public obligations and proceedings. 8782

(FF) "Public issuer" means any of the following that is 8783  
authorized by law to issue securities or enter into public 8784  
obligations: 8785

(1) The state, including an agency, commission, officer, 8786  
institution, board, authority, or other instrumentality of the 8787  
state; 8788

(2) A taxing authority, subdivision, district, or other local 8789  
public or governmental entity, and any combination or consortium, 8790  
or public division, district, commission, authority, department, 8791  
board, officer, or institution, thereof; 8792

(3) Any other body corporate and politic, or other public 8793  
entity. 8794

(GG) "Public obligations" means both of the following: 8795

(1) Securities;	8796
(2) Obligations of a public issuer to make payments under installment sale, lease, lease purchase, or similar agreements, which obligations may bear interest or interest equivalent.	8797 8798 8799
(HH) "Refund" means to fund and retire outstanding securities, including advance refunding with or without payment or redemption prior to maturity.	8800 8801 8802
(II) "Register" means the books kept and maintained by the registrar for registration, exchange, and transfer of registered securities.	8803 8804 8805
(JJ) "Registrar" means the person responsible for keeping the register for the particular registered securities, designated by or pursuant to the proceedings.	8806 8807 8808
(KK) "Securities" means bonds, notes, certificates of indebtedness, commercial paper, and other instruments in writing, including, unless the context does not admit, anticipatory securities, issued by an issuer to evidence its obligation to repay money borrowed, or to pay interest, by, or to pay at any future time other money obligations of, the issuer of the securities, but not including public obligations described in division (GG)(2) of this section.	8809 8810 8811 8812 8813 8814 8815 8816
(LL) "Self-supporting securities" means securities or portions of securities issued for the purpose of paying costs of permanent improvements to the extent that receipts of the subdivision, other than the proceeds of taxes levied by that subdivision, derived from or with respect to the improvements or the operation of the improvements being financed, or the enterprise, system, project, or category of improvements of which the improvements being financed are part, are estimated by the fiscal officer to be sufficient to pay the current expenses of that operation or of those improvements or enterprise, system,	8817 8818 8819 8820 8821 8822 8823 8824 8825 8826

project, or categories of improvements and the debt charges 8827  
payable from those receipts on securities issued for the purpose. 8828  
Until such time as the improvements or increases in rates and 8829  
charges have been in operation or effect for a period of at least 8830  
six months, the receipts therefrom, for purposes of this 8831  
definition, shall be those estimated by the fiscal officer, except 8832  
that those receipts may include, without limitation, payments made 8833  
and to be made to the subdivision under leases or agreements in 8834  
effect at the time the estimate is made. In the case of an 8835  
operation, improvements, or enterprise, system, project, or 8836  
category of improvements without at least a six-month history of 8837  
receipts, the estimate of receipts by the fiscal officer, other 8838  
than those to be derived under leases and agreements then in 8839  
effect, shall be confirmed by the taxing authority. 8840

(MM) "Subdivision" means any of the following: 8841

(1) A county, including a county that has adopted a charter 8842  
under Article X, Ohio Constitution; 8843

(2) A municipal corporation, including a municipal 8844  
corporation that has adopted a charter under Article XVIII, Ohio 8845  
Constitution; 8846

(3) A school district; 8847

(4) A regional water and sewer district organized under 8848  
Chapter 6119. of the Revised Code; 8849

(5) A joint township hospital district organized under 8850  
section 513.07 of the Revised Code; 8851

(6) A joint ambulance district organized under section 505.71 8852  
of the Revised Code; 8853

(7) A joint recreation district organized under division (C) 8854  
of section 755.14 of the Revised Code; 8855

(8) A detention facility district organized under section 8856

2152.41, a district organized under section 2151.65, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;	8857 8858 8859
(9) A township police district organized under section 505.48 of the Revised Code;	8860 8861
(10) A township;	8862
(11) A joint fire district organized under section 505.371 of the Revised Code;	8863 8864
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	8865 8866 8867
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	8868 8869
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	8870 8871
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	8872 8873
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	8874 8875
(17) A joint police district organized under section 505.482 of the Revised Code;	8876 8877
(18) A lake facilities authority created under Chapter 353. of the Revised Code;	8878 8879
(19) A regional transportation improvement project created under Chapter 5595. of the Revised Code;	8880 8881
(20) Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities.	8882 8883 8884
(NN) "Taxing authority" means in the case of the following	8885

subdivisions:	8886
(1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district;	8887 8888 8889 8890 8891 8892
(2) A municipal corporation, the legislative authority;	8893
(3) A school district, the board of education;	8894
(4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance district, or a joint fire district, the board of trustees of the district;	8895 8896 8897 8898
(5) A joint township hospital district, the joint township hospital board;	8899 8900
(6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of county commissioners;	8901 8902 8903 8904 8905
(7) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the board of township trustees;	8906 8907 8908
(8) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code, the board of directors of the district;	8909 8910 8911
(9) A subdivision described in division (MM)(19) of this section, the legislative or governing body or official;	8912 8913
(10) A joint police district, the joint police district board;	8914 8915

(11) A lake facilities authority, the board of directors; 8916

(12) A regional transportation improvement project, the 8917  
governing board. 8918

(OO) "Tax limitation" means the "ten-mill limitation" as 8919  
defined in section 5705.02 of the Revised Code without diminution 8920  
by reason of section 5705.313 of the Revised Code or otherwise, 8921  
or, in the case of a municipal corporation or county with a 8922  
different charter limitation on property taxes levied to pay debt 8923  
charges on unvoted securities, that charter limitation. Those 8924  
limitations shall be respectively referred to as the "ten-mill 8925  
limitation" and the "charter tax limitation." 8926

(PP) "Tax valuation" means the aggregate of the valuations of 8927  
property subject to ad valorem property taxation by the 8928  
subdivision on the real property, personal property, and public 8929  
utility property tax lists and duplicates most recently certified 8930  
for collection, and shall be calculated without deductions of the 8931  
valuations of otherwise taxable property exempt in whole or in 8932  
part from taxation by reason of exemptions of certain amounts of 8933  
taxable value under division (C) of section 5709.01, tax 8934  
reductions under section 323.152 of the Revised Code, or similar 8935  
laws now or in the future in effect. 8936

For purposes of section 133.06 of the Revised Code, "tax 8937  
valuation" shall not include the valuation of tangible personal 8938  
property used in business, telephone or telegraph property, 8939  
interexchange telecommunications company property, or personal 8940  
property owned or leased by a railroad company and used in 8941  
railroad operations listed under or described in section 5711.22, 8942  
division (B) or (F) of section 5727.111, or section 5727.12 of the 8943  
Revised Code. 8944

(QQ) "Year" means the calendar year. 8945

(RR) "Administrative agent," "agent," "commercial paper," 8946

"floating rate interest structure," "indexing agent," "interest rate hedge," "interest rate period," "put arrangement," and "remarketing agent" have the same meanings as in section 9.98 of the Revised Code.

(SS) "Sales tax supported" means obligations to the payment of debt charges on which an additional sales tax or additional sales taxes have been pledged by the taxing authority of a county pursuant to section 133.081 of the Revised Code.

(TT) "Tourism development district revenue supported" means obligations to the payment of debt charges on which tourism development district revenue has been pledged by the taxing authority of a municipal corporation or township under section 133.083 of the Revised Code.

**Sec. 133.04.** (A) As used in this chapter, "net indebtedness" means, as determined pursuant to this section, the principal amount of the outstanding securities of a subdivision less the amount held in a bond retirement fund to the extent such amount is not taken into account in determining the principal amount outstanding under division (AA) of section 133.01 of the Revised Code. For purposes of this definition, the principal amount of outstanding securities includes the principal amount of outstanding securities of another subdivision apportioned to the subdivision as a result of acquisition of territory, and excludes the principal amount of outstanding securities of the subdivision apportioned to another subdivision as a result of loss of territory and the payment or reimbursement obligations of the subdivision under credit enhancement facilities relating to outstanding securities.

(B) In calculating the net indebtedness of a subdivision, none of the following securities, including anticipatory securities issued in anticipation of their issuance, shall be



considered:	8978
(1) Securities issued in anticipation of the levy or	8979
collection of special assessments, either in original or refunded	8980
form;	8981
(2) Securities issued in anticipation of the collection of	8982
current revenues for the fiscal year or other period not to exceed	8983
twelve consecutive months, or securities issued in anticipation of	8984
the collection of the proceeds from a specifically identified	8985
voter-approved tax levy;	8986
(3) Securities issued for purposes described in section	8987
133.12 of the Revised Code;	8988
(4) Securities issued under Chapter 122., 140., 165., 725.,	8989
or 761. or section 131.23 of the Revised Code;	8990
(5) Securities issued to pay final judgments or	8991
court-approved settlements under authorizing laws and securities	8992
issued under section 2744.081 of the Revised Code;	8993
(6) Securities issued to pay costs of permanent improvements	8994
to the extent they are issued in anticipation of the receipt of,	8995
and are payable as to principal from, federal or state grants or	8996
distributions for, or legally available for, that principal or for	8997
the costs of those permanent improvements;	8998
(7) Securities issued to evidence loans from the state	8999
capital improvements fund pursuant to Chapter 164. of the Revised	9000
Code or from the state infrastructure bank pursuant to section	9001
5531.09 of the Revised Code;	9002
(8) That percentage of the principal amount of general	9003
obligation securities issued by a county, township, or municipal	9004
corporation to pay the costs of permanent improvements equal to	9005
the percentage of the debt charges on those securities payable	9006
during the current fiscal year that the fiscal officer estimates	9007

can be paid during the current fiscal year from payments in lieu 9008  
of taxes under section 1728.11, 1728.111, 5709.42, 5709.74, or 9009  
5709.79 of the Revised Code, and that the legislation authorizing 9010  
the issuance of the securities pledges or covenants will be used 9011  
for the payment of those debt charges; provided that the amount 9012  
excluded from consideration under division (B)(8) of this section 9013  
shall not exceed the lesser of thirty million dollars or one-half 9014  
per cent of the subdivision's tax valuation in the case of a 9015  
county or township, or one and one-tenth per cent of the 9016  
subdivision's tax valuation in the case of a municipal 9017  
corporation; 9018

(9) Securities issued in an amount equal to the property tax 9019  
replacement payments received under section 5727.85 or 5727.86 of 9020  
the Revised Code; 9021

(10) Securities issued in an amount equal to the property tax 9022  
replacement payments received under section 5751.21 or 5751.22 of 9023  
the Revised Code; 9024

(11) Other securities, including self-supporting securities, 9025  
excepted by law from the calculation of net indebtedness or from 9026  
the application of this chapter; 9027

(12) Securities issued under section 133.083 of the Revised 9028  
Code for the purpose of acquiring, constructing, improving, or 9029  
equipping any permanent improvement to the extent that the 9030  
legislation authorizing the issuance pledges tourism development 9031  
district revenue to the payment of debt charges on the securities 9032  
and contains a covenant to appropriate from tourism development 9033  
district revenue a sufficient amount to cover debt charges or the 9034  
financing costs related to the securities as they become due; 9035

(13) Any other securities outstanding on October 30, 1989, 9036  
and then excepted from the calculation of net indebtedness or from 9037  
the application of this chapter, and securities issued at any time 9038

to fund or refund those securities. 9039

**Sec. 133.05.** (A) A municipal corporation shall not incur net 9040  
indebtedness that exceeds an amount equal to ten and one-half per 9041  
cent of its tax valuation, or incur without a vote of the electors 9042  
net indebtedness that exceeds an amount equal to five and one-half 9043  
per cent of that tax valuation. 9044

(B) In calculating the net indebtedness of a municipal 9045  
corporation, none of the following securities shall be considered: 9046

(1) Self-supporting securities issued for any purposes 9047  
including, without limitation, any of the following general 9048  
purposes: 9049

(a) Water systems or facilities; 9050

(b) Sanitary sewerage systems or facilities, or surface and 9051  
storm water drainage and sewerage systems or facilities, or a 9052  
combination of those systems or facilities; 9053

(c) Electric plants and facilities and steam or cogeneration 9054  
facilities that generate or supply electricity, or steam and 9055  
electrical or steam distribution systems and lines; 9056

(d) Airports or landing fields or facilities; 9057

(e) Railroads, rapid transit, and other mass transit systems; 9058

(f) Off-street parking lots, facilities, or buildings, or 9059  
on-street parking facilities, or any combination of off-street and 9060  
on-street parking facilities; 9061

(g) Facilities for the care or treatment of the sick or 9062  
infirm, and for housing the persons providing such care or 9063  
treatment and their families; 9064

(h) Solid waste or hazardous waste collection or disposal 9065  
facilities, or resource recovery and solid or hazardous waste 9066  
recycling facilities, or any combination of those facilities; 9067

(i) Urban redevelopment projects;	9068
(j) Recreational, sports, convention, auditorium, museum, trade show, and other public attraction facilities;	9069 9070
(k) Facilities for natural resources exploration, development, recovery, use, and sale;	9071 9072
(l) Correctional and detention facilities, including multicounty-municipal jails, and related rehabilitation facilities.	9073 9074 9075
(2) Securities issued for the purpose of purchasing, constructing, improving, or extending water or sanitary or surface and storm water sewerage systems or facilities, or a combination of those systems or facilities, to the extent that an agreement entered into with another subdivision requires the other subdivision to pay to the municipal corporation amounts equivalent to debt charges on the securities;	9076 9077 9078 9079 9080 9081 9082
(3) Securities issued under order of the director of health or director of environmental protection under section 6109.18 of the Revised Code;	9083 9084 9085
(4) Securities issued under Section 3, 10, or 12 of Article XVIII, Ohio Constitution;	9086 9087
(5) Securities that are not general obligations of the municipal corporation;	9088 9089
(6) Voted securities issued for the purposes of urban redevelopment to the extent that their principal amount does not exceed an amount equal to two per cent of the tax valuation of the municipal corporation;	9090 9091 9092 9093
(7) Unvoted general obligation securities to the extent that the legislation authorizing them includes covenants to appropriate annually from lawfully available municipal income taxes or other municipal excises or taxes, including taxes referred to in section	9094 9095 9096 9097

701.06 of the Revised Code but not including ad valorem property 9098  
taxes, and to continue to levy and collect those municipal income 9099  
taxes or other applicable excises or taxes in, amounts necessary 9100  
to meet the debt charges on those securities, which covenants are 9101  
hereby authorized; 9102

(8) Self-supporting securities issued prior to July 1, 1977, 9103  
under this chapter for the purpose of municipal university 9104  
residence halls to the extent that revenues of the successor state 9105  
university allocated to debt charges on those securities, from 9106  
sources other than municipal excises and taxes, are sufficient to 9107  
pay those debt charges; 9108

(9) Securities issued for the purpose of acquiring or 9109  
constructing roads, highways, bridges, or viaducts, for the 9110  
purpose of acquiring or making other highway permanent 9111  
improvements, or for the purpose of procuring and maintaining 9112  
computer systems for the office of the clerk of the municipal 9113  
court to the extent that the legislation authorizing the issuance 9114  
of the securities includes a covenant to appropriate from money 9115  
distributed to the municipal corporation pursuant to Chapter 9116  
4501., 4503., 4504., or 5735. of the Revised Code a sufficient 9117  
amount to cover debt charges on and financing costs relating to 9118  
the securities as they become due; 9119

(10) Securities issued for the purpose of providing some or 9120  
all of the funds required to satisfy the municipal corporation's 9121  
obligation under an agreement with the board of trustees of the 9122  
Ohio police and fire pension fund under section 742.30 of the 9123  
Revised Code; 9124

(11) Securities issued for the acquisition, construction, 9125  
equipping, and improving of a municipal educational and cultural 9126  
facility under division (B)(2) of section 307.672 of the Revised 9127  
Code; 9128

(12) Securities issued for energy conservation measures under section 717.02 of the Revised Code; 9129  
9130

(13) Securities that are obligations issued to pay costs of a sports facility under section 307.673 of the Revised Code; 9131  
9132

(14) Securities issued under section 133.083 of the Revised Code for the purpose of acquiring, constructing, improving, or equipping any permanent improvement to the extent that the legislation authorizing the issuance pledges tourism development district revenue to the payment of debt charges on the securities and contains a covenant to appropriate from tourism development district revenue a sufficient amount to cover debt charges or the financing costs related to the securities as they become due. 9133  
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(C) In calculating the net indebtedness of a municipal corporation, no obligation incurred under section 749.081 of the Revised Code shall be considered. 9141  
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**Sec. 133.083.** (A) As used in this section: 9144

(1) "Anticipation notes" means notes issued in anticipation of the tourism development district revenue supported bonds authorized by this section. 9145  
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(2) "Authorizing proceedings" means the resolution, legislation, trust agreement, certification, and other agreements, instruments, and documents, as amended and supplemented, authorizing, or providing for the security or sale or award of, tourism development district revenue supported bonds, and includes the provisions set forth or incorporated in those bonds and proceedings. 9148  
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(3) "Tourism development district revenue" means revenue received by the taxing authority of a municipal corporation or township from a tax levied pursuant to section 5739.024, 5739.52, or 5741.024 of the Revised Code, from fees imposed pursuant to 9155  
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division (C) of section 5739.50 of the Revised Code, from revenue 9159  
received under section 5739.54 of the Revised Code, and, in the 9160  
case of a municipal corporation, a tax levied on amounts received 9161  
for admission to any place to the extent of the revenue therefrom 9162  
is required to be used to foster and develop tourism in a tourism 9163  
development district. 9164

(4) "Tourism development district revenue supported bonds" 9165  
means the tourism development district revenue supported bonds 9166  
authorized by this section, including anticipation notes. 9167

(5) "Refunding bonds" means tourism development district 9168  
revenue supported bonds issued to provide for the refunding of the 9169  
tourism development district revenue supported bonds referred to 9170  
in this section as refunded obligations. 9171

(6) "Tourism development district" means an area designated 9172  
by a township or municipal corporation under section 5739.50 of 9173  
the Revised Code. 9174

(B) The taxing authority of a municipal corporation or 9175  
township that is receiving tourism development district revenue, 9176  
for the purpose of fostering and developing tourism within the 9177  
tourism development district, may anticipate such revenue and 9178  
issue tourism development district revenue supported bonds of the 9179  
municipal corporation or township in the principal amount 9180  
necessary to pay the costs of financing any permanent improvement, 9181  
or to refund any refunded obligations, provided that the taxing 9182  
authority certifies that the annual debt charges on the tourism 9183  
development district revenue supported bonds, or on the tourism 9184  
development district revenue supported bonds being anticipated by 9185  
anticipation notes, do not exceed the estimated annual tourism 9186  
development district revenue. The maximum aggregate amount of 9187  
tourism development district revenue supported bonds that may be 9188  
outstanding at any time in accordance with their terms shall not 9189  
exceed an amount which requires or is estimated to require 9190

payments from tourism development district revenue of debt charges 9191  
on the tourism development district revenue supported bonds, or, 9192  
in the case of anticipation notes, projected debt charges on the 9193  
tourism development district revenue supported bonds anticipated, 9194  
in any calendar year in an amount exceeding tourism development 9195  
district revenue in anticipation of which the bonds or 9196  
anticipation notes are issued as estimated by the fiscal officer 9197  
based on tourism development district revenue averaged for the two 9198  
calendar years prior to the year in which the tourism development 9199  
district revenue supported bonds are issued, and annualized for 9200  
any increase in any tax levied pursuant to section 5739.024, 9201  
5739.52, or 5741.024 of the Revised Code during such period or 9202  
levied after such period. A taxing authority may at any time issue 9203  
renewal anticipation notes, issue tourism development district 9204  
revenue supported bonds to pay renewal anticipation notes, and, if 9205  
it considers refunding expedient, issue refunding tourism 9206  
development district revenue supported bonds whether the refunded 9207  
obligations have or have not matured. The refunding tourism 9208  
development district revenue supported bonds shall be sold and the 9209  
proceeds needed for such purpose applied in the manner provided in 9210  
the authorizing proceedings of the taxing authority. 9211

The maximum maturity of tourism development district revenue 9212  
supported bonds shall be calculated by the fiscal officer in 9213  
accordance with section 133.20 of the Revised Code, and that 9214  
calculation shall be filed with the taxing authority of the county 9215  
before adoption of the ordinance or resolution authorizing the 9216  
issuance. If the tourism development district revenue pledged to 9217  
the payment of the tourism development district revenue supported 9218  
bonds has a stated expiration date, the final principal maturity 9219  
date of the tourism development district revenue supported bonds 9220  
shall not extend beyond the final year of collection of the 9221  
tourism development district revenue pledged to the payment of the 9222  
tourism development district revenue supported bonds. 9223



(C) Every issue of tourism development district revenue supported bonds outstanding in accordance with their terms shall be payable out of the tourism development district revenue received by the municipal corporation or township or proceeds of tourism development district revenue supported bonds, renewal anticipation notes, or refunding tourism development district revenue supported bonds that may be pledged for such payment in the authorizing proceedings. The pledge shall be valid and binding from the time the pledge is made, and the tourism development district revenue so pledged and thereafter received by the county shall immediately be subject to the lien of that pledge without any physical delivery of the tourism development district revenue or proceeds or further act. The lien of any pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the county, whether or not such parties have notice of the lien. Neither the resolution nor any trust agreement by which a pledge is created or further evidenced need be filed or recorded except in the records of the taxing authority.

(D) Tourism development district revenue supported bonds issued under this section do not constitute a general obligation debt, or a pledge of the full faith and credit, of the state, or any political subdivision of the state, and the holders or owners of the bonds have no right to have taxes levied by the general assembly or property taxes levied by the taxing authority of any political subdivision of the state for the payment of debt charges. Unless paid from other sources, tourism development district revenue supported bonds are payable from the tourism development district revenue pledged for their payment as authorized by this section. All tourism development district revenue supported bonds shall contain on their face a statement to the effect that the tourism development district revenue supported bonds, as to debt charges, are not debts or obligations of the

state and are not general obligation debts of any political 9257  
subdivision of the state, but, unless paid from other sources, are 9258  
payable from the tourism development district revenue pledged for 9259  
their payment. The utilization and pledge of the tourism 9260  
development district revenue and proceeds of tourism development 9261  
district revenue supported bonds, renewal anticipation notes, or 9262  
refunding tourism development district revenue supported bonds for 9263  
the payment of debt charges is determined by the general assembly 9264  
to create a special obligation. 9265

(E) The tourism development district revenue supported bonds 9266  
shall bear such date or dates, shall be executed in the manner, 9267  
and shall mature at such time or times, in the case of any 9268  
anticipation notes not exceeding ten years from the date of issue 9269  
of the original anticipation notes and in the case of any tourism 9270  
development district revenue supported bonds or of any refunding 9271  
tourism development district revenue supported bonds, not 9272  
exceeding the maximum maturity certified to the taxing authority 9273  
pursuant to division (B) of this section, all as the authorizing 9274  
proceedings may provide. The tourism development district revenue 9275  
supported bonds shall bear interest at such rates, or at variable 9276  
rate or rates changing from time to time, in accordance with 9277  
provisions in the authorizing proceedings, be in such 9278  
denominations and form, either coupon or registered, carry such 9279  
registration privileges, be payable in such medium of payment and 9280  
at such place or places, and be subject to such terms of 9281  
redemption, as the taxing authority may authorize or provide. The 9282  
tourism development district revenue supported bonds may be sold 9283  
at public or private sale, and at, or at not less than, the price 9284  
or prices as the taxing authority determines. If any officer whose 9285  
signature or a facsimile of whose signature appears on any tourism 9286  
development district revenue supported bonds or coupons ceases to 9287  
be such officer before delivery of the tourism development 9288  
district revenue supported bonds or anticipation notes, the 9289

signature or facsimile shall nevertheless be sufficient for all 9290  
purposes as if that officer had remained in office until delivery 9291  
of the tourism development district revenue supported bonds. 9292  
Whether or not the tourism development district revenue supported 9293  
bonds are of such form and character as to be negotiable 9294  
instruments under Title XIII of the Revised Code, the tourism 9295  
development district revenue supported bonds shall have all the 9296  
qualities and incidents of negotiable instruments, subject only to 9297  
any provisions for registration. Neither the members of the board 9298  
of the taxing authority nor any person executing the tourism 9299  
development district revenue supported bonds shall be liable 9300  
personally on the tourism development district revenue supported 9301  
bonds or be subject to any personal liability or accountability by 9302  
reason of their issuance. 9303

(F) Notwithstanding any other provision of this section, 9304  
sections 9.98 to 9.983, 133.02, 133.70, and 5709.76, and division 9305  
(A) of section 133.03 of the Revised Code apply to the tourism 9306  
development district revenue supported bonds. Tourism development 9307  
district revenue supported bonds issued under this section need 9308  
not comply with any other law applicable to notes or bonds but the 9309  
authorizing proceedings may provide that divisions (B) to (E) of 9310  
section 133.25 of the Revised Code apply to the tourism 9311  
development district revenue supported bonds or anticipation 9312  
notes. 9313

(G) Any authorized proceedings may contain provisions, 9314  
subject to any agreements with holders as may then exist, which 9315  
shall be a part of the contract with the holders, as to the 9316  
pledging of any or all of the municipal corporation's or 9317  
township's anticipated tourism development district revenue to 9318  
secure the payment of the tourism development district revenue 9319  
supported bonds; the use and disposition of the tourism 9320  
development district revenue of the county; the crediting of the 9321

proceeds of the sale of tourism development district revenue 9322  
supported bonds to and among the funds referred to or provided for 9323  
in the authorizing proceedings; limitations on the purpose to 9324  
which the proceeds of the tourism development district revenue 9325  
supported bonds may be applied and the pledging of portions of 9326  
such proceeds to secure the payment of the tourism development 9327  
district revenue supported bonds or of anticipation notes; the 9328  
agreement of the municipal corporation or township to do all 9329  
things necessary for the authorization, issuance, and sale of 9330  
those notes anticipated in such amounts as may be necessary for 9331  
the timely payment of debt charges on any anticipation notes; 9332  
limitations on the issuance of additional tourism development 9333  
district revenue supported bonds; the terms upon which additional 9334  
tourism development district revenue supported bonds may be issued 9335  
and secured; the refunding of refunded obligations; the procedure 9336  
by which the terms of any contract with holders may be amended, 9337  
and the manner in which any required consent to amend may be 9338  
given; securing any tourism development district revenue supported 9339  
bonds by a trust agreement or other agreement; and any other 9340  
matters, of like or different character, that in any way affect 9341  
the security or protection of the tourism development district 9342  
revenue supported bonds or anticipation notes. 9343

(H) The taxing authority of a municipal corporation or 9344  
township may not repeal, rescind, or reduce any portion of a tax 9345  
pledged to the payment of debt charges on tourism development 9346  
district revenue supported bonds issued by the county while such 9347  
bonds remain outstanding, and no portion of tourism development 9348  
district revenue pledged to the payment of debt charges on such 9349  
bonds shall be subject to repeal or reduction by the electorate of 9350  
the taxing authority while the bonds are outstanding. 9351

**Sec. 133.34.** (A) Upon the determination of the taxing 9352  
authority that such funding or refunding will be in the 9353

subdivision's best interest, the subdivision may: 9354

(1) Issue general obligation securities to fund or refund any 9355  
outstanding revenue or mortgage revenue, sales tax supported, or 9356  
other special obligation securities previously issued by it for 9357  
permanent improvements pursuant to authorization by law or the 9358  
Ohio Constitution. Any general obligation bonds issued pursuant to 9359  
this division (A)(1) shall be payable as to principal at such 9360  
times and in such installments as determined by the taxing 9361  
authority consistent with section 133.21 of the Revised Code, but 9362  
their last maturity shall not be later than thirty years from the 9363  
date of issuance of the original securities issued for the 9364  
original purpose. 9365

(2) Issue revenue or mortgage revenue securities, if 9366  
authorized by other law or the Ohio Constitution to issue such 9367  
securities for the original purpose, to fund or refund any 9368  
outstanding general obligation or sales tax supported securities 9369  
previously issued by it pursuant to authorization by law. The 9370  
taxing authority shall establish the maturity date or dates, the 9371  
interest payable, and other terms of such securities as it 9372  
considers necessary or appropriate for their issuance. 9373

(3) Issue general obligation securities to fund or refund 9374  
outstanding general obligation bonds issued in one or more issues 9375  
for any purpose or purposes. General obligation securities issued 9376  
pursuant to this division (A)(3) shall be payable as to principal 9377  
at such times and in such installments as determined by the taxing 9378  
authority. Section 133.21 of the Revised Code is not applicable to 9379  
these refunding securities, but the last maturity of these 9380  
refunding securities shall not be later than the year of last 9381  
maturity permitted by law for the general obligation bonds 9382  
refunded. Tax levies for debt charges on the refunding general 9383  
obligation securities shall be considered to have the same status 9384  
with respect to the provisions of the applicable tax limitation as 9385

the levies for debt charges on, and the refunding general 9386  
obligation securities shall be considered to have the same status 9387  
with respect to net indebtedness limitations as, the general 9388  
obligation bonds that are refunded. 9389

(4) Issue sales tax supported securities to fund or refund 9390  
any outstanding revenue or mortgage revenue or general obligation 9391  
or other special obligation securities previously issued by it for 9392  
permanent improvements pursuant to authorization by law or the 9393  
Ohio Constitution. Any sales tax supported bonds issued pursuant 9394  
to this division (A)(4) shall be payable as to principal at such 9395  
times and in such installments as determined by the taxing 9396  
authority consistent with division (E) of section 133.081 of the 9397  
Revised Code, but their last maturity shall be consistent with 9398  
division (B) of section 133.081 of the Revised Code. 9399

(5) Apply moneys from other sources to fund any outstanding 9400  
securities or public obligations issued by the taxing authority 9401  
pursuant to authorization by law or the Ohio Constitution, 9402  
including the funding of any mandatory sinking fund redemption 9403  
requirements. 9404

(6) Issue tourism development district revenue supported 9405  
bonds to fund or refund any outstanding revenue or mortgage 9406  
revenue or general obligation or other special obligation 9407  
securities previously issued by it for permanent improvements 9408  
pursuant to authorization by law or the Ohio Constitution. Any 9409  
tourism development district revenue supported bonds issued 9410  
pursuant to division (A)(6) of this section shall be payable as to 9411  
principal at such times and in such installments as determined by 9412  
the taxing authority consistent with division (E) of section 9413  
133.083 of the Revised Code, but their last maturity shall be 9414  
consistent with division (B) of section 133.083 of the Revised 9415  
Code. 9416

(B) Securities issued pursuant to this section shall be 9417

considered to be issued for the same purpose or purposes as the 9418  
securities that they are issued to fund or refund, and their 9419  
proceeds shall be used as determined by the taxing authority 9420  
consistent with their purpose. That use may include the payment of 9421  
the outstanding principal amount of, any redemption premium on, 9422  
and any interest to redemption or maturity on, the securities 9423  
being funded or refunded, and any expenses relating to the funding 9424  
or refunding or the issuance of the refunding bonds, including 9425  
financing costs, all as determined by the taxing authority. 9426  
Proceeds of securities issued pursuant to this section may also be 9427  
used to provide additional money for the purpose or purposes for 9428  
which the securities being funded or refunded, or which they 9429  
funded or refunded, were issued, but section 133.21 of the Revised 9430  
Code is applicable to any such portion of general obligation 9431  
securities. 9432

(C) Securities may be issued and other moneys may be applied 9433  
pursuant to this section to fund or refund all or any portion of 9434  
the outstanding securities, and whether or not the securities to 9435  
be funded or refunded were issued subject to call or redemption 9436  
prior to maturity or are the original securities or are themselves 9437  
refunding securities. 9438

(D) Moneys derived from the proceeds of securities issued 9439  
pursuant to this section to fund or refund general obligation 9440  
bonds, or moneys from other sources, and required for the purpose 9441  
shall, under an escrow agreement or otherwise, to the extent 9442  
required by the legislation be placed in an escrow fund, which may 9443  
be in the bond retirement fund in the case of the funded or 9444  
refunded bonds being payable within ninety days of issuance of the 9445  
refunding securities, and other moneys applied pursuant to this 9446  
section to fund general obligation bonds shall, under an escrow 9447  
agreement or otherwise, to the extent required by the legislation, 9448  
be placed in an escrow fund that may be in the sinking fund or 9449

bond retirement fund, and in either case are pledged for the 9450  
purpose of funding or refunding the refunded general obligation 9451  
bonds and shall be used, together with any other available funds 9452  
as provided in this section, for that purpose. Pending that use, 9453  
the moneys in escrow shall be invested in direct obligations of or 9454  
obligations guaranteed as to payment by the United States that 9455  
mature or are subject to redemption by and at the option of the 9456  
holder not later than the date or dates when the moneys, together 9457  
with interest or other investment income accrued on those moneys, 9458  
will be required for that use. Any moneys in the escrow fund 9459  
derived from the issuance of revenue or mortgage revenue or sales 9460  
tax supported securities that will not be needed to pay debt 9461  
charges on the funded or refunded general obligation bonds may be 9462  
used for and pledged to the payment of debt charges on the 9463  
refunding securities and on any securities issued on a parity with 9464  
the refunding securities. Any moneys in the escrow fund derived 9465  
from the proceeds of refunding general obligation securities and 9466  
that will not be needed to pay debt charges on the refunded 9467  
general obligation bonds shall be transferred to the bond 9468  
retirement fund. When the subdivision has placed in escrow moneys, 9469  
derived from proceeds of refunding obligations or otherwise, or 9470  
those direct or guaranteed obligations of the United States, or a 9471  
combination of both, determined by an independent public 9472  
accounting firm to be sufficient, with the interest or other 9473  
investment income accruing on those direct or guaranteed 9474  
obligations, for the payment of debt charges on the funded or 9475  
refunded general obligation bonds, the funded or refunded general 9476  
obligation bonds shall no longer be considered to be outstanding, 9477  
shall not be considered for purposes of determining any 9478  
limitation, direct or indirect, on the indebtedness or net 9479  
indebtedness of the subdivision, and the levy of taxes or other 9480  
charges for the payment of debt charges on the funded or refunded 9481  
general obligation bonds under this chapter, Chapter 5705., or 9482



other provisions of the Revised Code, shall not be required. For 9483  
purposes of this division, "direct obligations of or obligations 9484  
guaranteed as to payment by the United States" includes rights to 9485  
receive payment or portions of payments of the principal of or 9486  
interest or other investment income on: 9487

(1) Those obligations; and 9488

(2) Other obligations fully secured as to payment by those 9489  
obligations and the interest or other investment income on those 9490  
obligations. 9491

(E) The authority granted by this section is in addition to 9492  
and not a limitation on any other authorizations granted by or 9493  
pursuant to law or the Ohio Constitution for the same or similar 9494  
purposes, and does not limit or restrict the authority of 9495  
municipal corporations to issue, under authority of Article XVIII, 9496  
Ohio Constitution, revenue or mortgage revenue securities to fund 9497  
or refund either general obligation securities or other revenue or 9498  
mortgage revenue securities. 9499

**Sec. 140.01.** As used in this chapter: 9500

(A) "Hospital agency" means any public hospital agency or any 9501  
nonprofit hospital agency. 9502

(B) "Public hospital agency" means any county, board of 9503  
county hospital trustees established pursuant to section 339.02 of 9504  
the Revised Code, county hospital commission established pursuant 9505  
to section 339.14 of the Revised Code, municipal corporation, new 9506  
community authority organized under Chapter 349. of the Revised 9507  
Code, joint township hospital district, state or municipal 9508  
university or college operating or authorized to operate a 9509  
hospital facility, or the state. 9510

(C) "Nonprofit hospital agency" means a corporation or 9511  
association not for profit, no part of the net earnings of which 9512

inures or may lawfully inure to the benefit of any private 9513  
shareholder or individual, that has authority to own or operate a 9514  
hospital facility or provides or is to provide services to one or 9515  
more other hospital agencies. 9516

(D) "Governing body" means, in the case of a county, the 9517  
board of county commissioners or other legislative body; in the 9518  
case of a board of county hospital trustees, the board; in the 9519  
case of a county hospital commission, the commission; in the case 9520  
of a municipal corporation, the council or other legislative 9521  
authority; in the case of a new community authority, its board of 9522  
trustees; in the case of a joint township hospital district, the 9523  
joint township district hospital board; in the case of a state or 9524  
municipal university or college, its board of trustees or board of 9525  
directors; in the case of a nonprofit hospital agency, the board 9526  
of trustees or other body having general management of the agency; 9527  
and, in the case of the state, the director of development 9528  
services or the Ohio higher educational facility commission. 9529

(E) "Hospital facilities" means buildings, structures and 9530  
other improvements, additions thereto and extensions thereof, 9531  
furnishings, equipment, and real estate and interests in real 9532  
estate, used or to be used for or in connection with one or more 9533  
hospitals, emergency, intensive, intermediate, extended, 9534  
long-term, or self-care facilities, diagnostic and treatment and 9535  
out-patient facilities, facilities related to programs for home 9536  
health services, clinics, laboratories, public health centers, 9537  
research facilities, and rehabilitation facilities, for or 9538  
pertaining to diagnosis, treatment, care, or rehabilitation of 9539  
sick, ill, injured, infirm, impaired, disabled, or handicapped 9540  
persons, or the prevention, detection, and control of disease, and 9541  
also includes education, training, and food service facilities for 9542  
health professions personnel, housing facilities for such 9543  
personnel and their families, and parking and service facilities 9544

in connection with any of the foregoing; and includes any one, 9545  
part of, or any combination of the foregoing; and further includes 9546  
site improvements, utilities, machinery, facilities, furnishings, 9547  
and any separate or connected buildings, structures, improvements, 9548  
sites, utilities, facilities, or equipment to be used in, or in 9549  
connection with the operation or maintenance of, or supplementing 9550  
or otherwise related to the services or facilities to be provided 9551  
by, any one or more of such hospital facilities. 9552

(F) "Costs of hospital facilities" means the costs of 9553  
acquiring hospital facilities or interests in hospital facilities, 9554  
including membership interests in nonprofit hospital agencies, 9555  
costs of constructing hospital facilities, costs of improving one 9556  
or more hospital facilities, including reconstructing, 9557  
rehabilitating, remodeling, renovating, and enlarging, costs of 9558  
equipping and furnishing such facilities, and all financing costs 9559  
pertaining thereto, including, without limitation thereto, costs 9560  
of engineering, architectural, and other professional services, 9561  
designs, plans, specifications and surveys, and estimates of cost, 9562  
costs of tests and inspections, the costs of any indemnity or 9563  
surety bonds and premiums on insurance, all related direct or 9564  
allocable administrative expenses pertaining thereto, fees and 9565  
expenses of trustees, depositories, and paying agents for the 9566  
obligations, cost of issuance of the obligations and financing 9567  
charges and fees and expenses of financial advisors, attorneys, 9568  
accountants, consultants and rating services in connection 9569  
therewith, capitalized interest on the obligations, amounts 9570  
necessary to establish reserves as required by the bond 9571  
proceedings, the reimbursement of all moneys advanced or applied 9572  
by the hospital agency or others or borrowed from others for the 9573  
payment of any item or items of costs of such facilities, and all 9574  
other expenses necessary or incident to planning or determining 9575  
feasibility or practicability with respect to such facilities, and 9576  
such other expenses as may be necessary or incident to the 9577

acquisition, construction, reconstruction, rehabilitation, 9578  
remodeling, renovation, enlargement, improvement, equipment, and 9579  
furnishing of such facilities, the financing thereof, and the 9580  
placing of the same in use and operation, including any one, part 9581  
of, or combination of such classes of costs and expenses, and 9582  
means the costs of refinancing obligations issued by, or 9583  
reimbursement of money advanced by, nonprofit hospital agencies or 9584  
others the proceeds of which were used for the payment of costs of 9585  
hospital facilities, if the governing body of the public hospital 9586  
agency determines that the refinancing or reimbursement advances 9587  
the purposes of this chapter, whether or not the refinancing or 9588  
reimbursement is in conjunction with the acquisition or 9589  
construction of additional hospital facilities. 9590

(G) "Hospital receipts" means all moneys received by or on 9591  
behalf of a hospital agency from or in connection with the 9592  
ownership, operation, acquisition, construction, improvement, 9593  
equipping, or financing of any hospital facilities, including, 9594  
without limitation thereto, any rentals and other moneys received 9595  
from the lease, sale, or other disposition of hospital facilities, 9596  
and any gifts, grants, interest subsidies, or other moneys 9597  
received under any federal program for assistance in financing the 9598  
costs of hospital facilities, and any other gifts, grants, and 9599  
donations, and receipts therefrom, available for financing the 9600  
costs of hospital facilities. 9601

(H) "Obligations" means bonds, notes, or other evidences of 9602  
indebtedness or obligation, including interest coupons pertaining 9603  
thereto, issued or issuable by a public hospital agency to pay 9604  
costs of hospital facilities. 9605

(I) "Bond service charges" means principal, interest, and 9606  
call premium, if any, required to be paid on obligations. 9607

(J) "Bond proceedings" means one or more ordinances, 9608  
resolutions, trust agreements, indentures, and other agreements or 9609

documents, and amendments and supplements to the foregoing, or any 9610  
combination thereof, authorizing or providing for the terms, 9611  
including any variable interest rates, and conditions applicable 9612  
to, or providing for the security of, obligations and the 9613  
provisions contained in such obligations. 9614

(K) "Nursing home" has the same meaning as in division (A)(1) 9615  
of section 5701.13 of the Revised Code. 9616

(L) "Residential care facility" has the same meaning as in 9617  
division (A)(2) of section 5701.13 of the Revised Code. 9618

(M) "Independent living facility" means any self-care 9619  
facility or other housing facility designed or used as a residence 9620  
for elderly persons. An "independent living facility" does not 9621  
include a residential facility, or that part of a residential 9622  
facility, that is any of the following: 9623

(1) A hospital required to be certified by section 3727.02 of 9624  
the Revised Code; 9625

(2) A nursing home or residential care facility; 9626

(3) A facility operated by a hospice care program licensed 9627  
under section 3712.04 of the Revised Code and used for the 9628  
program's hospice patients; 9629

(4) A residential facility licensed by the department of 9630  
mental health and addiction services under section 5119.34 of the 9631  
Revised Code that provides accommodations, supervision, and 9632  
personal care services for three to sixteen unrelated adults; 9633

(5) A residential facility licensed by the department of 9634  
mental health and addiction services under section 5119.34 of the 9635  
Revised Code that is not a residential facility described in 9636  
division (M)(4) of this section; 9637

(6) A facility licensed to provide methadone treatment under 9638  
section 5119.391 of the Revised Code; 9639

(7) A ~~facility certified as a~~ community addiction services provider ~~under section 5119.36, as defined in section 5119.01 of~~ the Revised Code;

(8) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code;

(9) A residential facility used as part of a hospital to provide housing for staff of the hospital or students pursuing a course of study at the hospital.

**Sec. 149.04.** Messages of the governor, and the inaugural address of the governor-elect, shall be ~~printed~~ produced and distributed in ~~pamphlet~~ electronic form ~~and distributed as follows:~~

~~(A) To to the governor delivering a message or address, two hundred fifty copies;~~

~~(B) To to each member of the general assembly, five copies;~~

~~(C) To and to the state library, two copies. A physical copy of the message or address shall be provided, upon request, to any recipient named in this section.`~~

**Sec. 149.43.** (A) As used in this section:

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;	9669 9670 9671
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	9672 9673 9674
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;	9675 9676 9677
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	9678 9679 9680 9681 9682 9683
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	9684 9685 9686
(g) Trial preparation records;	9687
(h) Confidential law enforcement investigatory records;	9688
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	9689 9690
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	9691 9692
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	9693 9694 9695 9696
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department	9697 9698

of youth services to the department of rehabilitation and	9699
correction pursuant to section 5139.05 of the Revised Code;	9700
(m) Intellectual property records;	9701
(n) Donor profile records;	9702
(o) Records maintained by the department of job and family	9703
services pursuant to section 3121.894 of the Revised Code;	9704
(p) Peace officer, parole officer, probation officer,	9705
bailiff, prosecuting attorney, assistant prosecuting attorney,	9706
correctional employee, community-based correctional facility	9707
employee, youth services employee, firefighter, EMT, or	9708
investigator of the bureau of criminal identification and	9709
investigation residential and familial information;	9710
(q) In the case of a county hospital operated pursuant to	9711
Chapter 339. of the Revised Code or a municipal hospital operated	9712
pursuant to Chapter 749. of the Revised Code, information that	9713
constitutes a trade secret, as defined in section 1333.61 of the	9714
Revised Code;	9715
(r) Information pertaining to the recreational activities of	9716
a person under the age of eighteen;	9717
(s) <del>Records provided to, statements made by review board</del>	9718
<del>members during meetings of, and all work products</del> <u>In the case</u> of a	9719
child fatality review board acting under sections 307.621 to	9720
307.629 of the Revised Code <u>or a review conducted pursuant to</u>	9721
<u>guidelines established by the director of health under section</u>	9722
<u>3701.70 of the Revised Code, records provided to the board or</u>	9723
<u>director, statements made by board members during meetings of the</u>	9724
<u>board or by persons participating in the director's review, and</u>	9725
<u>all work products of the board or director, and in the case of a</u>	9726
<u>child fatality review board, child fatality review data submitted</u>	9727
by the <del>child fatality review</del> board to the department of health or	9728
a national child death review database, other than the report	9729



prepared pursuant to division (A) of section 307.626 of the Revised Code;	9730 9731
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	9732 9733 9734 9735
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	9736 9737 9738 9739 9740 9741
(v) Records the release of which is prohibited by state or federal law;	9742 9743
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	9744 9745 9746
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	9747 9748 9749 9750 9751 9752
(y) Records listed in section 5101.29 of the Revised Code;	9753
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	9754 9755 9756
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	9757 9758 9759

(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division.

(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;

(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;

(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;

(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information" means any information that discloses any of the following about a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation:

(a) The address of the actual personal residence of a peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or an investigator of the bureau of criminal identification and investigation, except for the state or political subdivision in which the peace officer, parole officer,

probation officer, bailiff, assistant prosecuting attorney, 9823  
correctional employee, community-based correctional facility 9824  
employee, youth services employee, firefighter, EMT, or 9825  
investigator of the bureau of criminal identification and 9826  
investigation resides; 9827

(b) Information compiled from referral to or participation in 9828  
an employee assistance program; 9829

(c) The social security number, the residential telephone 9830  
number, any bank account, debit card, charge card, or credit card 9831  
number, or the emergency telephone number of, or any medical 9832  
information pertaining to, a peace officer, parole officer, 9833  
probation officer, bailiff, prosecuting attorney, assistant 9834  
prosecuting attorney, correctional employee, community-based 9835  
correctional facility employee, youth services employee, 9836  
firefighter, EMT, or investigator of the bureau of criminal 9837  
identification and investigation; 9838

(d) The name of any beneficiary of employment benefits, 9839  
including, but not limited to, life insurance benefits, provided 9840  
to a peace officer, parole officer, probation officer, bailiff, 9841  
prosecuting attorney, assistant prosecuting attorney, correctional 9842  
employee, community-based correctional facility employee, youth 9843  
services employee, firefighter, EMT, or investigator of the bureau 9844  
of criminal identification and investigation by the peace 9845  
officer's, parole officer's, probation officer's, bailiff's, 9846  
prosecuting attorney's, assistant prosecuting attorney's, 9847  
correctional employee's, community-based correctional facility 9848  
employee's, youth services employee's, firefighter's, EMT's, or 9849  
investigator of the bureau of criminal identification and 9850  
investigation's employer; 9851

(e) The identity and amount of any charitable or employment 9852  
benefit deduction made by the peace officer's, parole officer's, 9853  
probation officer's, bailiff's, prosecuting attorney's, assistant 9854

prosecuting attorney's, correctional employee's, community-based 9855  
correctional facility employee's, youth services employee's, 9856  
firefighter's, EMT's, or investigator of the bureau of criminal 9857  
identification and investigation's employer from the peace 9858  
officer's, parole officer's, probation officer's, bailiff's, 9859  
prosecuting attorney's, assistant prosecuting attorney's, 9860  
correctional employee's, community-based correctional facility 9861  
employee's, youth services employee's, firefighter's, EMT's, or 9862  
investigator of the bureau of criminal identification and 9863  
investigation's compensation unless the amount of the deduction is 9864  
required by state or federal law; 9865

(f) The name, the residential address, the name of the 9866  
employer, the address of the employer, the social security number, 9867  
the residential telephone number, any bank account, debit card, 9868  
charge card, or credit card number, or the emergency telephone 9869  
number of the spouse, a former spouse, or any child of a peace 9870  
officer, parole officer, probation officer, bailiff, prosecuting 9871  
attorney, assistant prosecuting attorney, correctional employee, 9872  
community-based correctional facility employee, youth services 9873  
employee, firefighter, EMT, or investigator of the bureau of 9874  
criminal identification and investigation; 9875

(g) A photograph of a peace officer who holds a position or 9876  
has an assignment that may include undercover or plain clothes 9877  
positions or assignments as determined by the peace officer's 9878  
appointing authority. 9879

As used in divisions (A)(7) and (B)(9) of this section, 9880  
"peace officer" has the same meaning as in section 109.71 of the 9881  
Revised Code and also includes the superintendent and troopers of 9882  
the state highway patrol; it does not include the sheriff of a 9883  
county or a supervisory employee who, in the absence of the 9884  
sheriff, is authorized to stand in for, exercise the authority of, 9885  
and perform the duties of the sheriff. 9886

As used in divisions (A)(7) and (B)~~(5)~~(9) of this section, 9887  
"correctional employee" means any employee of the department of 9888  
rehabilitation and correction who in the course of performing the 9889  
employee's job duties has or has had contact with inmates and 9890  
persons under supervision. 9891

As used in divisions (A)(7) and (B)~~(5)~~(9) of this section, 9892  
"youth services employee" means any employee of the department of 9893  
youth services who in the course of performing the employee's job 9894  
duties has or has had contact with children committed to the 9895  
custody of the department of youth services. 9896

As used in divisions (A)(7) and (B)(9) of this section, 9897  
"firefighter" means any regular, paid or volunteer, member of a 9898  
lawfully constituted fire department of a municipal corporation, 9899  
township, fire district, or village. 9900

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 9901  
means EMTs-basic, EMTs-I, and paramedics that provide emergency 9902  
medical services for a public emergency medical service 9903  
organization. "Emergency medical service organization," 9904  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 9905  
section 4765.01 of the Revised Code. 9906

As used in divisions (A)(7) and (B)(9) of this section, 9907  
"investigator of the bureau of criminal identification and 9908  
investigation" has the meaning defined in section 2903.11 of the 9909  
Revised Code. 9910

(8) "Information pertaining to the recreational activities of 9911  
a person under the age of eighteen" means information that is kept 9912  
in the ordinary course of business by a public office, that 9913  
pertains to the recreational activities of a person under the age 9914  
of eighteen years, and that discloses any of the following: 9915

(a) The address or telephone number of a person under the age 9916  
of eighteen or the address or telephone number of that person's 9917

parent, guardian, custodian, or emergency contact person; 9918

(b) The social security number, birth date, or photographic 9919  
image of a person under the age of eighteen; 9920

(c) Any medical record, history, or information pertaining to 9921  
a person under the age of eighteen; 9922

(d) Any additional information sought or required about a 9923  
person under the age of eighteen for the purpose of allowing that 9924  
person to participate in any recreational activity conducted or 9925  
sponsored by a public office or to use or obtain admission 9926  
privileges to any recreational facility owned or operated by a 9927  
public office. 9928

(9) "Community control sanction" has the same meaning as in 9929  
section 2929.01 of the Revised Code. 9930

(10) "Post-release control sanction" has the same meaning as 9931  
in section 2967.01 of the Revised Code. 9932

(11) "Redaction" means obscuring or deleting any information 9933  
that is exempt from the duty to permit public inspection or 9934  
copying from an item that otherwise meets the definition of a 9935  
"record" in section 149.011 of the Revised Code. 9936

(12) "Designee" and "elected official" have the same meanings 9937  
as in section 109.43 of the Revised Code. 9938

(B)(1) Upon request and subject to division (B)(8) of this 9939  
section, all public records responsive to the request shall be 9940  
promptly prepared and made available for inspection to any person 9941  
at all reasonable times during regular business hours. Subject to 9942  
division (B)(8) of this section, upon request, a public office or 9943  
person responsible for public records shall make copies of the 9944  
requested public record available at cost and within a reasonable 9945  
period of time. If a public record contains information that is 9946  
exempt from the duty to permit public inspection or to copy the 9947

public record, the public office or the person responsible for the 9948  
public record shall make available all of the information within 9949  
the public record that is not exempt. When making that public 9950  
record available for public inspection or copying that public 9951  
record, the public office or the person responsible for the public 9952  
record shall notify the requester of any redaction or make the 9953  
redaction plainly visible. A redaction shall be deemed a denial of 9954  
a request to inspect or copy the redacted information, except if 9955  
federal or state law authorizes or requires a public office to 9956  
make the redaction. 9957

(2) To facilitate broader access to public records, a public 9958  
office or the person responsible for public records shall organize 9959  
and maintain public records in a manner that they can be made 9960  
available for inspection or copying in accordance with division 9961  
(B) of this section. A public office also shall have available a 9962  
copy of its current records retention schedule at a location 9963  
readily available to the public. If a requester makes an ambiguous 9964  
or overly broad request or has difficulty in making a request for 9965  
copies or inspection of public records under this section such 9966  
that the public office or the person responsible for the requested 9967  
public record cannot reasonably identify what public records are 9968  
being requested, the public office or the person responsible for 9969  
the requested public record may deny the request but shall provide 9970  
the requester with an opportunity to revise the request by 9971  
informing the requester of the manner in which records are 9972  
maintained by the public office and accessed in the ordinary 9973  
course of the public office's or person's duties. 9974

(3) If a request is ultimately denied, in part or in whole, 9975  
the public office or the person responsible for the requested 9976  
public record shall provide the requester with an explanation, 9977  
including legal authority, setting forth why the request was 9978  
denied. If the initial request was provided in writing, the 9979



explanation also shall be provided to the requester in writing. 9980  
The explanation shall not preclude the public office or the person 9981  
responsible for the requested public record from relying upon 9982  
additional reasons or legal authority in defending an action 9983  
commenced under division (C) of this section. 9984

(4) Unless specifically required or authorized by state or 9985  
federal law or in accordance with division (B) of this section, no 9986  
public office or person responsible for public records may limit 9987  
or condition the availability of public records by requiring 9988  
disclosure of the requester's identity or the intended use of the 9989  
requested public record. Any requirement that the requester 9990  
disclose the requestor's identity or the intended use of the 9991  
requested public record constitutes a denial of the request. 9992

(5) A public office or person responsible for public records 9993  
may ask a requester to make the request in writing, may ask for 9994  
the requester's identity, and may inquire about the intended use 9995  
of the information requested, but may do so only after disclosing 9996  
to the requester that a written request is not mandatory and that 9997  
the requester may decline to reveal the requester's identity or 9998  
the intended use and when a written request or disclosure of the 9999  
identity or intended use would benefit the requester by enhancing 10000  
the ability of the public office or person responsible for public 10001  
records to identify, locate, or deliver the public records sought 10002  
by the requester. 10003

(6) If any person chooses to obtain a copy of a public record 10004  
in accordance with division (B) of this section, the public office 10005  
or person responsible for the public record may require that 10006  
person to pay in advance the cost involved in providing the copy 10007  
of the public record in accordance with the choice made by the 10008  
person seeking the copy under this division. The public office or 10009  
the person responsible for the public record shall permit that 10010  
person to choose to have the public record duplicated upon paper, 10011

upon the same medium upon which the public office or person 10012  
responsible for the public record keeps it, or upon any other 10013  
medium upon which the public office or person responsible for the 10014  
public record determines that it reasonably can be duplicated as 10015  
an integral part of the normal operations of the public office or 10016  
person responsible for the public record. When the person seeking 10017  
the copy makes a choice under this division, the public office or 10018  
person responsible for the public record shall provide a copy of 10019  
it in accordance with the choice made by the person seeking the 10020  
copy. Nothing in this section requires a public office or person 10021  
responsible for the public record to allow the person seeking a 10022  
copy of the public record to make the copies of the public record. 10023

(7) Upon a request made in accordance with division (B) of 10024  
this section and subject to division (B)(6) of this section, a 10025  
public office or person responsible for public records shall 10026  
transmit a copy of a public record to any person by United States 10027  
mail or by any other means of delivery or transmission within a 10028  
reasonable period of time after receiving the request for the 10029  
copy. The public office or person responsible for the public 10030  
record may require the person making the request to pay in advance 10031  
the cost of postage if the copy is transmitted by United States 10032  
mail or the cost of delivery if the copy is transmitted other than 10033  
by United States mail, and to pay in advance the costs incurred 10034  
for other supplies used in the mailing, delivery, or transmission. 10035

Any public office may adopt a policy and procedures that it 10036  
will follow in transmitting, within a reasonable period of time 10037  
after receiving a request, copies of public records by United 10038  
States mail or by any other means of delivery or transmission 10039  
pursuant to this division. A public office that adopts a policy 10040  
and procedures under this division shall comply with them in 10041  
performing its duties under this division. 10042

In any policy and procedures adopted under this division, a 10043

public office may limit the number of records requested by a 10044  
person that the office will transmit by United States mail to ten 10045  
per month, unless the person certifies to the office in writing 10046  
that the person does not intend to use or forward the requested 10047  
records, or the information contained in them, for commercial 10048  
purposes. For purposes of this division, "commercial" shall be 10049  
narrowly construed and does not include reporting or gathering 10050  
news, reporting or gathering information to assist citizen 10051  
oversight or understanding of the operation or activities of 10052  
government, or nonprofit educational research. 10053

(8) A public office or person responsible for public records 10054  
is not required to permit a person who is incarcerated pursuant to 10055  
a criminal conviction or a juvenile adjudication to inspect or to 10056  
obtain a copy of any public record concerning a criminal 10057  
investigation or prosecution or concerning what would be a 10058  
criminal investigation or prosecution if the subject of the 10059  
investigation or prosecution were an adult, unless the request to 10060  
inspect or to obtain a copy of the record is for the purpose of 10061  
acquiring information that is subject to release as a public 10062  
record under this section and the judge who imposed the sentence 10063  
or made the adjudication with respect to the person, or the 10064  
judge's successor in office, finds that the information sought in 10065  
the public record is necessary to support what appears to be a 10066  
justiciable claim of the person. 10067

(9)(a) Upon written request made and signed by a journalist 10068  
on or after December 16, 1999, a public office, or person 10069  
responsible for public records, having custody of the records of 10070  
the agency employing a specified peace officer, parole officer, 10071  
probation officer, bailiff, prosecuting attorney, assistant 10072  
prosecuting attorney, correctional employee, community-based 10073  
correctional facility employee, youth services employee, 10074  
firefighter, EMT, or investigator of the bureau of criminal 10075

identification and investigation shall disclose to the journalist 10076  
the address of the actual personal residence of the peace officer, 10077  
parole officer, probation officer, bailiff, prosecuting attorney, 10078  
assistant prosecuting attorney, correctional employee, 10079  
community-based correctional facility employee, youth services 10080  
employee, firefighter, EMT, or investigator of the bureau of 10081  
criminal identification and investigation and, if the peace 10082  
officer's, parole officer's, probation officer's, bailiff's, 10083  
prosecuting attorney's, assistant prosecuting attorney's, 10084  
correctional employee's, community-based correctional facility 10085  
employee's, youth services employee's, firefighter's, EMT's, or 10086  
investigator of the bureau of criminal identification and 10087  
investigation's spouse, former spouse, or child is employed by a 10088  
public office, the name and address of the employer of the peace 10089  
officer's, parole officer's, probation officer's, bailiff's, 10090  
prosecuting attorney's, assistant prosecuting attorney's, 10091  
correctional employee's, community-based correctional facility 10092  
employee's, youth services employee's, firefighter's, EMT's, or 10093  
investigator of the bureau of criminal identification and 10094  
investigation's spouse, former spouse, or child. The request shall 10095  
include the journalist's name and title and the name and address 10096  
of the journalist's employer and shall state that disclosure of 10097  
the information sought would be in the public interest. 10098

(b) Division (B)(9)(a) of this section also applies to 10099  
journalist requests for customer information maintained by a 10100  
municipally owned or operated public utility, other than social 10101  
security numbers and any private financial information such as 10102  
credit reports, payment methods, credit card numbers, and bank 10103  
account information. 10104

(c) As used in division (B)(9) of this section, "journalist" 10105  
means a person engaged in, connected with, or employed by any news 10106  
medium, including a newspaper, magazine, press association, news 10107

agency, or wire service, a radio or television station, or a 10108  
similar medium, for the purpose of gathering, processing, 10109  
transmitting, compiling, editing, or disseminating information for 10110  
the general public. 10111

(C)(1) If a person allegedly is aggrieved by the failure of a 10112  
public office or the person responsible for public records to 10113  
promptly prepare a public record and to make it available to the 10114  
person for inspection in accordance with division (B) of this 10115  
section or by any other failure of a public office or the person 10116  
responsible for public records to comply with an obligation in 10117  
accordance with division (B) of this section, the person allegedly 10118  
aggrieved may commence a mandamus action to obtain a judgment that 10119  
orders the public office or the person responsible for the public 10120  
record to comply with division (B) of this section, that awards 10121  
court costs and reasonable attorney's fees to the person that 10122  
instituted the mandamus action, and, if applicable, that includes 10123  
an order fixing statutory damages under division (C)(1) of this 10124  
section. The mandamus action may be commenced in the court of 10125  
common pleas of the county in which division (B) of this section 10126  
allegedly was not complied with, in the supreme court pursuant to 10127  
its original jurisdiction under Section 2 of Article IV, Ohio 10128  
Constitution, or in the court of appeals for the appellate 10129  
district in which division (B) of this section allegedly was not 10130  
complied with pursuant to its original jurisdiction under Section 10131  
3 of Article IV, Ohio Constitution. 10132

If a requestor transmits a written request by hand delivery 10133  
or certified mail to inspect or receive copies of any public 10134  
record in a manner that fairly describes the public record or 10135  
class of public records to the public office or person responsible 10136  
for the requested public records, except as otherwise provided in 10137  
this section, the requestor shall be entitled to recover the 10138  
amount of statutory damages set forth in this division if a court 10139

determines that the public office or the person responsible for 10140  
public records failed to comply with an obligation in accordance 10141  
with division (B) of this section. 10142

The amount of statutory damages shall be fixed at one hundred 10143  
dollars for each business day during which the public office or 10144  
person responsible for the requested public records failed to 10145  
comply with an obligation in accordance with division (B) of this 10146  
section, beginning with the day on which the requester files a 10147  
mandamus action to recover statutory damages, up to a maximum of 10148  
one thousand dollars. The award of statutory damages shall not be 10149  
construed as a penalty, but as compensation for injury arising 10150  
from lost use of the requested information. The existence of this 10151  
injury shall be conclusively presumed. The award of statutory 10152  
damages shall be in addition to all other remedies authorized by 10153  
this section. 10154

The court may reduce an award of statutory damages or not 10155  
award statutory damages if the court determines both of the 10156  
following: 10157

(a) That, based on the ordinary application of statutory law 10158  
and case law as it existed at the time of the conduct or 10159  
threatened conduct of the public office or person responsible for 10160  
the requested public records that allegedly constitutes a failure 10161  
to comply with an obligation in accordance with division (B) of 10162  
this section and that was the basis of the mandamus action, a 10163  
well-informed public office or person responsible for the 10164  
requested public records reasonably would believe that the conduct 10165  
or threatened conduct of the public office or person responsible 10166  
for the requested public records did not constitute a failure to 10167  
comply with an obligation in accordance with division (B) of this 10168  
section; 10169

(b) That a well-informed public office or person responsible 10170  
for the requested public records reasonably would believe that the 10171

conduct or threatened conduct of the public office or person 10172  
responsible for the requested public records would serve the 10173  
public policy that underlies the authority that is asserted as 10174  
permitting that conduct or threatened conduct. 10175

(2)(a) If the court issues a writ of mandamus that orders the 10176  
public office or the person responsible for the public record to 10177  
comply with division (B) of this section and determines that the 10178  
circumstances described in division (C)(1) of this section exist, 10179  
the court shall determine and award to the relator all court 10180  
costs. 10181

(b) If the court renders a judgment that orders the public 10182  
office or the person responsible for the public record to comply 10183  
with division (B) of this section, the court may award reasonable 10184  
attorney's fees subject to reduction as described in division 10185  
(C)(2)(c) of this section. The court shall award reasonable 10186  
attorney's fees, subject to reduction as described in division 10187  
(C)(2)(c) of this section when either of the following applies: 10188

(i) The public office or the person responsible for the 10189  
public records failed to respond affirmatively or negatively to 10190  
the public records request in accordance with the time allowed 10191  
under division (B) of this section. 10192

(ii) The public office or the person responsible for the 10193  
public records promised to permit the relator to inspect or 10194  
receive copies of the public records requested within a specified 10195  
period of time but failed to fulfill that promise within that 10196  
specified period of time. 10197

(c) Court costs and reasonable attorney's fees awarded under 10198  
this section shall be construed as remedial and not punitive. 10199  
Reasonable attorney's fees shall include reasonable fees incurred 10200  
to produce proof of the reasonableness and amount of the fees and 10201  
to otherwise litigate entitlement to the fees. The court may 10202

reduce an award of attorney's fees to the relator or not award 10203  
attorney's fees to the relator if the court determines both of the 10204  
following: 10205

(i) That, based on the ordinary application of statutory law 10206  
and case law as it existed at the time of the conduct or 10207  
threatened conduct of the public office or person responsible for 10208  
the requested public records that allegedly constitutes a failure 10209  
to comply with an obligation in accordance with division (B) of 10210  
this section and that was the basis of the mandamus action, a 10211  
well-informed public office or person responsible for the 10212  
requested public records reasonably would believe that the conduct 10213  
or threatened conduct of the public office or person responsible 10214  
for the requested public records did not constitute a failure to 10215  
comply with an obligation in accordance with division (B) of this 10216  
section; 10217

(ii) That a well-informed public office or person responsible 10218  
for the requested public records reasonably would believe that the 10219  
conduct or threatened conduct of the public office or person 10220  
responsible for the requested public records as described in 10221  
division (C)(2)(c)(i) of this section would serve the public 10222  
policy that underlies the authority that is asserted as permitting 10223  
that conduct or threatened conduct. 10224

(D) Chapter 1347. of the Revised Code does not limit the 10225  
provisions of this section. 10226

(E)(1) To ensure that all employees of public offices are 10227  
appropriately educated about a public office's obligations under 10228  
division (B) of this section, all elected officials or their 10229  
appropriate designees shall attend training approved by the 10230  
attorney general as provided in section 109.43 of the Revised 10231  
Code. In addition, all public offices shall adopt a public records 10232  
policy in compliance with this section for responding to public 10233  
records requests. In adopting a public records policy under this 10234



division, a public office may obtain guidance from the model 10235  
public records policy developed and provided to the public office 10236  
by the attorney general under section 109.43 of the Revised Code. 10237  
Except as otherwise provided in this section, the policy may not 10238  
limit the number of public records that the public office will 10239  
make available to a single person, may not limit the number of 10240  
public records that it will make available during a fixed period 10241  
of time, and may not establish a fixed period of time before it 10242  
will respond to a request for inspection or copying of public 10243  
records, unless that period is less than eight hours. 10244

(2) The public office shall distribute the public records 10245  
policy adopted by the public office under division (E)(1) of this 10246  
section to the employee of the public office who is the records 10247  
custodian or records manager or otherwise has custody of the 10248  
records of that office. The public office shall require that 10249  
employee to acknowledge receipt of the copy of the public records 10250  
policy. The public office shall create a poster that describes its 10251  
public records policy and shall post the poster in a conspicuous 10252  
place in the public office and in all locations where the public 10253  
office has branch offices. The public office may post its public 10254  
records policy on the internet web site of the public office if 10255  
the public office maintains an internet web site. A public office 10256  
that has established a manual or handbook of its general policies 10257  
and procedures for all employees of the public office shall 10258  
include the public records policy of the public office in the 10259  
manual or handbook. 10260

(F)(1) The bureau of motor vehicles may adopt rules pursuant 10261  
to Chapter 119. of the Revised Code to reasonably limit the number 10262  
of bulk commercial special extraction requests made by a person 10263  
for the same records or for updated records during a calendar 10264  
year. The rules may include provisions for charges to be made for 10265  
bulk commercial special extraction requests for the actual cost of 10266

the bureau, plus special extraction costs, plus ten per cent. The 10267  
bureau may charge for expenses for redacting information, the 10268  
release of which is prohibited by law. 10269

(2) As used in division (F)(1) of this section: 10270

(a) "Actual cost" means the cost of depleted supplies, 10271  
records storage media costs, actual mailing and alternative 10272  
delivery costs, or other transmitting costs, and any direct 10273  
equipment operating and maintenance costs, including actual costs 10274  
paid to private contractors for copying services. 10275

(b) "Bulk commercial special extraction request" means a 10276  
request for copies of a record for information in a format other 10277  
than the format already available, or information that cannot be 10278  
extracted without examination of all items in a records series, 10279  
class of records, or database by a person who intends to use or 10280  
forward the copies for surveys, marketing, solicitation, or resale 10281  
for commercial purposes. "Bulk commercial special extraction 10282  
request" does not include a request by a person who gives 10283  
assurance to the bureau that the person making the request does 10284  
not intend to use or forward the requested copies for surveys, 10285  
marketing, solicitation, or resale for commercial purposes. 10286

(c) "Commercial" means profit-seeking production, buying, or 10287  
selling of any good, service, or other product. 10288

(d) "Special extraction costs" means the cost of the time 10289  
spent by the lowest paid employee competent to perform the task, 10290  
the actual amount paid to outside private contractors employed by 10291  
the bureau, or the actual cost incurred to create computer 10292  
programs to make the special extraction. "Special extraction 10293  
costs" include any charges paid to a public agency for computer or 10294  
records services. 10295

(3) For purposes of divisions (F)(1) and (2) of this section, 10296  
"surveys, marketing, solicitation, or resale for commercial 10297

purposes" shall be narrowly construed and does not include 10298  
reporting or gathering news, reporting or gathering information to 10299  
assist citizen oversight or understanding of the operation or 10300  
activities of government, or nonprofit educational research. 10301

**Sec. 153.08.** On the day and at the place named in the notice 10302  
provided for in section 153.06 of the Revised Code, the owner 10303  
referred to in section 153.01 of the Revised Code shall open the 10304  
bids and shall publicly, with the assistance of the architect or 10305  
engineer, immediately proceed to tabulate the bids ~~upon duplicate~~ 10306  
~~sheets.~~ For a bid filed electronically, the public bid opening 10307  
may be broadcast by electronic means pursuant to rules established 10308  
by the Ohio facilities construction commission. A bid shall be 10309  
invalid and not considered unless a bid guaranty meeting the 10310  
requirements of section 153.54 of the Revised Code and in the form 10311  
approved by the commission is filed with such bid. For a bid that 10312  
is not filed electronically, the bid and bid guaranty shall be 10313  
filed in one sealed envelope. If the bid and bid guaranty are 10314  
filed electronically, they must be received electronically before 10315  
the deadline published pursuant to section 153.06 of the Revised 10316  
Code. For all bids filed electronically, the original, unaltered 10317  
bid guaranty shall be made available to the public authority after 10318  
the public bid opening, which may be achieved by means of an 10319  
electronic verification and security system established under 10320  
rules adopted by the Ohio facilities construction commission under 10321  
Chapter 119. of the Revised Code. After investigation, which shall 10322  
be completed within thirty days, the contract shall be awarded by 10323  
such owner to the lowest responsive and responsible bidder in 10324  
accordance with section 9.312 of the Revised Code. 10325

No contract shall be entered into until the industrial 10326  
commission has certified that the person so awarded the contract 10327  
has complied with sections 4123.01 to 4123.94 of the Revised Code, 10328  
until, if the bidder so awarded the contract is a foreign 10329

corporation, the secretary of state has certified that such 10330  
corporation is authorized to do business in this state, until, if 10331  
the bidder so awarded the contract is a person nonresident of this 10332  
state, such person has filed with the secretary of state a power 10333  
of attorney designating the secretary of state as its agent for 10334  
the purpose of accepting service of summons in any action brought 10335  
under section 153.05 of the Revised Code or under sections 4123.01 10336  
to 4123.94 of the Revised Code, and until the contract and bond, 10337  
if any, are submitted to the attorney general and the attorney 10338  
general's approval certified thereon. 10339

No contract shall be entered into unless the bidder possesses 10340  
a valid certificate of compliance with affirmative action programs 10341  
issued pursuant to section 9.47 of the Revised Code and dated no 10342  
earlier than one hundred eighty days prior to the date fixed for 10343  
the opening of bids for a particular project. 10344

**Sec. 153.70.** (A) Except for any person providing professional 10345  
design services of a research or training nature, any person 10346  
rendering professional design services to a public authority or to 10347  
a design-build firm, including a criteria architect or engineer 10348  
and person performing architect or engineer of record services, 10349  
shall have and maintain, or be covered by, during the period the 10350  
services are rendered, a professional liability insurance policy 10351  
or policies with a company or companies that are authorized to do 10352  
business in this state and that afford professional liability 10353  
coverage for the professional design services rendered. The 10354  
insurance shall be in an amount considered sufficient by the 10355  
public authority. At the public authority's discretion, the 10356  
design-build firm shall carry contractor's professional liability 10357  
insurance and any other insurance the public authority considers 10358  
appropriate. 10359

(B) The requirement for professional liability insurance set 10360

forth in division (A) of this section may be waived by the public 10361  
authority for good cause, or the public authority may allow the 10362  
person providing the professional design services to provide other 10363  
assurances of financial responsibility. 10364

(C) Before construction begins pursuant to a contract for 10365  
design-build services with a design-build firm, the design-build 10366  
firm shall provide a surety bond to the public authority in 10367  
accordance with rules adopted by the executive director of 10368  
~~administrative services~~ the Ohio facilities construction 10369  
commission under Chapter 119. of the Revised Code. 10370

**Sec. 156.01.** As used in sections 156.01 to 156.05 of the 10371  
Revised Code: 10372

(A) "Avoided capital costs" means a measured reduction in the 10373  
cost of future equipment or other capital purchases that results 10374  
from implementation of one or more energy or water conservation 10375  
measures, when compared to an established baseline for previous 10376  
such cost. 10377

(B) "Energy conservation measure" means an installation or 10378  
modification of an installation in, or a remodeling of, an 10379  
existing building in order to reduce energy consumption and 10380  
operating costs. The term includes any of the following: 10381

(1) Installation or modification of insulation in the 10382  
building structure and systems within the building; 10383

(2) Installation or modification of storm windows and doors, 10384  
multiglazed windows and doors, and heat absorbing or heat 10385  
reflective glazed and coated window and door systems; installation 10386  
of additional glazing; reductions in glass area; and other window 10387  
and door system modifications that reduce energy consumption and 10388  
operating costs; 10389

(3) Installation or modification of automatic energy control 10390

systems;	10391
(4) Replacement or modification of heating, ventilating, or air conditioning systems;	10392 10393
(5) Application of caulking and weather stripping;	10394
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a building unless the increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	10395 10396 10397 10398 10399
(7) Installation or modification of energy recovery systems;	10400
(8) Installation or modification of cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	10401 10402 10403 10404
(9) Installation or modification of trigeneration systems that produce heat and cooling, as well as electricity, for use primarily within a building or complex of buildings;	10405 10406 10407
(10) Installation or modification of systems that harvest renewable energy from solar, wind, water, biomass, bio-gas, or geothermal sources, for use primarily within a building or complex of buildings;	10408 10409 10410 10411
(11) Retro-commissioning or recommissioning energy-related systems to verify that they are installed and calibrated to optimize energy and operational performance within a building or complex of buildings;	10412 10413 10414 10415
(12) Consolidation, virtualization, and optimization of computer servers, data storage devices, or other information technology hardware and infrastructure;	10416 10417 10418
(13) Any other modification, installation, or remodeling approved by the <u>executive</u> director of <del>administrative services</del> <u>the</u>	10419 10420

<u>Ohio facilities construction commission</u> as an energy conservation	10421
measure for one or more buildings owned by either of the	10422
following:	10423
(a) The state;	10424
(b) A state institution of higher education as defined in	10425
section 3345.011 of the Revised Code that implements the energy	10426
conservation measure in consultation with the <u>executive</u> director.	10427
(C) "Energy saving measure" means the acquisition and	10428
installation, by purchase, lease, lease-purchase, lease with an	10429
option to buy, or installment purchase, of an energy conservation	10430
measure and any attendant architectural and engineering consulting	10431
services.	10432
(D) "Energy, water, or wastewater cost savings" means a	10433
measured reduction in, as applicable, the cost of fuel, energy or	10434
water consumption, wastewater production, or stipulated operation	10435
or maintenance resulting from the implementation of one or more	10436
energy or water conservation measures, when compared to an	10437
established baseline for previous such costs, respectively.	10438
(E) "Operating cost savings" means a measured reduction in	10439
the cost of stipulated operation or maintenance created by the	10440
installation of new equipment or implementation of a new service,	10441
when compared with an established baseline for previous such	10442
stipulated costs.	10443
(F) "Water conservation measure" means an installation or	10444
modification of an installation in, or a remodeling of, an	10445
existing building or the surrounding grounds in order to reduce	10446
water consumption. The term includes any of the following:	10447
(1) Water-conserving fixture, appliance, or equipment, or the	10448
substitution of a nonwater-using fixture, appliance, or equipment;	10449
(2) Water-conserving, landscape irrigation equipment;	10450

(3) Landscaping measure that reduces storm water runoff 10451  
demand and capture and hold applied water and rainfall, including 10452  
landscape contouring such as the use of a berm, swale, or terrace 10453  
and including the use of a soil amendment, including compost, that 10454  
increases the water-holding capacity of the soil; 10455

(4) Rainwater harvesting equipment or equipment to make use 10456  
of water collected as part of a storm water system installed for 10457  
water quality control; 10458

(5) Equipment for recycling or reuse of water originating on 10459  
the premises or from another source, including treated, municipal 10460  
effluent; 10461

(6) Equipment needed to capture water for nonpotable uses 10462  
from any nonconventional, alternate source, including air 10463  
conditioning condensate or gray water; 10464

(7) Any other modification, installation, or remodeling 10465  
approved by the executive director of ~~administrative services~~ the 10466  
Ohio facilities construction commission as a water conservation 10467  
measure for one or more buildings or the surrounding grounds owned 10468  
by either of the following: 10469

(a) The state; 10470

(b) A state institution of higher education as defined in 10471  
section 3345.011 of the Revised Code that implements the water 10472  
conservation measure in consultation with the executive director. 10473

(G) "Water saving measure" means the acquisition and 10474  
installation, by the purchase, lease, lease-purchase, lease with 10475  
an option to buy, or installment purchases of a water conservation 10476  
measure and any attendant architectural and engineering consulting 10477  
services. 10478

**Sec. 156.02.** The executive director of the Ohio facilities 10479  
construction commission may, on the executive director's own 10480



initiative or at the request of a state agency, contract with an 10481  
energy or a water services company, architect, professional 10482  
engineer, contractor, or other person experienced in the design 10483  
and implementation of energy or water conservation measures for a 10484  
report containing an analysis and recommendations pertaining to 10485  
the implementation of energy or water conservation measures that 10486  
result in energy, water, or wastewater cost savings, operating 10487  
cost savings, or avoided capital costs for the institution. The 10488  
report shall include estimates of all costs of such installations, 10489  
including the costs of design, engineering, installation, 10490  
maintenance, repairs, and debt service, and estimates of the 10491  
energy, water, or wastewater cost savings, operating cost savings, 10492  
and avoided capital costs created. 10493

**Sec. 156.04.** (A) In accordance with this section and section 10494  
156.03 of the Revised Code, the executive director of the Ohio 10495  
facilities construction commission may, on the executive 10496  
director's own initiative or at the request of a state agency, 10497  
enter into an installment payment contract for the implementation 10498  
of one or more energy or water saving measures. If the executive 10499  
director wishes an installment payment contract to be exempted 10500  
from Chapter 153. of the Revised Code, the executive director 10501  
shall proceed pursuant to section 156.03 of the Revised Code. 10502

(B) Any installment payment contract under this section shall 10503  
provide that all payments, except payments for repairs and 10504  
obligations on termination of the contract prior to its 10505  
expiration, are to be a stated percentage of calculated energy, 10506  
water, or wastewater cost savings, operating costs, and avoided 10507  
capital costs attributable to the one or more measures over a 10508  
defined period of time and are to be made only to the extent that 10509  
those calculated amounts actually occur. No such contract shall 10510  
contain either of the following: 10511

(1) A requirement of any additional capital investment or contribution of funds, other than funds available from state or federal grants;

(2) In the case of a contract for a cogeneration system described in division (B)(8) of section 156.01 of the Revised Code, a payment term longer than twenty years, and, in the case of all other contracts, a payment term longer than fifteen years.

(C) Any installment payment contract entered into under this section shall terminate no later than the last day of the fiscal biennium for which funds have been appropriated ~~to the Ohio facilities construction commission~~ by the general assembly and shall be renewed in each succeeding fiscal biennium in which any balance of the contract remains unpaid, provided that both an appropriation for that succeeding fiscal biennium and the certification required by section 126.07 of the Revised Code are made.

(D) Any installment payment contract entered into under this section shall be eligible for financing provided through the Ohio air quality development authority under Chapter 3706. of the Revised Code.

**Sec. 169.051.** (A) As used in this section, "United States savings bond" means property, tangible or intangible, in the form of a savings bond issued by the United States treasury whether in paper form, electric, or paperless form, along with all proceeds thereof.

(B) Notwithstanding any provision of the Revised Code to the contrary, United States savings bonds held or owing in this state by any person, or issued or owed in the course of a holder's business, or by a state or other government, political subdivision, agency, or instrumentality, and all proceeds thereof, shall be presumed abandoned in this state and constitute unclaimed

funds under this chapter if both of the following apply: 10543

(1) The last known address of the owner of the United States savings bond is in this state; 10544  
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(2) The United States savings bond has remained unclaimed and unredeemed for three years after final maturity. 10546  
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(C) United States savings bonds that are presumed abandoned and constitute unclaimed funds under division (B) of this section, including bonds in the possession of the director of commerce, shall escheat to the state three years after becoming abandoned and unclaimed property. All property rights and legal title to and ownership of such bonds or proceeds from such bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the state as provided in divisions (D) to (H) of this section. 10548  
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(D) If, within one hundred eighty days after the three-year period prescribed under division (C) of this section, no claim has been filed under this chapter for the bond, the director shall commence a civil action in a court of competent jurisdiction for a determination that the bond escheats to the state. The director may postpone the commencement of an action until a sufficient number of bonds have accumulated in the director's custody to justify the expense of the proceedings. 10557  
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(E) Service by publication shall be made in accordance with Rule 4.4 of the Rules of Civil Procedure. 10565  
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(F) If no person files a claim or appears at the hearing to substantiate a claim or if the court determines that a claimant is not entitled to the property claimed, and if the court is satisfied by the evidence that the director has substantially complied with the laws of this state, the court shall enter a judgment that the bonds have escheated to the state and all property rights and legal title to and ownership of the bonds or 10567  
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the proceeds from the bonds, including all rights, powers, and 10574  
privileges of survivorship of any owner, co-owner, or beneficiary, 10575  
have vested solely in the state. 10576

(G) The director shall redeem the United States savings bonds 10577  
escheated to the state by judgment of the court. When the proceeds 10578  
that have escheated have been recovered by the director, the 10579  
director shall pay all costs incident to the collection and 10580  
recovery of the proceeds from the redemption of the bonds and 10581  
disburse the remaining balance of the proceeds in the manner 10582  
provided under section 169.05 of the Revised Code for all other 10583  
unclaimed funds. 10584

(H) Notwithstanding section 169.08 of the Revised Code, any 10585  
person claiming a United States savings bond that has escheated to 10586  
the state under this section, or for the proceeds from the bond, 10587  
may file a claim with the director. Upon providing sufficient 10588  
proof of the validity of the person's claim, the director may, in 10589  
the director's discretion, pay the claim less any expenses and 10590  
costs incurred by the state in securing full title and ownership 10591  
of the property by escheat. If payment has been made to a 10592  
claimant, no action thereafter may be maintained by any other 10593  
claimant against the state or any officer of the state, for or on 10594  
account of the payment of the claim. 10595

**Sec. 173.391.** (A) Subject to section 173.381 of the Revised 10596  
Code, the department of aging or its designee shall do all of the 10597  
following in accordance with Chapter 119. of the Revised Code: 10598

(1) Certify a provider to provide community-based long-term 10599  
care services under a program the department administers if the 10600  
provider satisfies the requirements for certification established 10601  
by rules adopted under division (B) of this section and pays the 10602  
fee, if any, established by rules adopted under division (G) of 10603  
this section; 10604

(2) When required to do so by rules adopted under division	10605
(B) of this section, take one or more of the following	10606
disciplinary actions against a provider certified under division	10607
(A)(1) of this section:	10608
(a) Issue a written warning;	10609
(b) Require the submission of a plan of correction or	10610
evidence of compliance with requirements identified by the	10611
department;	10612
(c) Suspend referrals;	10613
(d) Remove clients;	10614
(e) Impose a fiscal sanction such as a civil monetary penalty	10615
or an order that unearned funds be repaid;	10616
(f) Suspend the certification;	10617
(g) Revoke the certification;	10618
(h) Impose another sanction.	10619
(3) Except as provided in division (E) of this section, hold	10620
hearings when there is a dispute between the department or its	10621
designee and a provider concerning actions the department or its	10622
designee takes regarding a decision not to certify the provider	10623
under division (A)(1) of this section or a disciplinary action	10624
under divisions (A)(2)(e) to (h) of this section.	10625
(B) The director of aging shall adopt rules in accordance	10626
with Chapter 119. of the Revised Code establishing certification	10627
requirements and standards for determining which type of	10628
disciplinary action to take under division (A)(2) of this section	10629
in individual situations. The rules shall establish procedures for	10630
all of the following:	10631
(1) Ensuring that providers comply with sections 173.38 and	10632
173.381 of the Revised Code;	10633

(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services; 10634  
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(3) In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A)(2) of this section and which disciplinary action to take; 10637  
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(4) Determining what constitutes another sanction for purposes of division (A)(2)(h) of this section. 10641  
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(C) The procedures established in rules adopted under division (B)(2) of this section shall require that all of the following be considered as part of an evaluation described in division (B)(2) of this section: 10643  
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(1) The provider's experience and financial responsibility; 10647

(2) The provider's ability to comply with standards for the community-based long-term care services that the provider provides under a program the department administers; 10648  
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(3) The provider's ability to meet the needs of the individuals served; 10651  
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(4) Any other factor the director considers relevant. 10653

(D) The rules adopted under division (B)(3) of this section shall specify that the reasons disciplinary action may be taken under division (A)(2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served. 10654  
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(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A)(3) of this section if any of the following conditions apply: 10661  
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(1) Rules adopted by the director of aging pursuant to this chapter require the provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case:

(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been obtained or maintained.

(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted.

(2) The provider's certification under this section has been denied, suspended, or revoked for any of the following reasons:

(a) A government entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has denied any of the following sought by, a provider: a provider agreement, license, certificate, permit, or certification. Division (E)(2)(a) of this section applies regardless of whether the provider has entered into a provider agreement in, or holds a license, certificate, permit, or certification issued by, another state.

(b) The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) A principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code, but only if the provider,

principal owner, or manager does not meet standards specified by 10695  
the director in rules adopted under section 173.38 of the Revised 10696  
Code. 10697

(d) The department or its designee is required by section 10698  
173.381 of the Revised Code to deny or revoke the provider's 10699  
certification. 10700

(e) The United States department of health and human services 10701  
has taken adverse action against the provider and that action 10702  
impacts the provider's participation in the medicaid program. 10703

(f) The provider has failed to enter into or renew a provider 10704  
agreement with the PASSPORT administrative agency, as that term is 10705  
defined in section 173.42 of the Revised Code, that administers 10706  
programs on behalf of the department of aging in the region of the 10707  
state in which the provider is certified to provide services. 10708

(g) The provider has not billed or otherwise submitted a 10709  
claim to the department for payment under the medicaid program in 10710  
at least two years. 10711

(h) The provider denied or failed to provide the department 10712  
or its designee access to the provider's facilities during the 10713  
provider's normal business hours for purposes of conducting an 10714  
audit or structural compliance review. 10715

(i) The provider has ceased doing business. 10716

(j) The provider has voluntarily relinquished its 10717  
certification for any reason. 10718

(3) The provider's provider agreement with the department of 10719  
medicaid has been suspended under ~~division (C) of section 5164.37~~ 10720  
5164.36 of the Revised Code because of an indictment resulting 10721  
from an act described in division (A)(1)(d) of that section. 10722

(4) The provider's provider agreement with the department of 10723  
medicaid is denied or revoked because the provider or its owner, 10724



officer, authorized agent, associate, manager, or employee has 10725  
been convicted of an offense that caused the provider agreement to 10726  
be suspended under section ~~5164.37~~ 5164.36 of the Revised Code. 10727

(F) If the department does not hold hearings when any 10728  
condition described in division (E) of this section applies, the 10729  
department may send a notice to the provider describing a decision 10730  
not to certify the provider under division (A)(1) of this section 10731  
or the disciplinary action the department proposes to take under 10732  
~~division~~ divisions (A)(2)(e) to (h) of this section. The notice 10733  
shall be sent to the provider's address that is on record with the 10734  
department and may be sent by regular mail. 10735

(G) The director of aging may adopt rules in accordance with 10736  
Chapter 119. of the Revised Code establishing a fee to be charged 10737  
by the department of aging or its designee for certification 10738  
issued under this section. 10739

All fees collected by the department or its designee under 10740  
this section shall be deposited in the state treasury to the 10741  
credit of the provider certification fund, which is hereby 10742  
created. Money credited to the fund shall be used to pay for 10743  
community-based long-term care services, administrative costs 10744  
associated with provider certification under this section, and 10745  
administrative costs related to the publication of the Ohio 10746  
long-term care consumer guide. 10747

**Sec. 173.47.** (A) For purposes of publishing the Ohio 10748  
long-term care consumer guide, the department of aging shall 10749  
conduct or provide for the conduct of an annual customer 10750  
satisfaction survey of each long-term care facility. The results 10751  
of the surveys may include information obtained from long-term 10752  
care facility residents, their families, or both. ~~A survey that is~~ 10753  
~~to include information obtained from nursing facility residents~~ 10754  
~~shall include the questions specified in divisions (C)(7)(a) and~~ 10755

~~(b) of section 5165.25 of the Revised Code. A survey that is to include information obtained from the families of nursing facility residents shall include the questions specified in divisions (C)(8)(a) and (b) of section 5165.25 of the Revised Code.~~

(B) Each long-term care facility shall cooperate in the conduct of its annual customer satisfaction survey.

**Sec. 173.48.** (A)(1) The department of aging may charge annual fees to long-term care facilities for the publication of the Ohio long-term care consumer guide. The department may contract with any person or government entity to collect the fees on its behalf. All fees collected under this section shall be deposited in accordance with division (B) of this section.

(2) The annual fees charged under this section shall not exceed the following amounts:

(a) ~~Six hundred fifty dollars for~~ For each long-term care facility that is a nursing home, six hundred fifty dollars;

(b) ~~Three hundred dollars for~~ For each long-term care facility that is a residential care facility:

(i) Until June 30, 2016, three hundred dollars;

(ii) Beginning July 1, 2016, three hundred fifty dollars.

(3) Fees paid by a long-term care facility that is a nursing facility shall be reimbursed through the medicaid program.

(B) There is hereby created in the state treasury the long-term care consumer guide fund. Money collected from the fees charged for the publication of the Ohio long-term care consumer guide under division (A) of this section shall be credited to the fund. The department shall use money in the fund for costs associated with publishing the Ohio long-term care consumer guide, including, but not limited to, costs incurred in conducting or

providing for the conduct of customer satisfaction surveys. 10785

**Sec. 173.522.** (A) The department of aging shall create and 10786  
administer the state-funded component of the PASSPORT program. The 10787  
state-funded component shall not be administered as part of the 10788  
medicaid program. 10789

(B) For an individual to be eligible for the state-funded 10790  
component of the PASSPORT program, the individual must meet one of 10791  
the following requirements and meet the additional eligibility 10792  
requirements applicable to the individual established in rules 10793  
adopted under division (D) of this section: 10794

(1) The individual must have been enrolled in the 10795  
state-funded component on September 1, 1991, (as the state-funded 10796  
component was authorized by uncodified law in effect at that time) 10797  
and have had one or more applications for enrollment in the 10798  
medicaid-funded component of the PASSPORT program (or, if the 10799  
medicaid-funded component is terminated under division (C) of 10800  
section 173.52 of the Revised Code, the unified long-term services 10801  
and support medicaid waiver component) denied. 10802

~~(2) The individual must have had the individual's enrollment 10803  
in the medicaid funded component of the PASSPORT program (or, if 10804  
the medicaid funded component is terminated under division (C) of 10805  
section 173.52 of the Revised Code, the unified long term services 10806  
and support medicaid waiver component) terminated and the 10807  
individual must still need the home and community based services 10808  
provided under the PASSPORT program to protect the individual's 10809  
health and safety. 10810~~

~~(3) The individual must have an application for the 10811  
medicaid-funded component of the PASSPORT program (or, if the 10812  
medicaid-funded component is terminated under division (C) of 10813  
section 173.52 of the Revised Code, the unified long-term services 10814  
and support medicaid waiver component) pending and the department 10815~~

or the department's designee must have determined that the individual meets the nonfinancial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long-term services and support medicaid waiver component) and not have reason to doubt that the individual meets the financial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long-term services and support medicaid waiver component).

(C) An individual who is eligible for the state-funded component of the PASSPORT program because the individual meets the requirement of division (B)~~(3)~~(2) of this section may participate in the component on that basis for ~~not more than ninety days~~ a period of time specified in rules adopted under division (D) of this section.

(D)(1) The director of aging shall adopt rules in accordance with section 111.15 of the Revised Code to implement the state-funded component of the PASSPORT program. ~~The~~

The rules shall include all of the following:

(a) Additional eligibility requirements for an individual to be eligible for the state-funded component of the PASSPORT program;

(b) The duration that an individual eligible for the state-funded component of the PASSPORT program under division (B)(2) of this section may participate in that component;

(c) Any other rules the director considers appropriate to implement the state-funded component of the PASSPORT program.

(2) The additional eligibility requirements established in the rules may vary for the different groups of individuals specified in divisions (B)(1), and (2), ~~and (3)~~ of this section.

**Sec. 173.523.** (A) An individual who is an applicant for or 10847  
participant or former participant in the state-funded component of 10848  
the PASSPORT program may appeal an adverse action taken or 10849  
proposed to be taken by the department of aging or an entity 10850  
designated by the department concerning participation in or 10851  
services provided under the component if the action will result in 10852  
any of the following: 10853

(1) Denial of enrollment or continued enrollment in the 10854  
component; 10855

(2) Denial of or reduction in the amount of services 10856  
requested by or offered to the individual under the component; 10857

(3) Assessment of any patient liability payment pursuant to 10858  
rules adopted by the department under this section. 10859

The appeal shall be made in accordance with section 173.56 of 10860  
the Revised Code and rules adopted pursuant to that section. 10861

(B) An individual who is an applicant for or participant or 10862  
former participant in the state-funded component of the PASSPORT 10863  
program may not bring an appeal under this or any other section of 10864  
the Revised Code if any of the following is the case: 10865

(1) The individual has voluntarily withdrawn the application 10866  
for enrollment in the component; 10867

(2) The individual has voluntarily terminated enrollment in 10868  
the component; 10869

(3) The individual agrees with the action being taken or 10870  
proposed; 10871

(4) The individual fails to submit a written request for a 10872  
hearing to the director of aging within the time specified in the 10873  
rules adopted pursuant to section 173.56 of the Revised Code; 10874

(5) The individual has received services under the component 10875

for the maximum time permitted by ~~this~~ section 173.522 of the 10876  
Revised Code. 10877

Sec. 173.525. The PASSPORT program shall cover consultation 10878  
and assessment services provided by registered nurses. The payment 10879  
rate for the services shall not be less than the payment rate for 10880  
the services under the Ohio home care waiver program. 10881

**Sec. 173.543.** The department of aging shall create and 10882  
administer the state-funded component of the assisted living 10883  
program. The state-funded component shall not be administered as 10884  
part of the medicaid program. 10885

An individual who is eligible for the state-funded component 10886  
may participate in the component for ~~not more than ninety days a~~ 10887  
period of time specified in rules adopted under this section. 10888

The director of aging shall adopt rules in accordance with 10889  
section 111.15 of the Revised Code to implement the state-funded 10890  
component. The rules shall specify the period that an individual 10891  
eligible for the state-funded component may participate in the 10892  
component. 10893

**Sec. 173.544.** To be eligible for the state-funded component 10894  
of the assisted living program, an individual must meet all of the 10895  
following requirements: 10896

(A) The individual must need an intermediate level of care as 10897  
determined by an assessment conducted under section 173.546 of the 10898  
Revised Code. 10899

(B) The individual must have an application for the 10900  
medicaid-funded component of the assisted living program (or, if 10901  
the medicaid-funded component is terminated under division (C) of 10902  
section 173.54 of the Revised Code, the unified long-term services 10903  
and support medicaid waiver component) pending and the department 10904

or the department's designee must have determined that the individual meets the nonfinancial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C) of section 173.54 of the Revised Code, the unified long-term services and support medicaid waiver component) and not have reason to doubt that the individual meets the financial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C) of section 173.54 of the Revised Code, the unified long-term services and support medicaid waiver component).

(C) While receiving assisted living services under the state-funded component, the individual must reside in a residential care facility that is authorized by a valid provider agreement to participate in the component, including both of the following:

(1) A residential care facility that is owned or operated by a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility;

(2) A county or district home licensed as a residential care facility.

(D) The individual must meet all other eligibility requirements for the state-funded component established in rules adopted under section ~~173.54~~ 173.543 of the Revised Code.

**Sec. 173.545.** (A) An individual who is an applicant for or participant or former participant in the state-funded component of the assisted living program may appeal an adverse action taken or proposed to be taken by the department of aging or an entity designated by the department concerning participation in or services provided under the component if the action will result in

any of the following:	10936
(1) Denial of enrollment or continued enrollment in the component;	10937 10938
(2) Denial of or reduction in the amount of services requested by or offered to the individual under the component;	10939 10940
(3) Assessment of any patient liability payment pursuant to rules adopted by the department under this section.	10941 10942
The appeal shall be made in accordance with section 173.56 of the Revised Code and rules adopted pursuant to that section.	10943 10944
(B) An individual who is an applicant for or participant or former participant in the state-funded component of the assisted living program may not bring an appeal under this or any other section of the Revised Code if any of the following is the case:	10945 10946 10947 10948
(1) The individual has voluntarily withdrawn the application for enrollment in the component;	10949 10950
(2) The individual has voluntarily terminated enrollment in the component;	10951 10952
(3) The individual agrees with the action being taken or proposed;	10953 10954
(4) The individual fails to submit a written request for a hearing to the director of aging within the time specified in the rules adopted pursuant to section 173.56 of the Revised Code;	10955 10956 10957
(5) The individual has received services under the component for the maximum time permitted by <del>this</del> section <u>173.543 of the Revised Code</u> .	10958 10959 10960
<u>Sec. 173.548. An individual enrolled in the medicaid-funded component of the assisted living program may choose a single occupancy room or multiple occupancy room in the residential care</u>	10961 10962 10963



facility in which the individual resides. The choice of a multiple 10964  
occupancy room is subject to approval pursuant to a process the 10965  
director of aging shall establish in rules adopted under section 10966  
173.54 of the Revised Code. 10967

**Sec. 174.02.** (A) The low- and moderate-income housing trust 10968  
fund is hereby created in the state treasury. The fund consists of 10969  
all appropriations made to the fund, housing trust fund fees 10970  
collected by county recorders pursuant to section 317.36 of the 10971  
Revised Code and deposited into the fund pursuant to section 10972  
319.63 of the Revised Code, money transferred from the housing 10973  
trust reserve fund pursuant to section 174.09 of the Revised Code, 10974  
and all grants, gifts, loan repayments, and contributions of money 10975  
made from any source to the ~~department~~ of development services 10976  
agency for deposit in the fund. All investment earnings of the 10977  
fund shall be credited to the fund. The director of development 10978  
services shall allocate a portion of the money in the fund to an 10979  
account of the Ohio housing finance agency. The ~~department~~ 10980  
development services agency shall administer the fund. The Ohio 10981  
housing finance agency shall use money allocated to it for 10982  
implementing and administering its programs and duties under 10983  
sections 174.03 and 174.05 of the Revised Code, and the ~~department~~ 10984  
development services agency shall use the remaining money in the 10985  
fund for implementing and administering its programs and duties 10986  
under sections 174.03 to 174.06 of the Revised Code. Use of all 10987  
money drawn from the fund is subject to the following 10988  
restrictions: 10989

(1)(a) Not more than five per cent of the current year 10990  
appropriation authority for the fund shall be allocated between 10991  
grants to community development corporations for the community 10992  
development corporation grant program and grants and loans to the 10993  
Ohio community development finance fund, a private nonprofit 10994  
corporation. 10995

(b) In any year in which the amount in the fund exceeds one hundred thousand dollars and at least that much is allocated for the uses described in this section, not less than one hundred thousand dollars shall be used to provide training, technical assistance, and capacity building assistance to nonprofit development organizations.

(2) Not more than ten per cent of any current year appropriation authority for the fund shall be used for the emergency shelter housing grants program to make grants to private, nonprofit organizations and municipal corporations, counties, and townships for emergency shelter housing for the homeless and emergency shelter facilities serving unaccompanied youth seventeen years of age and younger. The grants shall be distributed pursuant to rules the director adopts and qualify as matching funds for funds obtained pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378.

(3) In any fiscal year in which the amount in the fund exceeds the amount awarded pursuant to division (A)(1)(b) of this section by at least two hundred fifty thousand dollars, at least two hundred fifty thousand dollars from the fund shall be provided to the department of aging for the resident services coordinator program as established in section 173.08 of the Revised Code.

(4) Of all current year appropriation authority for the fund, not more than five per cent shall be used for administration.

(5) Not less than forty-five per cent of the funds awarded during any one fiscal year shall be for grants and loans to nonprofit organizations under section 174.03 of the Revised Code.

(6) Not less than fifty per cent of the funds awarded during any one fiscal year, excluding the amounts awarded pursuant to divisions (A)(1), (2), and (7) of this section, shall be for grants and loans for activities that provide housing and housing

assistance to families and individuals in rural areas and small 11027  
cities that are not eligible to participate as a participating 11028  
jurisdiction under the "HOME Investment Partnerships Act," 104 11029  
Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 11030

(7) No money in the fund shall be used to pay for any legal 11031  
services other than the usual and customary legal services 11032  
associated with the acquisition of housing. 11033

(8) Money in the fund may be used as matching money for 11034  
federal funds received by the state, counties, municipal 11035  
corporations, and townships for the activities listed in section 11036  
174.03 of the Revised Code. 11037

(B) If, after the second quarter of any year, it appears to 11038  
the director of development services that the full amount of the 11039  
money in the fund designated in that year for activities that 11040  
provide housing and housing assistance to families and individuals 11041  
in rural areas and small cities under division (A) of this section 11042  
will not be used for that purpose, the director may reallocate all 11043  
or a portion of that amount for other housing activities. In 11044  
determining whether or how to reallocate money under this 11045  
division, the director may consult with and shall receive advice 11046  
from the housing trust fund advisory committee. 11047

Sec. 174.09. (A) The housing trust reserve fund is hereby 11048  
created in the state treasury. The fund shall consist of housing 11049  
trust fund fees collected by county recorders pursuant to section 11050  
317.36 of the Revised Code and deposited into the fund pursuant to 11051  
section 319.63 of the Revised Code. All investment earnings of the 11052  
fund shall be credited to the fund. 11053

(B) If, in the prior fiscal year, the housing trust fund fees 11054  
received by the treasurer of state under section 319.63 of the 11055  
Revised Code amount to less than fifty million dollars, the 11056  
director of development services may request the director of 11057

budget and management to transfer money from the housing trust 11058  
reserve fund to the low- and moderate-income housing trust fund 11059  
created under section 174.02 of the Revised Code. The amount 11060  
transferred, when combined with the housing trust fund fees 11061  
received by the treasurer of state in the prior fiscal year, shall 11062  
not exceed fifty million dollars. The director of development 11063  
services shall provide any additional information regarding a 11064  
transfer request that the director of budget and management may 11065  
require. Based on that information, the director of budget and 11066  
management shall determine the amount to be transferred. 11067

**Sec. 191.04.** (A) In accordance with federal laws governing 11068  
the confidentiality of individually identifiable health 11069  
information, including the "Health Insurance Portability and 11070  
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 11071  
42 U.S.C. 1320d et seq., as amended, and regulations promulgated 11072  
by the United States department of health and human services to 11073  
implement the act, a state agency may exchange protected health 11074  
information with another state agency relating to eligibility for 11075  
or enrollment in a health plan or relating to participation in a 11076  
government program providing public benefits if the exchange of 11077  
information is necessary for either or both of the following: 11078

(1) Operating a health plan; 11079

(2) Coordinating, or improving the administration or 11080  
management of, the health care-related functions of at least one 11081  
government program providing public benefits. 11082

(B) For fiscal years ~~2013, 2014, and 2015~~ through 2017 only, 11083  
a state agency also may exchange personally identifiable 11084  
information with another state agency for purposes related to and 11085  
in support of a health transformation initiative identified by the 11086  
executive director of the office of health transformation pursuant 11087  
to division (C) of section 191.06 of the Revised Code. 11088

(C) With respect to a state agency that uses or discloses personally identifiable information, all of the following conditions apply:

(1) The state agency shall use or disclose the information only as permitted or required by state and federal law. In addition, if the information is obtained during fiscal year 2013, 2014, or 2015 from an exchange of personally identifiable information permitted under division (B) of this section, the agency shall also use or disclose the information in accordance with all operating protocols that apply to the use or disclosure.

(2) If the state agency is a state agency other than the department of medicaid and it uses or discloses protected health information that is related to a medicaid recipient and obtained from the department of medicaid or another agency operating a component of the medicaid program, the state agency shall comply with all state and federal laws that apply to the department of medicaid when that department, as the state's single state agency to supervise the medicaid program, uses or discloses protected health information.

(3) A state agency shall implement administrative, physical, and technical safeguards for the purpose of protecting the confidentiality, integrity, and availability of personally identifiable information the creation, receipt, maintenance, or transmittal of which is affected or governed by this section.

(4) If a state agency discovers an unauthorized use or disclosure of unsecured protected health information or unsecured individually identifiable health information, the state agency shall, not later than seventy-two hours after the discovery, do all of the following:

(a) Identify the individuals who are the subject of the protected health information or individually identifiable health

information; 11120

(b) Report the discovery and the names of all individuals 11121  
identified pursuant to division (C)(4)(a) of this section to all 11122  
other state agencies and the executive director of the office of 11123  
health transformation or the executive director's designee; 11124

(c) Mitigate, to the extent reasonably possible, any 11125  
potential adverse effects of the unauthorized use or disclosure. 11126

(5) A state agency shall make available to the executive 11127  
director of the office of health transformation or the executive 11128  
director's designee, and to any other state or federal 11129  
governmental entity required by law to have access on that 11130  
entity's request, all internal practices, records, and 11131  
documentation relating to personally identifiable information it 11132  
receives, uses, or discloses that is affected or governed by this 11133  
section. 11134

(6) On termination or expiration of an operating protocol and 11135  
if feasible, a state agency shall return or destroy all personally 11136  
identifiable information received directly from or received on 11137  
behalf of another state agency. If the personally identifiable 11138  
information is not returned or destroyed, the state agency 11139  
maintaining the information shall extend the protections set forth 11140  
in this section for as long as it is maintained. 11141

(7) If a state agency enters into a subcontract or, when 11142  
required by 45 C.F.R. 164.502(e)(2), a business associate 11143  
agreement, the subcontract or business associate agreement shall 11144  
require the subcontractor or business associate to comply with the 11145  
terms of this section as if the subcontractor or business 11146  
associate were a state agency. 11147

**Sec. 191.06.** (A) The provisions of this section shall apply 11148  
only for fiscal years 2013, ~~2014, and 2015~~ through 2017. 11149

(B) The executive director of the office of health 11150  
transformation or the executive director's designee may facilitate 11151  
the coordination of operations and exchange of information between 11152  
state agencies. The purpose of the executive director's authority 11153  
under this section is to support agency collaboration for health 11154  
transformation purposes, including modernization of the medicaid 11155  
program, streamlining of health and human services programs in 11156  
this state, and improving the quality, continuity, and efficiency 11157  
of health care and health care support systems in this state. 11158

(C) In furtherance of the authority of the executive director 11159  
of the office of health transformation under division (B) of this 11160  
section, the executive director or the executive director's 11161  
designee shall identify each health transformation initiative in 11162  
this state that involves the participation of two or more state 11163  
agencies and that permits or requires an interagency agreement to 11164  
be entered into for purposes of specifying each participating 11165  
agency's role in coordinating, operating, or funding the 11166  
initiative, or facilitating the exchange of data or other 11167  
information for the initiative. The executive director shall 11168  
publish a list of the identified health transformation initiatives 11169  
on the internet web site maintained by the office of health 11170  
transformation. 11171

(D) For each health transformation initiative that is 11172  
identified under division (C) of this section, the executive 11173  
director or the executive director's designee shall, in 11174  
consultation with each participating agency, adopt one or more 11175  
operating protocols. Notwithstanding any law enacted by the 11176  
general assembly or rule adopted by a state agency, the provisions 11177  
in a protocol shall supersede any provisions in an interagency 11178  
agreement, including an interagency agreement entered into under 11179  
section 5101.10 or 5162.35 of the Revised Code, that differ from 11180  
the provisions of the protocol. 11181

(E)(1) An operating protocol adopted under division (D) of this section shall include both of the following:

(a) All terms necessary to meet the requirements of "other arrangements" between a covered entity and a business associate that are referenced in 45 C.F.R. 164.314(a)(2)(ii);

(b) If known, the date on which the protocol will terminate or expire.

(2) In addition, a protocol may specify the extent to which each participating agency is responsible and accountable for completing the tasks necessary for successful completion of the initiative, including tasks relating to the following components of the initiative:

(a) Workflow;

(b) Funding;

(c) Exchange of data or other information that is confidential pursuant to state or federal law.

(F) An operating protocol adopted under division (D) of this section shall have the same force and effect as an interagency agreement or data sharing agreement, and each participating agency shall comply with it.

Sec. 193.15. (A) As used in sections 193.15 to 193.17 of the Revised Code, "infrastructure capital improvement" includes projects involving buildings, utilities, roadways, runways, railways, ramps, gates, fencing, and facilities other than buildings, including new construction, renovations, energy conservation measures, security upgrades, site preparation, land acquisition, clearance, demolition, removal, furnishings, equipment, design, engineering, and planning studies.

(B) There is hereby created the Ohio military facilities commission for the purpose of developing and implementing a



program to finance or assist in the financing of infrastructure 11212  
capital improvements on military and defense installations in the 11213  
state, including but not limited to those facilities operated by 11214  
the United States department of veterans affairs, the Ohio 11215  
department of veterans services, the national aeronautics and 11216  
space administration, and the Ohio national guard. 11217

Sec. 193.16. (A) The Ohio military facilities commission 11218  
shall consist of the following members: 11219

(1) Three members of the house of representatives appointed 11220  
by the speaker of the house of representatives, two of whom are 11221  
members of the majority party and one of whom is a member of the 11222  
minority party; 11223

(2) Three members of the senate appointed by the president of 11224  
the senate, two of whom are members of the majority party and one 11225  
of whom is a member of the minority party; 11226

(3) The adjutant general or a designee of the adjutant 11227  
general; 11228

(4) The director of budget and management or a designee of 11229  
the director; 11230

(5) The director of administrative services or a designee of 11231  
the director. 11232

(B)(1) Initial appointments to the commission shall be made 11233  
not later than December 31, 2015. The appointed members shall 11234  
serve four-year terms. 11235

(2) Members may be reappointed to the commission. 11236

(3) Vacancies on the commission shall be filled in the same 11237  
manner as the original appointments. 11238

(4) Members serve at the pleasure of, and may be removed for 11239  
just cause by, the member's appointing authority. 11240

(C) The development services agency shall provide 11241  
administrative assistance to the commission. 11242

Sec. 193.17. (A) The Ohio military facilities commission 11243  
shall accept applications for financial assistance under the 11244  
program. The financial assistance may be in the form of grants, 11245  
loans, and loan guarantees. It may also be provided for rental or 11246  
lease payments that enable new construction in support of the 11247  
purposes of sections 193.15 to 193.17 of the Revised Code. 11248

(B) Upon receipt of an application, the commission shall 11249  
examine the proposed infrastructure capital improvement to 11250  
determine if it will support job creation, increase opportunities 11251  
for long-term economic development, or increase the military value 11252  
of the installation as described in section 2913 of the "Defense 11253  
Base Closure and Realignment Act of 1990," Pub. L. No. 101-510, as 11254  
amended. Only those improvements that meet at least one of those 11255  
conditions are eligible to receive financial assistance under the 11256  
program. 11257

Sec. 319.63. (A) During the first thirty days of each 11258  
calendar quarter, the county auditor shall pay to the treasurer of 11259  
state all amounts that the county recorder collected as housing 11260  
trust fund fees pursuant to section 317.36 of the Revised Code 11261  
during the previous calendar quarter. If payment is made to the 11262  
treasurer of state within the first thirty days of the quarter, 11263  
the county auditor may retain an administrative fee of one per 11264  
cent of the amount of the trust fund fees collected during the 11265  
previous calendar quarter. 11266

(B) The treasurer of state shall deposit the first fifty 11267  
million dollars of housing trust fund fees received each year 11268  
pursuant to this section into the low- and moderate-income housing 11269  
trust fund, created under section 174.02 of the Revised Code, and. 11270

The treasurer of state shall deposit any amounts received each 11271  
year in excess of fifty million dollars into the housing trust 11272  
reserve fund created under section 174.09 of the Revised Code, 11273  
unless the cash balance of the housing trust reserve fund is 11274  
greater than fifteen million dollars. In that event, the treasurer 11275  
of state shall deposit any amounts received each year in excess of 11276  
fifty million dollars into the state general revenue fund. 11277

(C) The county auditor shall deposit the administrative fee 11278  
that the auditor is permitted to retain pursuant to division (A) 11279  
of this section into the county general fund for the county 11280  
recorder to use in administering the trust fund fee. 11281

**Sec. 339.06.** (A) The board of county hospital trustees, upon 11282  
completion of construction or leasing and equipping of a county 11283  
hospital, shall assume and continue the operation of the hospital. 11284

(B) The board of county hospital trustees shall have the 11285  
entire management and control of the county hospital. The board 11286  
may in writing delegate its management and control of the county 11287  
hospital to the administrator of the county hospital employed 11288  
under section 339.07 of the Revised Code. The board shall 11289  
establish such rules for the hospital's government, management, 11290  
control, and the admission of persons as are expedient. 11291

(C) The board of county hospital trustees has control of the 11292  
property of the county hospital, including management and disposal 11293  
of surplus property other than real estate or an interest in real 11294  
estate. 11295

(D) With respect to the use of funds by the board of county 11296  
hospital trustees and its accounting for the use of funds, all of 11297  
the following apply: 11298

(1) The board of county hospital trustees has control of all 11299  
funds used in the county hospital's operation, including moneys 11300

received from the operation of the hospital, moneys appropriated 11301  
for its operation by the board of county commissioners, and moneys 11302  
resulting from special levies submitted by the board of county 11303  
commissioners as provided for in section 5705.22 of the Revised 11304  
Code. 11305

(2) Of the funds used in the county hospital's operation, all 11306  
or part of any amount determined not to be necessary to meet 11307  
current demands on the hospital may be invested by the board of 11308  
county hospital trustees or its designee in any classifications of 11309  
securities and obligations eligible for deposit or investment of 11310  
county moneys pursuant to section 135.35 of the Revised Code, 11311  
subject to the approval of the board's written investment policy 11312  
by the county investment advisory committee established pursuant 11313  
to section 135.341 of the Revised Code. If a county hospital is 11314  
based in a county that has adopted a charter under Section 3 of 11315  
Article X, Ohio Constitution, such funds may be invested by the 11316  
board of county hospital trustees as provided in this division or 11317  
in an ordinance adopted by the legislative authority of the 11318  
county, in either case subject to approval by the county 11319  
investment advisory committee, or as provided in section 339.061 11320  
of the Revised Code. 11321

(3) Annually, not later than sixty days before the end of the 11322  
fiscal year used by the county hospital, the board of county 11323  
hospital trustees shall submit its proposed budget for the ensuing 11324  
fiscal year to the board of county commissioners for that board's 11325  
review. The board of county commissioners shall review and approve 11326  
the proposed budget by the first day of the fiscal year to which 11327  
the budget applies. If the board of county commissioners has not 11328  
approved the budget by the first day of the fiscal year to which 11329  
the budget applies, the budget is deemed to have been approved by 11330  
the board on the first day of that fiscal year. 11331

(4) The board of county hospital trustees shall not expend 11332

funds received from taxes collected pursuant to any tax levied 11333  
under section 5705.22 of the Revised Code or the amount 11334  
appropriated to the county hospital by the board of county 11335  
commissioners in the annual appropriation measure for the county 11336  
until its budget for the applicable fiscal year is approved in 11337  
accordance with division (C)(3) of this section. At any time the 11338  
amount received from those sources differs from the amount shown 11339  
in the approved budget, the board of county commissioners may 11340  
require the board of county hospital trustees to revise the county 11341  
hospital budget accordingly. 11342

(5) Funds under the control of the board of county hospital 11343  
trustees may be disbursed by the board, consistent with the 11344  
approved budget, for the uses and purposes of the county hospital; 11345  
for the replacement of necessary equipment; for the acquisition, 11346  
leasing, or construction of permanent improvements to county 11347  
hospital property; or for making a donation authorized by division 11348  
(E) of this section. Each disbursement of funds shall be made on a 11349  
voucher signed by signatories designated and approved by the board 11350  
of county hospital trustees. 11351

(6) The head of a board of county hospital trustees is not 11352  
required to file an estimate of contemplated revenue and 11353  
expenditures for the ensuing fiscal year under section 5705.28 of 11354  
the Revised Code unless the board of county commissioners levies a 11355  
tax for the county hospital, or such a tax is proposed, or the 11356  
board of county hospital trustees desires that the board of county 11357  
commissioners make an appropriation to the county hospital for the 11358  
ensuing fiscal year. 11359

(7) All moneys appropriated by the board of county 11360  
commissioners or from special levies by the board of county 11361  
commissioners for the operation of the hospital, when collected 11362  
shall be paid to the board of county hospital trustees on a 11363  
warrant of the county auditor and approved by the board of county 11364

commissioners. 11365

(8) The board of county hospital trustees shall provide for 11366  
the conduct of an annual financial audit of the county hospital. 11367  
Not later than thirty days after it receives the final report of 11368  
an annual financial audit, the board shall file a copy of the 11369  
report with the board of county commissioners. 11370

(E) For the public purpose of improving the health, safety, 11371  
and general welfare of the community, the board of county hospital 11372  
trustees may donate to a nonprofit entity any of the following: 11373

(1) Moneys and other financial assets determined not to be 11374  
necessary to meet current demands on the hospital; 11375

(2) Surplus hospital property, including supplies, equipment, 11376  
office facilities, and other property that is not real estate or 11377  
an interest in real estate; 11378

(3) Services rendered by the hospital. 11379

(F)(1) For purposes of division (F)(2) of this section: 11380

(a) "Bank" has the same meaning as in section 1101.01 of the 11381  
Revised Code. 11382

(b) "Savings and loan association" has the same meaning as in 11383  
section 1151.01 of the Revised Code. 11384

(c) "Savings bank" has the same meaning as in section 1161.01 11385  
of the Revised Code. 11386

(2) The board of county hospital trustees may enter into a 11387  
contract for a secured line of credit with a bank, savings and 11388  
loan association, or savings bank if the contract meets all of the 11389  
following requirements: 11390

(a) The term of the contract does not exceed one year, except 11391  
that the contract may provide for the automatic renewal of the 11392  
contract for up to four additional one-year periods if, on the 11393  
date of automatic renewal, the aggregate outstanding draws 11394

remaining unpaid under the secured line of credit do not exceed 11395  
fifty per cent of the maximum amount that can be drawn under the 11396  
secured line of credit. 11397

(b) The contract provides that the bank, savings and loan 11398  
association, or savings bank shall not commence a civil action 11399  
against the board of county commissioners, any member of the 11400  
board, or the county to recover the principal, interest, or any 11401  
charges or other amounts that remain outstanding on the secured 11402  
line of credit at the time of any default by the board of county 11403  
hospital trustees. 11404

(c) The contract provides that no assets other than those of 11405  
the county hospital can be used to secure the line of credit. 11406

(d) The terms and conditions of the contract comply with all 11407  
state and federal statutes and rules governing the extension of a 11408  
secured line of credit. 11409

(3) Any obligation incurred by a board of county hospital 11410  
trustees under division (F)(2) of this section is an obligation of 11411  
that board only and not a general obligation of the board of 11412  
county commissioners or the county within the meaning of division 11413  
(Q) of section 133.01 of the Revised Code. 11414

(4) Notwithstanding anything to the contrary in the Revised 11415  
Code, the board of county hospital trustees may secure the line of 11416  
credit authorized under division (F)(2) of this section by the 11417  
grant of a security interest in any part or all of its tangible 11418  
personal property and intangible personal property, including its 11419  
deposit accounts, accounts receivable, or both. 11420

(5) No board of county hospital trustees shall at any time 11421  
have more than one secured line of credit under division (F)(2) of 11422  
this section. 11423

(G) The board of county hospital trustees shall establish a 11424  
schedule of charges for all services and treatment rendered by the 11425

county hospital. It may provide for the free treatment in the 11426  
hospital of soldiers, sailors, and marines of the county, under 11427  
such conditions and rules as it prescribes. 11428

(H) The board of county hospital trustees may designate the 11429  
amounts and forms of insurance protection to be provided, and the 11430  
board of county commissioners shall assist in obtaining such 11431  
protection. The expense of providing the protection shall be paid 11432  
from hospital operating funds. 11433

(I) The board of county hospital trustees may authorize a 11434  
county hospital and each of its units, hospital board members, 11435  
designated hospital employees, and medical staff members to be a 11436  
member of and maintain membership in any local, state, or national 11437  
group or association organized and operated for the promotion of 11438  
the public health and welfare or advancement of the efficiency of 11439  
hospital administration and in connection therewith to use tax 11440  
funds for the payment of dues and fees and related expenses but 11441  
nothing in this section prohibits the board from using receipts 11442  
from hospital operation, other than tax funds, for the payment of 11443  
such dues and fees. 11444

(J) The following apply to the board of county hospital 11445  
trustees in relation to its employees and the employees of the 11446  
county hospital: 11447

(1) The board shall adopt the wage and salary schedule for 11448  
employees. 11449

(2) The board may employ the hospital's administrator 11450  
pursuant to section 339.07 of the Revised Code, and the 11451  
administrator may employ individuals for the hospital in 11452  
accordance with that section. 11453

(3) The board may employ assistants as necessary to perform 11454  
its clerical work, superintend properly the construction of the 11455  
county hospital, and pay the hospital's expenses. Such employees 11456



may be paid from funds provided for the county hospital. 11457

(4) The board may hire, by contract or as salaried employees, 11458  
such management consultants, accountants, attorneys, engineers, 11459  
architects, construction managers, and other professional advisors 11460  
as it determines are necessary and desirable to assist in the 11461  
management of the programs and operation of the county hospital. 11462  
Such professional advisors may be paid from county hospital 11463  
operating funds. 11464

(5) Notwithstanding section 325.19 of the Revised Code, the 11465  
board may grant to employees any fringe benefits the board 11466  
determines to be customary and usual in the nonprofit hospital 11467  
field in its community, including, but not limited to: 11468

(a) Additional vacation leave with full pay for full-time 11469  
employees, including full-time hourly rate employees, after 11470  
service of one year; 11471

(b) Vacation leave and holiday pay for part-time employees on 11472  
a pro rata basis; 11473

(c) Leave with full pay due to death in the employee's 11474  
immediate family, which shall not be deducted from the employee's 11475  
accumulated sick leave; 11476

(d) Premium pay for working on holidays listed in section 11477  
325.19 of the Revised Code; 11478

(e) Moving expenses for new employees; 11479

(f) Discounts on hospital supplies and services. 11480

(6) The board may provide holiday leave by observing Martin 11481  
Luther King day, Washington-Lincoln day, Columbus day, and 11482  
Veterans' day on days other than those specified in section 1.14 11483  
of the Revised Code. 11484

(7) The board may grant to employees the insurance benefits 11485  
authorized by section 339.16 of the Revised Code. 11486

(8) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees, including hourly rate employees, such personal holidays as the board determines to be customary and usual in the hospital field in its community.

(9) The board may provide employee recognition awards and hold employee recognition dinners.

(10) The board may grant to employees the recruitment and retention benefits specified under division (K) of this section.

(K) Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees.

The board of county hospital trustees may pay reasonable expenses for recruiting or retaining physicians and other appropriate health care practitioners.

(L) The board of county hospital trustees may retain counsel and institute legal action in its own name for the collection of delinquent accounts. The board may also employ any other lawful means for the collection of delinquent accounts.

Sec. 339.061. (A) As used in this section, "charter county hospital" means a county hospital based in a county that has adopted a charter under Section 3 of Article X, Ohio Constitution.

(B) The board of county hospital trustees of a charter county hospital shall hold and administer all money received from the operation of the county hospital, including money arising from rendering medical services to patients, whether received from the patient or on behalf of the patient, including inpatient and

outpatient fees, laboratory and other procedure fees, physician 11517  
services, and all other fees, deposits, charges, receipts, and 11518  
income received as a result of the operation of the county 11519  
hospital and medical staff. 11520

(C) The board of county hospital trustees of a charter county 11521  
hospital shall invest money described in division (B) of this 11522  
section pursuant to an investment policy adopted by the board in a 11523  
public meeting. The investment policy does not take effect unless 11524  
it is approved by the county investment advisory committee 11525  
established pursuant to section 135.341 of the Revised Code. The 11526  
investment policy shall provide for all of the following: 11527

(1) That all fiduciaries shall discharge their duties with 11528  
the care, skill, prudence, and diligence under the circumstances 11529  
then prevailing that a prudent person acting in like capacity and 11530  
familiar with such matters would use in the conduct of an 11531  
enterprise of a like character and with like aims; 11532

(2) That at least twenty-five per cent of the average amount 11533  
of the investment portfolio over the course of the preceding 11534  
fiscal year shall be invested, as a reserve, in securities of the 11535  
United States government or of its agencies or instrumentalities, 11536  
the treasurer of state's Ohio subdivisions fund, obligations of 11537  
this state or any political subdivision of this state, 11538  
certificates of deposit of any national bank located in this 11539  
state, written repurchase agreements with any eligible financial 11540  
institution in this state that is a member of the federal reserve 11541  
system or federal home loan bank, money market funds, or bankers 11542  
acceptances maturing in two hundred seventy days or less that are 11543  
eligible for purchase by the federal reserve system; 11544

(3) That money not required to be invested as a reserve under 11545  
division (C)(2) of this section may be pooled with other 11546  
institutional funds and invested in accordance with section 11547  
1715.52 of the Revised Code; 11548

(4) The establishment of an investment committee within the board of county hospital trustees, which shall meet at least quarterly, to review and recommend revisions to the board's investment policy and to advise the board on investments made under division (C) of this section for the purpose of assisting the board in meeting its obligations as a fiduciary under that division. The policy shall authorize the committee to retain the services of an investment advisor who meets both of the following qualifications:

(a) The advisor is licensed by the division of securities under section 1707.141 of the Revised Code or is registered with the United States securities and exchange commission.

(b) The advisor has experience in the management of investments of public funds, especially in the investment of state government investment portfolios, or is an institution eligible to be a public depository as described in section 135.03 of the Revised Code.

(D) Title to investments made by a board of county hospital trustees with money described in division (B) of this section shall not be vested in the county but shall be held in trust by the board.

(E) Authority provided by this section is supplemental to the authority granted under division (D) of section 339.06 of the Revised Code and authority granted under the ordinances or charter of the county.

**Sec. 340.03.** (A) Subject to rules issued by the director of mental health and addiction services after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, the board of alcohol, drug addiction, and mental health services shall:

(1) Serve as the community addiction and mental health services planning agency for the county or counties under its jurisdiction, and in so doing it shall:

(a) Evaluate the need for facilities and community addiction and mental health services;

(b) In cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations, assess the community addiction and mental health needs, evaluate strengths and challenges, and set priorities for community addiction and mental health services, including treatment and prevention. When the board sets priorities for the operation of addiction services, the board shall consult with the county commissioners of the counties in the board's service district regarding the services described in section 340.15 of the Revised Code and shall give priority to those services, except that those services shall not have a priority over services provided to pregnant women under programs developed in relation to the mandate established in section 5119.17 of the Revised Code;

(c) In accordance with guidelines issued by the director of mental health and addiction services after consultation with board representatives, annually develop and submit to the department of mental health and addiction services a community addiction and mental health services plan listing ~~community~~ addiction and mental health services needs, including the needs of all residents of the district currently receiving inpatient services in state-operated hospitals, the needs of other populations as required by state or federal law or programs, the needs of all children subject to a determination made pursuant to section 121.38 of the Revised Code, and priorities for facilities and community addiction and mental health services during the period for which the plan will be in effect.

In alcohol, drug addiction, and mental health service

districts that have separate alcohol and drug addiction services 11611  
and community mental health boards, the alcohol and drug addiction 11612  
services board shall submit a community addiction services plan 11613  
and the community mental health board shall submit a community 11614  
mental health services plan. Each board shall consult with its 11615  
counterpart in developing its plan and address the interaction 11616  
between the local addiction services and mental health services 11617  
systems and populations with regard to needs and priorities in 11618  
developing its plan. 11619

The department shall approve or disapprove the plan, in whole 11620  
or in part, according to the criteria developed pursuant to 11621  
section 5119.22 of the Revised Code. Eligibility for state and 11622  
federal funding shall be contingent upon an approved plan or 11623  
relevant part of a plan. 11624

If a board determines that it is necessary to amend a plan 11625  
that has been approved under this division, the board shall submit 11626  
a proposed amendment to the director. The director may approve or 11627  
disapprove all or part of the amendment. The director shall inform 11628  
the board of the reasons for disapproval of all or part of an 11629  
amendment and of the criteria that must be met before the 11630  
amendment may be approved. The director shall provide the board an 11631  
opportunity to present its case on behalf of the amendment. The 11632  
director shall give the board a reasonable time in which to meet 11633  
the criteria, and shall offer the board technical assistance to 11634  
help it meet the criteria. 11635

The board shall operate in accordance with the plan approved 11636  
by the department. 11637

(d) Promote, arrange, and implement working agreements with 11638  
social agencies, both public and private, and with judicial 11639  
agencies. 11640

(2) Investigate, or request another agency to investigate, 11641

any complaint alleging abuse or neglect of any person receiving 11642  
services from a community addiction or mental health services 11643  
provider ~~certified under section 5119.36 of the Revised Code~~ or 11644  
alleging abuse or neglect of a resident receiving addiction 11645  
services or with mental illness or severe mental disability 11646  
residing in a residential facility licensed under section 5119.34 11647  
of the Revised Code. If the investigation substantiates the charge 11648  
of abuse or neglect, the board shall take whatever action it 11649  
determines is necessary to correct the situation, including 11650  
notification of the appropriate authorities. Upon request, the 11651  
board shall provide information about such investigations to the 11652  
department. 11653

(3) For the purpose of section 5119.36 of the Revised Code, 11654  
cooperate with the director of mental health and addiction 11655  
services in visiting and evaluating whether the addiction or 11656  
mental health services of a community addiction or mental health 11657  
services provider satisfy the certification standards established 11658  
by rules adopted under that section; 11659

(4) In accordance with criteria established under division 11660  
(E) of section 5119.22 of the Revised Code, conduct program audits 11661  
that review and evaluate the quality, effectiveness, and 11662  
efficiency of addiction and mental health services provided 11663  
through its community addiction and mental health ~~contracted~~ 11664  
services providers and submit its findings and recommendations to 11665  
the department of mental health and addiction services; 11666

(5) In accordance with section 5119.34 of the Revised Code, 11667  
review an application for a residential facility license and 11668  
provide to the department of mental health and addiction services 11669  
any information about the applicant or facility that the board 11670  
would like the department to consider in reviewing the 11671  
application; 11672

(6) Audit, in accordance with rules adopted by the auditor of 11673

state pursuant to section 117.20 of the Revised Code, at least 11674  
annually all programs and services provided under contract with 11675  
the board. In so doing, the board may contract for or employ the 11676  
services of private auditors. A copy of the fiscal audit report 11677  
shall be provided to the director of mental health and addiction 11678  
services, the auditor of state, and the county auditor of each 11679  
county in the board's district. 11680

(7) Recruit and promote local financial support for addiction 11681  
and mental health services from private and public sources; 11682

(8)(a) Enter into contracts with public and private 11683  
facilities for the operation of facility services and enter into 11684  
contracts with public and private community addiction and mental 11685  
health ~~service~~ services providers for the provision of ~~community~~ 11686  
addiction and mental health services. The board may not contract 11687  
with a residential facility subject to section 5119.34 of the 11688  
Revised Code unless the facility is licensed by the director of 11689  
mental health and addiction services ~~and~~. The board may not 11690  
contract with a community addiction or mental health services 11691  
provider to provide ~~community~~ addiction or mental health services 11692  
unless the services are certified by the director of mental health 11693  
and addiction services under section 5119.36 of the Revised Code. 11694  
Section 307.86 of the Revised Code does not apply to contracts 11695  
entered into under this division. In contracting with a community 11696  
addiction or mental health services provider, a board shall 11697  
consider the cost effectiveness of addiction or mental health 11698  
services provided by that provider and the quality and continuity 11699  
of care, and may review cost elements, including salary costs, of 11700  
the services to be provided. A utilization review process may be 11701  
established as part of the contract for services entered into 11702  
between a board and a community addiction or mental health 11703  
services provider. The board may establish this process in a way 11704  
that is most effective and efficient in meeting local needs. 11705



If either the board or a facility or community addiction or 11706  
mental health services provider with which the board contracts 11707  
under this division proposes not to renew the contract or proposes 11708  
substantial changes in contract terms, the other party shall be 11709  
given written notice at least one hundred twenty days before the 11710  
expiration date of the contract. During the first sixty days of 11711  
this one hundred twenty-day period, both parties shall attempt to 11712  
resolve any dispute through good faith collaboration and 11713  
negotiation in order to continue to provide services to persons in 11714  
need. If the dispute has not been resolved sixty days before the 11715  
expiration date of the contract, either party may notify the 11716  
department of mental health and addiction services of the 11717  
unresolved dispute. The director may require both parties to 11718  
submit the dispute to a third party with the cost to be shared by 11719  
the board and the facility or provider. The third party shall 11720  
issue to the board, the facility or provider, and the department 11721  
recommendations on how the dispute may be resolved twenty days 11722  
prior to the expiration date of the contract, unless both parties 11723  
agree to a time extension. The director shall adopt rules 11724  
establishing the procedures of this dispute resolution process. 11725

(b) With the prior approval of the director of mental health 11726  
and addiction services, a board may operate a facility or provide 11727  
~~a community~~ an addiction or mental health service as follows, if 11728  
there is no other qualified private or public facility or 11729  
community addiction or mental health services provider that is 11730  
immediately available and willing to operate such a facility or 11731  
provide the service: 11732

(i) In an emergency situation, any board may operate a 11733  
facility or provide ~~a community~~ an addiction or mental health 11734  
service in order to provide essential services for the duration of 11735  
the emergency+1. 11736

(ii) In a service district with a population of at least one 11737

hundred thousand but less than five hundred thousand, a board may 11738  
operate a facility or provide a ~~community~~ an addiction or mental 11739  
health service for no longer than one year<sup>+</sup>. 11740

(iii) In a service district with a population of less than 11741  
one hundred thousand, a board may operate a facility or provide a 11742  
~~community~~ an addiction or mental health service for no longer than 11743  
one year, except that such a board may operate a facility or 11744  
provide a ~~community~~ an addiction or mental health service for more 11745  
than one year with the prior approval of the director and the 11746  
prior approval of the board of county commissioners, or of a 11747  
majority of the boards of county commissioners if the district is 11748  
a joint-county district. 11749

The director shall not give a board approval to operate a 11750  
facility or provide a ~~community~~ an addiction or mental health 11751  
service under division (A)(8)(b)(ii) or (iii) of this section 11752  
unless the director determines that it is not feasible to have the 11753  
department operate the facility or provide the service. 11754

The director shall not give a board approval to operate a 11755  
facility or provide a ~~community~~ an addiction or mental health 11756  
service under division (A)(8)(b)(iii) of this section unless the 11757  
director determines that the board will provide greater 11758  
administrative efficiency and more or better services than would 11759  
be available if the board contracted with a private or public 11760  
facility or community addiction or mental health services 11761  
provider. 11762

The director shall not give a board approval to operate a 11763  
facility previously operated by a person or other government 11764  
entity unless the board has established to the director's 11765  
satisfaction that the person or other government entity cannot 11766  
effectively operate the facility or that the person or other 11767  
government entity has requested the board to take over operation 11768  
of the facility. The director shall not give a board approval to 11769

provide a ~~community~~ an addiction or mental health service 11770  
previously provided by a community addiction or mental health 11771  
services provider unless the board has established to the 11772  
director's satisfaction that the provider cannot effectively 11773  
provide the service or that the provider has requested the board 11774  
take over providing the service. 11775

The director shall review and evaluate a board's operation of 11776  
a facility and provision of ~~community~~ addiction or mental health 11777  
~~service~~ services under division (A)(8)(b) of this section. 11778

Nothing in division (A)(8)(b) of this section authorizes a 11779  
board to administer or direct the daily operation of any facility 11780  
or community addiction or mental health services provider, but a 11781  
facility or provider may contract with a board to receive 11782  
administrative services or staff direction from the board under 11783  
the direction of the governing body of the facility or provider. 11784

(9) Approve fee schedules and related charges or adopt a unit 11785  
cost schedule or other methods of payment for contract services 11786  
provided by community addiction or mental health services 11787  
providers in accordance with guidelines issued by the department 11788  
as necessary to comply with state and federal laws pertaining to 11789  
financial assistance; 11790

(10) Submit to the director and the county commissioners of 11791  
the county or counties served by the board, and make available to 11792  
the public, an annual report of the services under the 11793  
jurisdiction of the board, including a fiscal accounting; 11794

(11) Establish, to the extent resources are available, a 11795  
continuum of care, which provides for prevention, treatment, 11796  
support, and rehabilitation services and opportunities. The 11797  
essential elements of the continuum include, but are not limited 11798  
to, the following components in accordance with section 5119.21 of 11799  
the Revised Code: 11800

- (a) To locate persons in need of addiction or mental health services to inform them of available services and benefits; 11801  
11802
- (b) Assistance for persons receiving addiction or mental health services to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income; 11803  
11804  
11805  
11806
- (c) Addiction and mental health services, including, ~~but not limited to,~~ outpatient, residential, partial hospitalization, and, where appropriate, inpatient care; 11807  
11808  
11809
- (d) Emergency services and crisis intervention; 11810
- (e) Assistance for persons receiving services to obtain vocational services and opportunities for jobs; 11811  
11812
- (f) The provision of services designed to develop social, community, and personal living skills; 11813  
11814
- (g) Access to a wide range of housing and the provision of residential treatment and support; 11815  
11816
- (h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health services, and others; 11817  
11818  
11819
- (i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and community employment as natural supports for persons receiving addiction or mental health services; 11820  
11821  
11822  
11823  
11824
- (j) Grievance procedures and protection of the rights of persons receiving addiction or mental health services; 11825  
11826
- (k) Community psychiatric supportive treatment services, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured. 11827  
11828  
11829
- (12) Establish a method for evaluating referrals for 11830

~~involuntary commitment~~ court-ordered treatment and affidavits 11831  
filed pursuant to section 5122.11 of the Revised Code in order to 11832  
assist the probate division of the court of common pleas in 11833  
determining whether there is probable cause that a respondent is 11834  
subject to ~~involuntary hospitalization~~ court-ordered treatment and 11835  
~~what alternative treatment is~~ whether alternatives to 11836  
hospitalization are available and appropriate, ~~if any;~~ 11837

(13) Designate the treatment services, provider, facility, or 11838  
other placement for each person involuntarily committed to the 11839  
board pursuant to Chapter 5122. of the Revised Code. The board 11840  
shall provide the least restrictive and most appropriate 11841  
alternative that is available for any person involuntarily 11842  
committed to it and shall assure that the listed services 11843  
submitted and approved in accordance with division (B) of section 11844  
340.08 of the Revised Code are available to severely mentally 11845  
disabled persons residing within its service district. The board 11846  
shall establish the procedure for authorizing payment for 11847  
services, which may include prior authorization in appropriate 11848  
circumstances. ~~The~~ In accordance with division (A)(8)(b) of this 11849  
section, the board may provide for services directly to a severely 11850  
mentally disabled person when life or safety is endangered and 11851  
when no community mental health services provider is available to 11852  
provide the service. 11853

(14) Ensure that ~~apartments or rooms~~ housing built, 11854  
subsidized, renovated, rented, owned, or leased by the board or a 11855  
community addiction or mental health services provider ~~have~~ has 11856  
been approved as meeting minimum fire safety standards and that 11857  
persons residing in the ~~rooms or apartments are receiving~~ housing 11858  
have access to appropriate and necessary services, including 11859  
culturally relevant services, from a community addiction or mental 11860  
health services provider. This division does not apply to 11861  
residential facilities licensed pursuant to section 5119.34 of the 11862

Revised Code. 11863

(15) Establish a mechanism for obtaining advice and 11864  
involvement of persons receiving ~~publicly funded~~ addiction or 11865  
mental health services on matters pertaining to addiction and 11866  
mental health services in the alcohol, drug addiction, and mental 11867  
health service district; 11868

(16) Perform the duties required by rules adopted under 11869  
section 5119.22 of the Revised Code regarding referrals by the 11870  
board or mental health services providers under contract with the 11871  
board of individuals with mental illness or severe mental 11872  
disability to residential facilities ~~as defined in division~~ 11873  
~~(A)(9)(b)(iii) of licensed under~~ section 5119.34 of the Revised 11874  
Code and effective arrangements for ongoing mental health services 11875  
for the individuals. The board is accountable in the manner 11876  
specified in the rules for ensuring that the ongoing mental health 11877  
services are effectively arranged for the individuals. 11878

(B) The board shall establish such rules, operating 11879  
procedures, standards, and bylaws, and perform such other duties 11880  
as may be necessary or proper to carry out the purposes of this 11881  
chapter. 11882

(C) A board of alcohol, drug addiction, and mental health 11883  
services may receive by gift, grant, devise, or bequest any 11884  
moneys, lands, or property for the benefit of the purposes for 11885  
which the board is established, and may hold and apply it 11886  
according to the terms of the gift, grant, or bequest. All money 11887  
received, including accrued interest, by gift, grant, or bequest 11888  
shall be deposited in the treasury of the county, the treasurer of 11889  
which is custodian of the alcohol, drug addiction, and mental 11890  
health services funds to the credit of the board and shall be 11891  
available for use by the board for purposes stated by the donor or 11892  
grantor. 11893

(D) No board member or employee of a board of alcohol, drug 11894  
addiction, and mental health services shall be liable for injury 11895  
or damages caused by any action or inaction taken within the scope 11896  
of the board member's official duties or the employee's 11897  
employment, whether or not such action or inaction is expressly 11898  
authorized by this section or any other section of the Revised 11899  
Code, unless such action or inaction constitutes willful or wanton 11900  
misconduct. Chapter 2744. of the Revised Code applies to any 11901  
action or inaction by a board member or employee of a board taken 11902  
within the scope of the board member's official duties or 11903  
employee's employment. For the purposes of this division, the 11904  
conduct of a board member or employee shall not be considered 11905  
willful or wanton misconduct if the board member or employee acted 11906  
in good faith and in a manner that the board member or employee 11907  
reasonably believed was in or was not opposed to the best 11908  
interests of the board and, with respect to any criminal action or 11909  
proceeding, had no reasonable cause to believe the conduct was 11910  
unlawful. 11911

(E) The meetings held by any committee established by a board 11912  
of alcohol, drug addiction, and mental health services shall be 11913  
considered to be meetings of a public body subject to section 11914  
121.22 of the Revised Code. 11915

**Sec. 340.034.** All of the following apply to the recovery 11916  
housing required by section 340.033 of the Revised Code to be 11917  
included in the array of treatment and support services for all 11918  
levels of opioid and co-occurring drug addiction that are part of 11919  
the continuum of care established by each board of alcohol, drug 11920  
addiction, and mental health services pursuant to division (A)(11) 11921  
of section 340.03 of the Revised Code: 11922

(A) The recovery housing shall not be owned or operated by a 11923  
residential facility as defined in section 5119.34 of the Revised 11924

Code and instead shall be owned and operated by the following: 11925

(1) Except as provided in division (A)(2) of this section, a 11926  
community addiction services provider or other local 11927  
nongovernmental organization (including a peer-run recovery 11928  
organization), as appropriate to the needs of the board's service 11929  
district; 11930

(2) The board, if either of the following applies: 11931

(a) The board owns and operates the recovery housing on ~~the~~ 11932  
~~effective date of this section~~ September 15, 2016. 11933

(b) The board determines that there is an emergency need for 11934  
the board to assume the ownership and operation of the recovery 11935  
housing such as when an existing owner and operator of the 11936  
recovery housing goes out of business, and the board considers the 11937  
assumption of ownership and operation of the recovery housing to 11938  
be its last resort. 11939

(B) The recovery housing shall have protocols for all of the 11940  
following: 11941

(1) Administrative oversight; 11942

(2) Quality standards; 11943

(3) Policies and procedures, including house rules, for its 11944  
residents to which the residents must agree to adhere. 11945

(C) Family members of the recovery housing's residents may 11946  
reside in the recovery housing to the extent the recovery 11947  
housing's protocols permit. 11948

(D) The recovery housing shall not limit a resident's 11949  
duration of stay to an arbitrary or fixed amount of time. Instead, 11950  
each resident's duration of stay shall be determined by the 11951  
resident's needs, progress, and willingness to abide by the 11952  
recovery housing's protocols, in collaboration with the recovery 11953  
housing's owner, and, if appropriate, in consultation and 11954



integration with a community addiction services provider. 11955

(E) The recovery housing may permit its residents to receive 11956  
medication-assisted treatment at the recovery housing. 11957

(F) The recovery housing may not provide ~~community~~ addiction 11958  
services but may assist a resident in obtaining ~~community~~ 11959  
addiction services that are certified by the department of mental 11960  
health and addiction services under section 5119.36 of the Revised 11961  
Code. The ~~community~~ addiction services may be provided at the 11962  
recovery housing or elsewhere. 11963

**Sec. 340.04.** In addition to such other duties as may be 11964  
lawfully imposed, the executive director of a board of alcohol, 11965  
drug addiction, and mental health services shall: 11966

(A) Serve as executive officer of the board and subject to 11967  
the prior approval of the board for each contract, execute 11968  
contracts on its behalf; 11969

(B) Supervise services and facilities provided, operated, 11970  
contracted, or supported by the board to the extent of determining 11971  
that services and facilities are being administered in conformity 11972  
with this chapter and rules of the director of mental health and 11973  
addiction services; 11974

(C) Provide consultation to community addiction and mental 11975  
health services providers providing services supported by the 11976  
board; 11977

(D) Recommend to the board the changes necessary to increase 11978  
the effectiveness of addiction and mental health services and 11979  
other matters necessary or desirable to carry out this chapter; 11980

(E) Employ and remove from office such employees and 11981  
consultants in the classified civil service and, subject to the 11982  
approval of the board, employ and remove from office such other 11983  
employees and consultants as may be necessary for the work of the 11984

board, and fix their compensation and reimbursement within the 11985  
limits set by the salary schedule and the budget approved by the 11986  
board; 11987

(F) Encourage the development and expansion of preventive, 11988  
treatment, rehabilitative, and consultative services in the field 11989  
of addiction and mental health services with emphasis on 11990  
continuity of care; 11991

(G) Prepare for board approval an annual report of the 11992  
services and facilities under the jurisdiction of the board, 11993  
including a fiscal accounting of all services; 11994

(H) Conduct such studies as may be necessary and practicable 11995  
for the promotion of mental health, promotion of addiction 11996  
services, and the prevention of mental illness, emotional 11997  
disorders, and addiction; 11998

(I) Authorize the county auditor, or in a joint-county 11999  
district the county auditor designated as the auditor for the 12000  
district, to issue warrants for the payment of board obligations 12001  
approved by the board, provided that all payments from funds 12002  
distributed to the board by the department of mental health and 12003  
addiction services are in accordance with the budget submitted 12004  
pursuant to section 340.08 of the Revised Code, as approved by the 12005  
department of mental health and addiction services. 12006

**Sec. 340.05.** A community addiction or mental health services 12007  
provider that receives a complaint alleging abuse or neglect of an 12008  
individual with mental illness or severe mental disability, or an 12009  
individual receiving addiction services, who resides in a 12010  
residential facility ~~as defined in division (A)(9)(b) of licensed~~ 12011  
under section 5119.34 of the Revised Code shall report the 12012  
complaint to the board of alcohol, drug addiction, and mental 12013  
health services serving the alcohol, drug addiction, and mental 12014  
health service district in which the residential facility is 12015

located. A board of alcohol, drug addiction, and mental health 12016  
services that receives such a complaint or a report from a 12017  
community addiction or mental health services provider of such a 12018  
complaint shall report the complaint to the director of mental 12019  
health and addiction services for the purpose of the director 12020  
conducting an investigation under section 5119.34 of the Revised 12021  
Code. The board may enter the facility with or without the 12022  
director and, if the health and safety of a resident is in 12023  
immediate danger, take any necessary action to protect the 12024  
resident. The board's action shall not violate any resident's 12025  
rights specified in rules adopted by the department of mental 12026  
health and addiction services under section 5119.34 of the Revised 12027  
Code. The board shall immediately report to the director regarding 12028  
the board's actions under this section. 12029

**Sec. 340.07.** The board of county commissioners of any county 12030  
participating in an alcohol, drug addiction, and mental health 12031  
service district or joint-county district, upon receipt from the 12032  
board of alcohol, drug addition, and mental health services of a 12033  
resolution so requesting, may appropriate money to such board for 12034  
the operation, lease, acquisition, construction, renovation, and 12035  
maintenance of addiction or mental health services providers and 12036  
facilities in accordance with the comprehensive community 12037  
~~addiction and~~ mental health and addiction services budget approved 12038  
by the department of mental health and addiction services pursuant 12039  
to section ~~340.08~~ 5119.22 of the Revised Code. 12040

**Sec. 340.12.** ~~No~~ As used in this section, "disability" has the 12041  
same meaning as in section 4112.01 of the Revised Code. 12042

No board of alcohol, drug addiction, and mental health 12043  
services or any community addiction or mental health services 12044  
provider under contract with such a board shall discriminate in 12045  
the provision of services under its authority, in employment, or 12046

under a contract on the basis of race, color, religion, creed, 12047  
sex, age, national origin, or disability. 12048

Each board and each community addiction or mental health 12049  
services provider shall have a written affirmative action program. 12050  
The affirmative action program shall include goals for the 12051  
employment and effective utilization of, including contracts with, 12052  
members of economically disadvantaged groups as defined in 12053  
division (E)(1) of section 122.71 of the Revised Code in 12054  
percentages reflecting as nearly as possible the composition of 12055  
the alcohol, drug addiction, and mental health service district 12056  
served by the board. Each board and provider shall file a 12057  
description of the affirmative action program and a progress 12058  
report on its implementation with the department of mental health 12059  
and addiction services. 12060

**Sec. 340.15.** (A) A public children services agency that 12061  
identifies a child by a risk assessment conducted pursuant to 12062  
section 5153.16 of the Revised Code as being at imminent risk of 12063  
being abused or neglected because of an addiction of a parent, 12064  
guardian, or custodian of the child to a drug of abuse or alcohol 12065  
shall refer the child's addicted parent, guardian, or custodian 12066  
and, if the agency determines that the child needs alcohol or 12067  
other drug addiction services, the child to a community addiction 12068  
services provider ~~certified by the department of mental health and~~ 12069  
~~addiction services under section 5119.36 of the Revised Code.~~ A 12070  
public children services agency that is sent a court order issued 12071  
pursuant to division (B) of section 2151.3514 of the Revised Code 12072  
shall refer the addicted parent or other caregiver of the child 12073  
identified in the court order to a community addiction services 12074  
provider ~~certified by the department of mental health and~~ 12075  
~~addiction services under section 5119.36 of the Revised Code.~~ On 12076  
receipt of a referral under this division and to the extent 12077  
funding identified under division (A)(1) of section 340.08 of the 12078

Revised Code is available, the provider shall provide the 12079  
following services to the addicted parent, guardian, custodian, or 12080  
caregiver and child in need of addiction services: 12081

(1) If it is determined pursuant to an initial screening to 12082  
be needed, assessment and appropriate treatment; 12083

(2) Documentation of progress in accordance with a treatment 12084  
plan developed for the addicted parent, guardian, custodian, 12085  
caregiver, or child; 12086

(3) If the referral is based on a court order issued pursuant 12087  
to division (B) of section 2151.3514 of the Revised Code and the 12088  
order requires the specified parent or other caregiver of the 12089  
child to submit to alcohol or other drug testing during, after, or 12090  
both during and after, treatment, testing in accordance with the 12091  
court order. 12092

(B) The services described in division (A) of this section 12093  
shall have a priority as provided in the addiction and mental 12094  
health services plan and budget established pursuant to sections 12095  
340.03 and 340.08 of the Revised Code. Once a referral has been 12096  
received pursuant to this section, the public children services 12097  
agency and the addiction services provider shall, in accordance 12098  
with 42 C.F.R. Part 2, share with each other any information 12099  
concerning the persons and services described in that division 12100  
that the agency and provider determine are necessary to share. If 12101  
the referral is based on a court order issued pursuant to division 12102  
(B) of section 2151.3514 of the Revised Code, the results and 12103  
recommendations of the addiction services provider also shall be 12104  
provided and used as described in division (D) of that section. 12105  
Information obtained or maintained by the agency or provider 12106  
pursuant to this section that could enable the identification of 12107  
any person described in division (A) of this section is not a 12108  
public record subject to inspection or copying under section 12109  
149.43 of the Revised Code. 12110

Sec. 355.02. Each (A) Not later than December 15, 2015, each 12111  
board of county commissioners ~~may~~ shall adopt a resolution to 12112  
establish a ~~county~~ local healthier buckeye council. The resolution 12113  
shall specify the organization of the council and shall designate 12114  
a member to serve as a staffing agent and, if the board determines 12115  
necessary, a member to serve as a fiscal agent. The board may 12116  
revise the council's organization as necessary by adopting a 12117  
resolution. 12118

(B)(1) The board may invite any person or entity to become a 12119  
member of the council, including a ~~public or private agency or~~ 12120  
~~group that funds, advocates, or provides care coordination~~ 12121  
~~services, provides or promotes private employment or educational~~ 12122  
~~services, or otherwise contributes to the well being of~~ 12123  
~~individuals and families~~ any of the following: 12124

(a) Individuals with community leadership experience; 12125

(b) Individuals with experience leading others; 12126

(c) Individuals likely to receive healthier buckeye services 12127  
and participate in healthier buckeye programs; 12128

(d) Representatives from public and private entities, 12129  
including any of the following: 12130

(i) Employers; 12131

(ii) Municipal corporations, counties, and townships; 12132

(iii) Courts, including those with specialized court programs 12133  
certified by the Ohio supreme court; 12134

(iv) Law enforcement; 12135

(v) Faith-based social services organizations; 12136

(vi) Foundations; 12137

(vii) Public health, including free clinics; 12138

<u>(viii) Child support enforcement agencies;</u>	12139
<u>(ix) Children services agencies;</u>	12140
<u>(x) Child care providers;</u>	12141
<u>(xi) Preschool programs;</u>	12142
<u>(xii) Primary and secondary schools;</u>	12143
<u>(xiii) Colleges and universities;</u>	12144
<u>(xiv) Mental health and addiction services providers;</u>	12145
<u>(xv) Medicaid care coordinators or service providers;</u>	12146
<u>(xvi) Emergency or urgent care services providers;</u>	12147
<u>(xvii) Transportation providers;</u>	12148
<u>(xviii) Housing providers;</u>	12149
<u>(xix) The boy scouts of America, 4-H clubs, boys and girls clubs of America, and other similar organizations.</u>	12150 12151
<u>(2) If a county healthier buckeye council was established under this section as it existed prior to the effective date of this amendment, the board may designate the county council to serve as the local council required by this section on and after the effective date of this amendment.</u>	12152 12153 12154 12155 12156
<u>(3) The board may form a multi-county council in accordance with division (C) of this section.</u>	12157 12158
<u>(C)(1) The boards of county commissioners of any two or more counties, by entering into a written agreement, may form a joint local healthier buckeye council to satisfy the requirement of division (A) of this section. The agreement shall be ratified by resolution of the board of county commissioners of each county that entered into the agreement. Each board of county commissioners that enters into an agreement shall give notice of the agreement to the Ohio healthier buckeye advisory council.</u>	12159 12160 12161 12162 12163 12164 12165 12166

(2) An agreement to establish a joint local healthier buckeye council may set forth procedures or standards necessary for the joint local healthier buckeye council to perform its duties and operate efficiently. 12167  
12168  
12169  
12170

(3) Costs incurred in operating a joint local healthier buckeye council shall be paid from a joint general fund created by the council, except as may be otherwise provided in the agreement. 12171  
12172  
12173

(4) If a joint local healthier buckeye council is established, all references in the Revised Code to a local healthier buckeye council shall apply to the joint local council. 12174  
12175  
12176

**Sec. 355.03.** (A) A county local healthier buckeye council may 12177  
do shall promote all of the following: 12178

(A)(1) A cooperative and effective environment in all communities to maximize opportunities for individuals and families to achieve and maintain optimal health in all aspects, thereby achieving greater productivity and reducing reliance on publicly funded assistance programs; 12179  
12180  
12181  
12182  
12183

Promote means (2) Means by which council members or the 12184  
entities the members represent may reduce the reliance of 12185  
individuals and families on publicly funded assistance programs 12186  
using both of the following: 12187

(1)(a) Programs that have been demonstrated to be effective 12188  
and have one or more of the following features: 12189

(a)(i) Low costs; 12190

(b)(ii) Use volunteer workers; 12191

(c)(iii) Use incentives to encourage designated behaviors; 12192

(d)(iv) Are led by peers. 12193

(2)(b) Practices that identify and seek to eliminate barriers 12194  
to achieving greater financial independence for individuals and 12195



families who receive services from or participate in programs 12196  
operated by council members or the entities the members represent. 12197

~~(B) Promote care~~ (3) Care coordination among physical health, 12198  
behavioral health, social, employment, education, and housing 12199  
service providers within the county~~+~~. 12200

(B) A local healthier buckeye council shall develop a 12201  
healthier buckeye plan that promotes the objectives set forth in 12202  
division (A) of this section and submit the council's healthier 12203  
buckeye plan to the board of county commissioners that created the 12204  
council and to the Ohio healthier buckeye advisory council. 12205

(C) A local healthier buckeye council shall convene at least 12206  
once per year. 12207

(D) A local healthier buckeye council shall organize itself 12208  
in accordance with section 355.02 of the Revised Code and any 12209  
other applicable provisions of law. 12210

~~(C) Collect~~ (E) A local healthier buckeye council shall 12211  
collect and analyze data regarding individuals or families who 12212  
receive services from or participate in programs operated by 12213  
council members or the entities the members represent. 12214

(F) Beginning one year after the effective date of this 12215  
amendment, each local healthier buckeye council shall submit an 12216  
annual report of the council's performance to the Ohio healthier 12217  
buckeye council. 12218

(G) A local healthier buckeye council may apply for, receive, 12219  
and oversee the administration of grants. 12220

**Sec. 355.04.** A ~~county~~ local healthier buckeye council ~~may~~ 12221  
shall report the following information to the joint medicaid 12222  
oversight committee created in section 103.41 of the Revised Code 12223  
and to the Ohio healthier buckeye advisory council: 12224

(A) Notification that the ~~county~~ local council has been 12225

established and information regarding the council's organization, 12226  
plan, and activities; 12227

(B) Information regarding enrollment or outcome data 12228  
collected under division ~~(C)~~(E) of section 355.03 of the Revised 12229  
Code; 12230

(C) Recommendations regarding the best practices for the 12231  
administration and delivery of publicly funded assistance programs 12232  
or other services or programs provided by council members or the 12233  
entities the members represent; 12234

(D) Recommendations regarding the best practices in care 12235  
coordination. 12236

**Sec. 503.55.** (A) As used in this section: 12237

(1) "Financial transaction device" includes a credit card, 12238  
debit card, charge card, or prepaid or stored value card, or 12239  
automated clearinghouse network credit, debit, or e-check entry 12240  
that includes, but is not limited to, accounts receivable and 12241  
internet-initiated, point of purchase, and telephone-initiated 12242  
applications or any other device or method for making an 12243  
electronic payment or transfer of funds. 12244

(2) "Township expenses" includes fees, costs, assessments, 12245  
finances, penalties, payments, or any other expense a person owes or 12246  
otherwise pays to a township. 12247

(B) Notwithstanding any other section of the Revised Code and 12248  
except as provided in division (D) of this section, a board of 12249  
township trustees may adopt a resolution authorizing the 12250  
acceptance of payments by financial transaction devices for 12251  
township expenses. The resolution shall include the following: 12252

(1) A specification of those township offices that are 12253  
authorized to accept payments by financial transaction devices; 12254

(2) A list of township expenses that may be paid for through 12255

the use of a financial transaction device; 12256

(3) Specific identification of financial transaction devices 12257  
that the board authorizes as acceptable means of payment for 12258  
township expenses. Uniform acceptance of financial transaction 12259  
devices among different types of township expenses is not 12260  
required. 12261

(4) The amount, if any, authorized as a surcharge or 12262  
convenience fee under division (E) of this section for persons 12263  
using a financial transaction device. Uniform application of 12264  
surcharges or convenience fees among different types of township 12265  
expenses is not required. 12266

(5) A specific provision as provided in division (G) of this 12267  
section requiring the payment of a penalty if a payment made by 12268  
means of a financial transaction device is returned or dishonored 12269  
for any reason. 12270

The board's resolution also shall designate the township 12271  
fiscal officer as an administrative agent to solicit proposals, 12272  
within guidelines established by the board in the resolution and 12273  
in compliance with the procedures provided in division (C) of this 12274  
section, from financial institutions, issuers of financial 12275  
transaction devices, and processors of financial transaction 12276  
devices, to make recommendations about those proposals to the 12277  
board, and to assist township offices in implementing the 12278  
township's financial transaction devices program. 12279

(C) The township shall follow the procedures provided in this 12280  
division whenever it plans to contract with financial 12281  
institutions, issuers of financial transaction devices, or 12282  
processors of financial transaction devices for the purposes of 12283  
this section. The township fiscal officer shall request proposals 12284  
from financial institutions, issuers of financial transaction 12285  
devices, or processors of financial transaction devices, as 12286

appropriate in accordance with the resolution adopted under 12287  
division (B) of this section. Upon receiving the proposals, the 12288  
fiscal officer shall review them and make a recommendation to the 12289  
board of trustees on which proposals to accept. The board of 12290  
trustees shall consider the fiscal officer's recommendation and 12291  
review all proposals submitted, and then may choose to contract 12292  
with any or all of the entities submitting proposals, as 12293  
appropriate. The board of trustees shall provide any financial 12294  
institution, issuer, or processor that submitted a proposal, but 12295  
with which the board does not enter into a contract, notice that 12296  
its proposal is rejected. The notice shall state the reasons for 12297  
the rejection, indicate whose proposals were accepted, and provide 12298  
a copy of the terms and conditions of the successful bids. 12299

(D) A board of township trustees adopting a resolution under 12300  
this section shall post a copy of the resolution in each township 12301  
office accepting payment by a financial transaction device. 12302

Each township office subject to the board's resolution 12303  
adopted under division (B) of this section may use only the 12304  
financial institutions, issuers of financial transaction devices, 12305  
and processors of financial transaction devices with which the 12306  
board of township trustees contracts, and each such office is 12307  
subject to the terms of those contracts. 12308

(E) A board of township trustees may establish a surcharge or 12309  
convenience fee that may be imposed upon a person making payment 12310  
by a financial transaction device. The surcharge or convenience 12311  
fee shall not be imposed unless authorized or otherwise permitted 12312  
by the rules prescribed by an agreement governing the use and 12313  
acceptance of the financial transaction device. 12314

If a surcharge or convenience fee is imposed, every township 12315  
office accepting payment by a financial transaction device shall 12316  
clearly post a notice in that office, and shall notify each person 12317  
making a payment by such a device, about the surcharge or fee. 12318

Notice to each person making a payment shall be provided 12319  
regardless of the medium used to make the payment and in a manner 12320  
appropriate to that medium. Each notice shall include all of the 12321  
following: 12322

(1) A statement that there is a surcharge or convenience fee 12323  
for using a financial transaction device; 12324

(2) The total amount of the charge or fee expressed in 12325  
dollars and cents for each transaction, or the rate of the charge 12326  
or fee expressed as a percentage of the total amount of the 12327  
transaction, whichever is applicable; 12328

(3) A clear statement that the surcharge or convenience fee 12329  
is nonrefundable. 12330

(F) If a person elects to make a payment to the county by a 12331  
financial transaction device and a surcharge or convenience fee is 12332  
imposed, the payment of the surcharge or fee shall be considered 12333  
voluntary and the surcharge or fee is not refundable. 12334

(G) If a person makes payment by financial transaction device 12335  
and the payment is returned or dishonored for any reason, the 12336  
person is liable to the township for payment of a penalty over and 12337  
above the amount of the expense due. The board of township 12338  
trustees shall determine the amount of the penalty, which may be 12339  
either a fee not to exceed twenty dollars or payment of the amount 12340  
necessary to reimburse the township for banking charges, legal 12341  
fees, or other expenses incurred by the township in collecting the 12342  
returned or dishonored payment. The remedies and procedures 12343  
provided in this section are in addition to any other available 12344  
civil or criminal remedies provided by law. 12345

(H) No person making any payment by financial transaction 12346  
device to a township office shall be relieved from liability for 12347  
the underlying obligation except to the extent that the township 12348  
realizes final payment of the underlying obligation in cash or its 12349

equivalent. If final payment is not made by the financial 12350  
transaction device issuer or other guarantor of payment in the 12351  
transaction, the underlying obligation shall survive and the 12352  
township shall retain all remedies for enforcement that would have 12353  
applied if the transaction had not occurred. 12354

(I) A township official or employee who accepts a financial 12355  
transaction device payment in accordance with this section and any 12356  
applicable state or local policies or rules is immune from 12357  
personal liability for the final collection of such payments. 12358

**Sec. 505.101.** The board of township trustees of any township 12359  
may, by resolution, enter into a contract, without advertising or 12360  
bidding, for the purchase or sale of motor vehicles, materials, 12361  
equipment, or supplies from or to any department, agency, or 12362  
political subdivision of the state, for the purchase of services 12363  
with a soil and water conservation district established under 12364  
Chapter 1515. of the Revised Code, for the purchase of supplies, 12365  
services, materials, and equipment with a regional planning 12366  
commission pursuant to division (D) of section 713.23 of the 12367  
Revised Code, or for the purchase of services from an educational 12368  
service center under section 3313.846 of the Revised Code. The 12369  
resolution shall: 12370

(A) Set forth the maximum amount to be paid as the purchase 12371  
price for the motor vehicles, materials, equipment, supplies, or 12372  
services; 12373

(B) Describe the type of motor vehicles, materials, 12374  
equipment, supplies, or services that are to be purchased; 12375

(C) Appropriate sufficient funds to pay the purchase price 12376  
for the motor vehicles, materials, equipment, supplies, or 12377  
services, except that no such appropriation is necessary if funds 12378  
have been previously appropriated for the purpose and remain 12379  
unencumbered at the time the resolution is adopted. 12380

Sec. 505.1010. A board of township trustees may purchase real 12381  
or personal property at public auction by adopting a resolution to 12382  
designate an individual, officer, or employee to represent the 12383  
board and tender bids at the auction. Any purchase made at a 12384  
public auction shall be subject to a maximum purchase price 12385  
established by resolution of the board or an appraisal obtained 12386  
before the auction and approved by the board of township trustees. 12387  
A purchase made under this section shall comply with division (D) 12388  
of section 5705.41 of the Revised Code. 12389

**Sec. 718.01.** Any term used in this chapter that is not 12390  
otherwise defined in this chapter has the same meaning as when 12391  
used in a comparable context in laws of the United States relating 12392  
to federal income taxation or in Title LVII of the Revised Code, 12393  
unless a different meaning is clearly required. If a term used in 12394  
this chapter that is not otherwise defined in this chapter is used 12395  
in a comparable context in both the laws of the United States 12396  
relating to federal income tax and in Title LVII of the Revised 12397  
Code and the use is not consistent, then the use of the term in 12398  
the laws of the United States relating to federal income tax shall 12399  
control over the use of the term in Title LVII of the Revised 12400  
Code. 12401

As used in this chapter: 12402

(A)(1) "Municipal taxable income" means the following: 12403

(a) For a person other than an individual, income reduced by 12404  
exempt income to the extent otherwise included in income and then, 12405  
as applicable, apportioned or situated to the municipal corporation 12406  
under section 718.02 of the Revised Code, and further reduced by 12407  
any pre-2017 net operating loss carryforward available to the 12408  
person for the municipal corporation. 12409

(b)(i) For an individual who is a resident of a municipal 12410

corporation other than a qualified municipal corporation, income 12411  
reduced by exempt income to the extent otherwise included in 12412  
income, then reduced as provided in division (A)(2) of this 12413  
section, and further reduced by any pre-2017 net operating loss 12414  
carryforward available to the individual for the municipal 12415  
corporation. 12416

(ii) For an individual who is a resident of a qualified 12417  
municipal corporation, Ohio adjusted gross income reduced by 12418  
income exempted, and increased by deductions excluded, by the 12419  
qualified municipal corporation from the qualified municipal 12420  
corporation's tax ~~on or before December 31, 2013~~. If a qualified 12421  
municipal corporation, on or before December 31, 2013, exempts 12422  
income earned by individuals who are not residents of the 12423  
qualified municipal corporation and net profit of persons that are 12424  
not wholly located within the qualified municipal corporation, 12425  
such individual or person shall have no municipal taxable income 12426  
for the purposes of the tax levied by the qualified municipal 12427  
corporation and may be exempted by the qualified municipal 12428  
corporation from the requirements of section 718.03 of the Revised 12429  
Code. 12430

(c) For an individual who is a nonresident of a municipal 12431  
corporation, income reduced by exempt income to the extent 12432  
otherwise included in income and then, as applicable, apportioned 12433  
or situated to the municipal corporation under section 718.02 of 12434  
the Revised Code, then reduced as provided in division (A)(2) of 12435  
this section, and further reduced by any pre-2017 net operating 12436  
loss carryforward available to the individual for the municipal 12437  
corporation. 12438

(2) In computing the municipal taxable income of a taxpayer 12439  
who is an individual, the taxpayer may subtract, as provided in 12440  
division (A)(1)(b)(i) or (c) of this section, the amount of the 12441  
individual's employee business expenses reported on the 12442



individual's form 2106 that the individual deducted for federal 12443  
income tax purposes for the taxable year, subject to the 12444  
limitation imposed by section 67 of the Internal Revenue Code. For 12445  
the municipal corporation in which the taxpayer is a resident, the 12446  
taxpayer may deduct all such expenses allowed for federal income 12447  
tax purposes. For a municipal corporation in which the taxpayer is 12448  
not a resident, the taxpayer may deduct such expenses only to the 12449  
extent the expenses are related to the taxpayer's performance of 12450  
personal services in that nonresident municipal corporation. 12451

(B) "Income" means the following: 12452

(1)(a) For residents, all income, salaries, qualifying wages, 12453  
commissions, and other compensation from whatever source earned or 12454  
received by the resident, including the resident's distributive 12455  
share of the net profit of pass-through entities owned directly or 12456  
indirectly by the resident and any net profit of the resident. 12457

(b) For the purposes of division (B)(1)(a) of this section: 12458

(i) Any net operating loss of the resident incurred in the 12459  
taxable year and the resident's distributive share of any net 12460  
operating loss generated in the same taxable year and attributable 12461  
to the resident's ownership interest in a pass-through entity 12462  
shall be allowed as a deduction, for that taxable year and the 12463  
following five taxable years, against any other net profit of the 12464  
resident or the resident's distributive share of any net profit 12465  
attributable to the resident's ownership interest in a 12466  
pass-through entity until fully utilized, subject to division 12467  
(B)(1)(d) of this section; 12468

(ii) The resident's distributive share of the net profit of 12469  
each pass-through entity owned directly or indirectly by the 12470  
resident shall be calculated without regard to any net operating 12471  
loss that is carried forward by that entity from a prior taxable 12472  
year and applied to reduce the entity's net profit for the current 12473

taxable year. 12474

(c) Division (B)(1)(b) of this section does not apply with 12475  
respect to any net profit or net operating loss attributable to an 12476  
ownership interest in an S corporation unless shareholders' 12477  
distributive shares of net profits from S corporations are subject 12478  
to tax in the municipal corporation as provided in division 12479  
(C)(14)(b) or (c) of this section. 12480

(d) Any amount of a net operating loss used to reduce a 12481  
taxpayer's net profit for a taxable year shall reduce the amount 12482  
of net operating loss that may be carried forward to any 12483  
subsequent year for use by that taxpayer. In no event shall the 12484  
cumulative deductions for all taxable years with respect to a 12485  
taxpayer's net operating loss exceed the original amount of that 12486  
net operating loss available to that taxpayer. 12487

(2) In the case of nonresidents, all income, salaries, 12488  
qualifying wages, commissions, and other compensation from 12489  
whatever source earned or received by the nonresident for work 12490  
done, services performed or rendered, or activities conducted in 12491  
the municipal corporation, including any net profit of the 12492  
nonresident, but excluding the nonresident's distributive share of 12493  
the net profit or loss of only pass-through entities owned 12494  
directly or indirectly by the nonresident. 12495

(3) For taxpayers that are not individuals, net profit of the 12496  
taxpayer; 12497

(4) Lottery, sweepstakes, gambling and sports winnings, 12498  
winnings from games of chance, and prizes and awards. If the 12499  
taxpayer is a professional gambler for federal income tax 12500  
purposes, the taxpayer may deduct related wagering losses and 12501  
expenses to the extent authorized under the Internal Revenue Code 12502  
and claimed against such winnings. 12503

(C) "Exempt income" means all of the following: 12504

(1) The military pay or allowances of members of the armed 12505  
forces of the United States or members of their reserve 12506  
components, including the national guard of any state; 12507

(2)(a) Except as provided in division (C)(2)(b) of this 12508  
section, intangible income; 12509

(b) A municipal corporation that taxed any type of intangible 12510  
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 12511  
116th general assembly, may continue to tax that type of income if 12512  
a majority of the electors of the municipal corporation voting on 12513  
the question of whether to permit the taxation of that type of 12514  
intangible income after 1988 voted in favor thereof at an election 12515  
held on November 8, 1988. 12516

(3) Social security benefits, railroad retirement benefits, 12517  
unemployment compensation, pensions, retirement benefit payments, 12518  
payments from annuities, and similar payments made to an employee 12519  
or to the beneficiary of an employee under a retirement program or 12520  
plan, disability payments received from private industry or local, 12521  
state, or federal governments or from charitable, religious or 12522  
educational organizations, and the proceeds of sickness, accident, 12523  
or liability insurance policies. As used in division (C)(3) of 12524  
this section, "unemployment compensation" does not include 12525  
supplemental unemployment compensation described in section 12526  
3402(o)(2) of the Internal Revenue Code. 12527

(4) The income of religious, fraternal, charitable, 12528  
scientific, literary, or educational institutions to the extent 12529  
such income is derived from tax-exempt real estate, tax-exempt 12530  
tangible or intangible property, or tax-exempt activities. 12531

(5) Compensation paid under section 3501.28 or 3501.36 of the 12532  
Revised Code to a person serving as a precinct election official 12533  
to the extent that such compensation does not exceed one thousand 12534  
dollars for the taxable year. Such compensation in excess of one 12535

thousand dollars for the taxable year may be subject to taxation 12536  
by a municipal corporation. A municipal corporation shall not 12537  
require the payer of such compensation to withhold any tax from 12538  
that compensation. 12539

(6) Dues, contributions, and similar payments received by 12540  
charitable, religious, educational, or literary organizations or 12541  
labor unions, lodges, and similar organizations; 12542

(7) Alimony and child support received; 12543

(8) Compensation for personal injuries or for damages to 12544  
property from insurance proceeds or otherwise, excluding 12545  
compensation paid for lost salaries or wages or compensation from 12546  
punitive damages; 12547

(9) Income of a public utility when that public utility is 12548  
subject to the tax levied under section 5727.24 or 5727.30 of the 12549  
Revised Code. Division (C)(9) of this section does not apply for 12550  
purposes of Chapter 5745. of the Revised Code. 12551

(10) Gains from involuntary conversions, interest on federal 12552  
obligations, items of income subject to a tax levied by the state 12553  
and that a municipal corporation is specifically prohibited by law 12554  
from taxing, and income of a decedent's estate during the period 12555  
of administration except such income from the operation of a trade 12556  
or business; 12557

(11) Compensation or allowances excluded from federal gross 12558  
income under section 107 of the Internal Revenue Code; 12559

(12) Employee compensation that is not qualifying wages as 12560  
defined in division (R) of this section; 12561

(13) Compensation paid to a person employed within the 12562  
boundaries of a United States air force base under the 12563  
jurisdiction of the United States air force that is used for the 12564  
housing of members of the United States air force and is a center 12565

for air force operations, unless the person is subject to taxation 12566  
because of residence or domicile. If the compensation is subject 12567  
to taxation because of residence or domicile, tax on such income 12568  
shall be payable only to the municipal corporation of residence or 12569  
domicile. 12570

(14)(a) Except as provided in division (C)(14)(b) or (c) of 12571  
this section, an S corporation shareholder's distributive share of 12572  
net profits of the S corporation, other than any part of the 12573  
distributive share of net profits that represents wages as defined 12574  
in section 3121(a) of the Internal Revenue Code or net earnings 12575  
from self-employment as defined in section 1402(a) of the Internal 12576  
Revenue Code. 12577

(b) If, pursuant to division (H) of former section 718.01 of 12578  
the Revised Code as it existed before March 11, 2004, a majority 12579  
of the electors of a municipal corporation voted in favor of the 12580  
question at an election held on November 4, 2003, the municipal 12581  
corporation may continue after 2002 to tax an S corporation 12582  
shareholder's distributive share of net profits of an S 12583  
corporation. 12584

(c) If, on December 6, 2002, a municipal corporation was 12585  
imposing, assessing, and collecting a tax on an S corporation 12586  
shareholder's distributive share of net profits of the S 12587  
corporation to the extent the distributive share would be 12588  
allocated or apportioned to this state under divisions (B)(1) and 12589  
(2) of section 5733.05 of the Revised Code if the S corporation 12590  
were a corporation subject to taxes imposed under Chapter 5733. of 12591  
the Revised Code, the municipal corporation may continue to impose 12592  
the tax on such distributive shares to the extent such shares 12593  
would be so allocated or apportioned to this state only until 12594  
December 31, 2004, unless a majority of the electors of the 12595  
municipal corporation voting on the question of continuing to tax 12596  
such shares after that date voted in favor of that question at an 12597

election held November 2, 2004. If a majority of those electors 12598  
voted in favor of the question, the municipal corporation may 12599  
continue after December 31, 2004, to impose the tax on such 12600  
distributive shares only to the extent such shares would be so 12601  
allocated or apportioned to this state. 12602

(d) A municipal corporation shall be deemed to have elected 12603  
to tax S corporation shareholders' distributive shares of net 12604  
profits of the S corporation in the hands of the shareholders if a 12605  
majority of the electors of a municipal corporation voted in favor 12606  
of a question at an election held under division (C)(14)(b) or (c) 12607  
of this section. The municipal corporation shall specify by 12608  
resolution or ordinance that the tax applies to the distributive 12609  
share of a shareholder of an S corporation in the hands of the 12610  
shareholder of the S corporation. 12611

(15) To the extent authorized under a resolution or ordinance 12612  
adopted by a municipal corporation before January 1, 2016, all or 12613  
a portion of the income of individuals or a class of individuals 12614  
under eighteen years of age. 12615

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 12616  
(d) of this section, qualifying wages described in division (B)(1) 12617  
or (E) of section 718.011 of the Revised Code to the extent the 12618  
qualifying wages are not subject to withholding for the municipal 12619  
corporation under either of those divisions. 12620

(b) The exemption provided in division (C)(16)(a) of this 12621  
section does not apply with respect to the municipal corporation 12622  
in which the employee resided at the time the employee earned the 12623  
qualifying wages. 12624

(c) The exemption provided in division (C)(16)(a) of this 12625  
section does not apply to qualifying wages that an employer elects 12626  
to withhold under division (D)(2) of section 718.011 of the 12627  
Revised Code. 12628

(d) The exemption provided in division (C)(16)(a) of this section does not apply to qualifying wages if both of the following conditions apply:

(i) For qualifying wages described in division (B)(1) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;

(ii) The employee receives a refund of the tax described in division (C)(16)(d)(i) of this section on the basis of the employee not performing services in that municipal corporation.

(17)(a) Except as provided in division (C)(17)(b) or (c) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the municipal corporation on not more than twenty days in a taxable year.

(b) The exemption provided in division (C)(17)(a) of this section does not apply under either of the following circumstances:

(i) The individual's base of operation is located in the municipal corporation.

(ii) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (C)(17)(b)(ii) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in section 718.011 of the

Revised Code. 12660

(c) Compensation to which division (C)(17) of this section 12661  
applies shall be treated as earned or received at the individual's 12662  
base of operation. If the individual does not have a base of 12663  
operation, the compensation shall be treated as earned or received 12664  
where the individual is domiciled. 12665

(d) For purposes of division (C)(17) of this section, "base 12666  
of operation" means the location where an individual owns or rents 12667  
an office, storefront, or similar facility to which the individual 12668  
regularly reports and at which the individual regularly performs 12669  
personal services for compensation. 12670

(18) Compensation paid to a person for personal services 12671  
performed for a political subdivision on property owned by the 12672  
political subdivision, regardless of whether the compensation is 12673  
received by an employee of the subdivision or another person 12674  
performing services for the subdivision under a contract with the 12675  
subdivision, if the property on which services are performed is 12676  
annexed to a municipal corporation pursuant to section 709.023 of 12677  
the Revised Code on or after March 27, 2013, unless the person is 12678  
subject to such taxation because of residence. If the compensation 12679  
is subject to taxation because of residence, municipal income tax 12680  
shall be payable only to the municipal corporation of residence. 12681

(19) Income the taxation of which is prohibited by the 12682  
constitution or laws of the United States. 12683

Any item of income that is exempt income of a pass-through 12684  
entity under division (C) of this section is exempt income of each 12685  
owner of the pass-through entity to the extent of that owner's 12686  
distributive or proportionate share of that item of the entity's 12687  
income. 12688

(D)(1) "Net profit" for a person other than an individual 12689  
means adjusted federal taxable income. 12690



(2) "Net profit" for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of division (D)(2) of this section, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division (E)(8) of this section.

(3) For the purposes of this chapter, and notwithstanding division (D)(1) of this section, net profit of a disregarded entity shall not be taxable as against that disregarded entity, but shall instead be included in the net profit of the owner of the disregarded entity.

(E) "Adjusted federal taxable income," for a person required to file as a C corporation means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(1) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.

(2) Add an amount equal to five per cent of intangible income deducted under division (E)(1) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in section 1221 of the Internal Revenue Code;

(3) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;

(4)(a) Except as provided in division (E)(4)(b) of this section, deduct income and gain included in federal taxable income

to the extent the income and gain directly relate to the sale, 12722  
exchange, or other disposition of an asset described in section 12723  
1221 or 1231 of the Internal Revenue Code; 12724

(b) Division (E)(4)(a) of this section does not apply to the 12725  
extent the income or gain is income or gain described in section 12726  
1245 or 1250 of the Internal Revenue Code. 12727

(5) Add taxes on or measured by net income allowed as a 12728  
deduction in the computation of federal taxable income; 12729

(6) In the case of a real estate investment trust or 12730  
regulated investment company, add all amounts with respect to 12731  
dividends to, distributions to, or amounts set aside for or 12732  
credited to the benefit of investors and allowed as a deduction in 12733  
the computation of federal taxable income; 12734

(7) Deduct, to the extent not otherwise deducted or excluded 12735  
in computing federal taxable income, any income derived from a 12736  
transfer agreement or from the enterprise transferred under that 12737  
agreement under section 4313.02 of the Revised Code; 12738

(8)(a) Except as limited by divisions (E)(8)(b), (c), and (d) 12739  
of this section, deduct any net operating loss incurred by the 12740  
person in a taxable year beginning on or after January 1, 2017. 12741

The amount of such net operating loss shall be deducted from 12742  
net profit that is reduced by exempt income to the extent 12743  
necessary to reduce municipal taxable income to zero, with any 12744  
remaining unused portion of the net operating loss carried forward 12745  
to not more than five consecutive taxable years following the 12746  
taxable year in which the loss was incurred, but in no case for 12747  
more years than necessary for the deduction to be fully utilized. 12748

(b) No person shall use the deduction allowed by division 12749  
(E)(8) of this section to offset qualifying wages. 12750

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 12751

or 2022, a person may not deduct, for purposes of an income tax 12752  
levied by a municipal corporation that levies an income tax before 12753  
January 1, 2016, more than fifty per cent of the amount of the 12754  
deduction otherwise allowed by division (E)(8)(a) of this section. 12755

(ii) For taxable years beginning in 2023 or thereafter, a 12756  
person may deduct, for purposes of an income tax levied by a 12757  
municipal corporation that levies an income tax before January 1, 12758  
2016, the full amount allowed by division (E)(8)(a) of this 12759  
section. 12760

(d) Any pre-2017 net operating loss carryforward deduction 12761  
that is available must be utilized before a taxpayer may deduct 12762  
any amount pursuant to division (E)(8) of this section. 12763

(e) Nothing in divisions (E)(8)(c)(i) and (ii) of this 12764  
section precludes a person from carrying forward, for the period 12765  
otherwise permitted under division (E)(8)(a) of this section, any 12766  
amount of net operating loss that was not fully utilized by 12767  
operation of divisions (E)(8)(c)(i) and (ii) of this section. 12768

(9) Deduct any net profit of a pass-through entity owned 12769  
directly or indirectly by the taxpayer and included in the 12770  
taxpayer's federal taxable income unless an affiliated group of 12771  
corporations includes that net profit in the group's federal 12772  
taxable income in accordance with division (E)(3)(b) of section 12773  
718.06 of the Revised Code. 12774

(10) Add any loss incurred by a pass-through entity owned 12775  
directly or indirectly by the taxpayer and included in the 12776  
taxpayer's federal taxable income unless an affiliated group of 12777  
corporations includes that loss in the group's federal taxable 12778  
income in accordance with division (E)(3)(b) of section 718.06 of 12779  
the Revised Code. 12780

If the taxpayer is not a C corporation, is not a disregarded 12781  
entity, and is not an individual, the taxpayer shall compute 12782

adjusted federal taxable income under this section as if the 12783  
taxpayer were a C corporation, except guaranteed payments and 12784  
other similar amounts paid or accrued to a partner, former 12785  
partner, shareholder, former shareholder, member, or former member 12786  
shall not be allowed as a deductible expense unless such payments 12787  
are in consideration for the use of capital and treated as payment 12788  
of interest under section 469 of the Internal Revenue Code or 12789  
United States treasury regulations. Amounts paid or accrued to a 12790  
qualified self-employed retirement plan with respect to a partner, 12791  
former partner, shareholder, former shareholder, member, or former 12792  
member of the taxpayer, amounts paid or accrued to or for health 12793  
insurance for a partner, former partner, shareholder, former 12794  
shareholder, member, or former member, and amounts paid or accrued 12795  
to or for life insurance for a partner, former partner, 12796  
shareholder, former shareholder, member, or former member shall 12797  
not be allowed as a deduction. 12798

Nothing in division (E) of this section shall be construed as 12799  
allowing the taxpayer to add or deduct any amount more than once 12800  
or shall be construed as allowing any taxpayer to deduct any 12801  
amount paid to or accrued for purposes of federal self-employment 12802  
tax. 12803

(F) "Schedule C" means internal revenue service schedule C 12804  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 12805  
Code. 12806

(G) "Schedule E" means internal revenue service schedule E 12807  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 12808  
Code. 12809

(H) "Schedule F" means internal revenue service schedule F 12810  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 12811  
Code. 12812

(I) "Internal Revenue Code" has the same meaning as in 12813

section 5747.01 of the Revised Code. 12814

(J) "Resident" means an individual who is domiciled in the 12815  
municipal corporation as determined under section 718.012 of the 12816  
Revised Code. 12817

(K) "Nonresident" means an individual that is not a resident. 12818

(L)(1) "Taxpayer" means a person subject to a tax levied on 12819  
income by a municipal corporation in accordance with this chapter. 12820  
"Taxpayer" does not include a grantor trust or, except as provided 12821  
in division (L)(2)(a) of this section, a disregarded entity. 12822

(2)(a) A single member limited liability company that is a 12823  
disregarded entity for federal tax purposes may be a separate 12824  
taxpayer from its single member in all Ohio municipal corporations 12825  
in which it either filed as a separate taxpayer or did not file 12826  
for its taxable year ending in 2003, if all of the following 12827  
conditions are met: 12828

(i) The limited liability company's single member is also a 12829  
limited liability company. 12830

(ii) The limited liability company and its single member were 12831  
formed and doing business in one or more Ohio municipal 12832  
corporations for at least five years before January 1, 2004. 12833

(iii) Not later than December 31, 2004, the limited liability 12834  
company and its single member each made an election to be treated 12835  
as a separate taxpayer under division (L) of this section as this 12836  
section existed on December 31, 2004. 12837

(iv) The limited liability company was not formed for the 12838  
purpose of evading or reducing Ohio municipal corporation income 12839  
tax liability of the limited liability company or its single 12840  
member. 12841

(v) The Ohio municipal corporation that was the primary place 12842  
of business of the sole member of the limited liability company 12843

consented to the election. 12844

(b) For purposes of division (L)(2)(a)(v) of this section, a 12845  
municipal corporation was the primary place of business of a 12846  
limited liability company if, for the limited liability company's 12847  
taxable year ending in 2003, its income tax liability was greater 12848  
in that municipal corporation than in any other municipal 12849  
corporation in Ohio, and that tax liability to that municipal 12850  
corporation for its taxable year ending in 2003 was at least four 12851  
hundred thousand dollars. 12852

(M) "Person" includes individuals, firms, companies, joint 12853  
stock companies, business trusts, estates, trusts, partnerships, 12854  
limited liability partnerships, limited liability companies, 12855  
associations, C corporations, S corporations, governmental 12856  
entities, and any other entity. 12857

(N) "Pass-through entity" means a partnership not treated as 12858  
an association taxable as a C corporation for federal income tax 12859  
purposes, a limited liability company not treated as an 12860  
association taxable as a C corporation for federal income tax 12861  
purposes, an S corporation, or any other class of entity from 12862  
which the income or profits of the entity are given pass-through 12863  
treatment for federal income tax purposes. "Pass-through entity" 12864  
does not include a trust, estate, grantor of a grantor trust, or 12865  
disregarded entity. 12866

(O) "S corporation" means a person that has made an election 12867  
under subchapter S of Chapter 1 of Subtitle A of the Internal 12868  
Revenue Code for its taxable year. 12869

(P) "Single member limited liability company" means a limited 12870  
liability company that has one direct member. 12871

(Q) "Limited liability company" means a limited liability 12872  
company formed under Chapter 1705. of the Revised Code or under 12873  
the laws of another state. 12874

(R) "Qualifying wages" means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:	12875 12876 12877
(1) Deduct the following amounts:	12878
(a) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code.	12879 12880 12881
(b) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.	12882 12883 12884 12885
(c) Any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code if the compensation is included in wages and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.	12886 12887 12888 12889 12890 12891
(d) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.	12892 12893 12894 12895 12896 12897 12898
(e) Any amount included in wages that is exempt income.	12899
(2) Add the following amounts:	12900
(a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.	12901 12902
(b) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock	12903 12904

option, the exercise of a stock option, or the sale, exchange, or 12905  
other disposition of stock purchased under a stock option and the 12906  
municipal corporation has not, by resolution or ordinance, 12907  
exempted the amount from withholding and tax adopted before 12908  
January 1, 2016. Division (R)(2)(b) of this section applies only 12909  
to those amounts constituting ordinary income. 12910

(c) Any amount not included in wages if the amount is an 12911  
amount described in section 401(k), 403(b), or 457 of the Internal 12912  
Revenue Code. Division (R)(2)(c) of this section applies only to 12913  
employee contributions and employee deferrals. 12914

(d) Any amount that is supplemental unemployment compensation 12915  
benefits described in section 3402(o)(2) of the Internal Revenue 12916  
Code and not included in wages. 12917

(e) Any amount received that is treated as self-employment 12918  
income for federal tax purposes in accordance with section 12919  
1402(a)(8) of the Internal Revenue Code. 12920

(f) Any amount not included in wages if all of the following 12921  
apply: 12922

(i) For the taxable year the amount is employee compensation 12923  
that is included in the taxpayer's gross income for federal income 12924  
tax purposes; 12925

(ii) For no preceding taxable year did the amount constitute 12926  
wages as defined in section 3121(a) of the Internal Revenue Code; 12927

(iii) For no succeeding taxable year will the amount 12928  
constitute wages; and 12929

(iv) For any taxable year the amount has not otherwise been 12930  
added to wages pursuant to either division (R)(2) of this section 12931  
or section 718.03 of the Revised Code, as that section existed 12932  
before the effective date of H.B. 5 of the 130th general assembly, 12933  
March 23, 2015. 12934



(S) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701. of the Revised Code, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of chance.

(T) "Taxable year" means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.

(U) "Tax administrator" means the individual charged with direct responsibility for administration of an income tax levied by a municipal corporation in accordance with this chapter, and also includes the following:

(1) A municipal corporation acting as the agent of another municipal corporation;

(2) A person retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis;

(3) The central collection agency or the regional income tax agency or their successors in interest, or another entity organized to perform functions similar to those performed by the central collection agency and the regional income tax agency.

(V) "Employer" means a person that is an employer for federal income tax purposes.

(W) "Employee" means an individual who is an employee for federal income tax purposes.	12966 12967
(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.	12968 12969 12970 12971 12972
(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.	12973 12974
(Z) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.	12975 12976
(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.74 of the Revised Code.	12977 12978 12979 12980
(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.	12981 12982 12983 12984
(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.	12985 12986 12987 12988 12989 12990
(DD) "Tax return preparer" means any individual described in section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.	12991 12992 12993
(EE) "Ohio business gateway" means the online computer network system, created under section 125.30 of the Revised Code,	12994 12995

that allows persons to electronically file business reply forms	12996
with state agencies and includes any successor electronic filing	12997
and payment system.	12998
(FF) "Local board of tax review" and "board of tax review"	12999
mean the entity created under section 718.11 of the Revised Code.	13000
(GG) "Net operating loss" means a loss incurred by a person	13001
in the operation of a trade or business. "Net operating loss" does	13002
not include unutilized losses resulting from basis limitations,	13003
at-risk limitations, or passive activity loss limitations.	13004
(HH) "Casino operator" and "casino facility" have the same	13005
meanings as in section 3772.01 of the Revised Code.	13006
(II) "Video lottery terminal" has the same meaning as in	13007
section 3770.21 of the Revised Code.	13008
(JJ) "Video lottery terminal sales agent" means a lottery	13009
sales agent licensed under Chapter 3770. of the Revised Code to	13010
conduct video lottery terminals on behalf of the state pursuant to	13011
section 3770.21 of the Revised Code.	13012
(KK) "Postal service" means the United States postal service.	13013
(LL) "Certified mail," "express mail," "United States mail,"	13014
"postal service," and similar terms include any delivery service	13015
authorized pursuant to section 5703.056 of the Revised Code.	13016
(MM) "Postmark date," "date of postmark," and similar terms	13017
include the date recorded and marked in the manner described in	13018
division (B)(3) of section 5703.056 of the Revised Code.	13019
(NN) "Related member" means a person that, with respect to	13020
the taxpayer during all or any portion of the taxable year, is	13021
either a related entity, a component member as defined in section	13022
1563(b) of the Internal Revenue Code, or a person to or from whom	13023
there is attribution of stock ownership in accordance with section	13024
1563(e) of the Internal Revenue Code except, for purposes of	13025

determining whether a person is a related member under this 13026  
division, "twenty per cent" shall be substituted for "5 percent" 13027  
wherever "5 percent" appears in section 1563(e) of the Internal 13028  
Revenue Code. 13029

(OO) "Related entity" means any of the following: 13030

(1) An individual stockholder, or a member of the 13031  
stockholder's family enumerated in section 318 of the Internal 13032  
Revenue Code, if the stockholder and the members of the 13033  
stockholder's family own directly, indirectly, beneficially, or 13034  
constructively, in the aggregate, at least fifty per cent of the 13035  
value of the taxpayer's outstanding stock; 13036

(2) A stockholder, or a stockholder's partnership, estate, 13037  
trust, or corporation, if the stockholder and the stockholder's 13038  
partnerships, estates, trusts, or corporations own directly, 13039  
indirectly, beneficially, or constructively, in the aggregate, at 13040  
least fifty per cent of the value of the taxpayer's outstanding 13041  
stock; 13042

(3) A corporation, or a party related to the corporation in a 13043  
manner that would require an attribution of stock from the 13044  
corporation to the party or from the party to the corporation 13045  
under division (OO)(4) of this section, provided the taxpayer owns 13046  
directly, indirectly, beneficially, or constructively, at least 13047  
fifty per cent of the value of the corporation's outstanding 13048  
stock; 13049

(4) The attribution rules described in section 318 of the 13050  
Internal Revenue Code apply for the purpose of determining whether 13051  
the ownership requirements in divisions (OO)(1) to (3) of this 13052  
section have been met. 13053

(PP)(1) "Assessment" means a written finding by the tax 13054  
administrator that a person has underpaid municipal income tax, or 13055  
owes penalty and interest, or any combination of tax, penalty, or 13056

interest, to the municipal corporation that commences the person's 13057  
time limitation for making an appeal to the local board of tax 13058  
review pursuant to section 718.11 of the Revised Code, and has 13059  
"ASSESSMENT" written in all capital letters at the top of such 13060  
finding. 13061

(2) "Assessment" does not include an informal notice denying 13062  
a request for refund issued under division (B)(3) of section 13063  
718.19 of the Revised Code, a billing statement notifying a 13064  
taxpayer of current or past-due balances owed to the municipal 13065  
corporation, a tax administrator's request for additional 13066  
information, a notification to the taxpayer of mathematical 13067  
errors, or a tax administrator's other written correspondence to a 13068  
person or taxpayer that does meet the criteria prescribed by 13069  
division (PP)(1) of this section. 13070

(QQ) "Taxpayers' rights and responsibilities" means the 13071  
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 13072  
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 13073  
Revised Code and the responsibilities of taxpayers to file, 13074  
report, withhold, remit, and pay municipal income tax and 13075  
otherwise comply with Chapter 718. of the Revised Code and 13076  
resolutions, ordinances, and rules adopted by a municipal 13077  
corporation for the imposition and administration of a municipal 13078  
income tax. 13079

(RR) "Qualified municipal corporation" means a municipal 13080  
corporation that, by resolution or ordinance adopted on or before 13081  
December 31, 2011, adopted Ohio adjusted gross income, as defined 13082  
by section 5747.01 of the Revised Code, as the income subject to 13083  
tax for the purposes of imposing a municipal income tax. 13084

(SS)(1) "Pre-2017 net operating loss carryforward" means any 13085  
net operating loss incurred in a taxable year beginning before 13086  
January 1, 2017, to the extent such loss was permitted, by a 13087  
resolution or ordinance of the municipal corporation that was 13088

adopted by the municipal corporation before January 1, 2016, to be 13089  
carried forward and utilized to offset income or net profit 13090  
generated in such municipal corporation in future taxable years. 13091

(2) For the purpose of calculating municipal taxable income, 13092  
any pre-2017 net operating loss carryforward may be carried 13093  
forward to any taxable year, including taxable years beginning in 13094  
2017 or thereafter, for the number of taxable years provided in 13095  
the resolution or ordinance or until fully utilized, whichever is 13096  
earlier. 13097

(TT) "Small employer" means any employer that had total 13098  
revenue of less than five hundred thousand dollars during the 13099  
preceding taxable year. For purposes of this division, "total 13100  
revenue" means receipts of any type or kind, including, but not 13101  
limited to, sales receipts; payments; rents; profits; gains, 13102  
dividends, and other investment income; compensation; commissions; 13103  
premiums; money; property; grants; contributions; donations; 13104  
gifts; program service revenue; patient service revenue; premiums; 13105  
fees, including premium fees and service fees; tuition payments; 13106  
unrelated business revenue; reimbursements; any type of payment 13107  
from a governmental unit, including grants and other allocations; 13108  
and any other similar receipts reported for federal income tax 13109  
purposes or under generally accepted accounting principles. "Small 13110  
employer" does not include the federal government; any state 13111  
government, including any state agency or instrumentality; any 13112  
political subdivision; or any entity treated as a government for 13113  
financial accounting and reporting purposes. 13114

(UU) "Audit" means the examination of a person or the 13115  
inspection of the books, records, memoranda, or accounts of a 13116  
person for the purpose of determining liability for a municipal 13117  
income tax. 13118

**Sec. 718.05.** (A) An annual return with respect to the income 13119

tax levied by a municipal corporation shall be completed and filed 13120  
by every taxpayer for any taxable year for which the taxpayer is 13121  
liable for the tax. If the total credit allowed against the tax as 13122  
described in division (D) of section 718.04 of the Revised Code 13123  
for the year is equal to or exceeds the tax imposed by the 13124  
municipal corporation, no return shall be required unless the 13125  
municipal ordinance or resolution levying the tax requires the 13126  
filing of a return in such circumstances. 13127

(B) If an individual is deceased, any return or notice 13128  
required of that individual shall be completed and filed by that 13129  
decedent's executor, administrator, or other person charged with 13130  
the property of that decedent. 13131

(C) If an individual is unable to complete and file a return 13132  
or notice required by a municipal corporation in accordance with 13133  
this chapter, the return or notice required of that individual 13134  
shall be completed and filed by the individual's duly authorized 13135  
agent, guardian, conservator, fiduciary, or other person charged 13136  
with the care of the person or property of that individual. 13137

(D) Returns or notices required of an estate or a trust shall 13138  
be completed and filed by the fiduciary of the estate or trust. 13139

(E) No municipal corporation shall deny spouses the ability 13140  
to file a joint return. 13141

(F)(1) Each return required to be filed under this section 13142  
shall contain the signature of the taxpayer or the taxpayer's duly 13143  
authorized agent and of the person who prepared the return for the 13144  
taxpayer, and shall include the taxpayer's social security number 13145  
or taxpayer identification number. Each return shall be verified 13146  
by a declaration under penalty of perjury. 13147

(2) A tax administrator may require a taxpayer who is an 13148  
individual to include, with each annual return, amended return, or 13149  
request for refund required under this section, copies of only the 13150

following documents: all of the taxpayer's Internal Revenue 13151  
Service form W-2, "Wage and Tax Statements," including all 13152  
information reported on the taxpayer's federal W-2, as well as 13153  
taxable wages reported or withheld for any municipal corporation; 13154  
the taxpayer's Internal Revenue Service form 1040 or, in the case 13155  
of a return or request required by a qualified municipal 13156  
corporation, Ohio form IT-1040; and, with respect to an amended 13157  
tax return or refund request, any other documentation necessary to 13158  
support the refund request or the adjustments made in the amended 13159  
return. An individual taxpayer who files the annual return 13160  
required by this section electronically is not required to provide 13161  
paper copies of any of the foregoing to the tax administrator 13162  
unless the tax administrator requests such copies after the return 13163  
has been filed. 13164

(3) A tax administrator may require a taxpayer that is not an 13165  
individual to include, with each annual net profit return, amended 13166  
net profit return, or request for refund required under this 13167  
section, copies of only the following documents: the taxpayer's 13168  
Internal Revenue Service form 1041, form 1065, form 1120, form 13169  
1120-REIT, form 1120F, or form 1120S, and, with respect to an 13170  
amended tax return or refund request, any other documentation 13171  
necessary to support the refund request or the adjustments made in 13172  
the amended return. 13173

A taxpayer that is not an individual and that files an annual 13174  
net profit return electronically through the Ohio business gateway 13175  
or in some other manner shall either mail the documents required 13176  
under this division to the tax administrator at the time of filing 13177  
or, if electronic submission is available, submit the documents 13178  
electronically through the Ohio business gateway. The department 13179  
of taxation shall publish a method of electronically submitting 13180  
the documents required under this division through the Ohio 13181  
business gateway on or before January 1, 2016. The department 13182



shall transmit all documents submitted electronically under this 13183  
division to the appropriate tax administrator. 13184

(4) After a taxpayer files a tax return, the tax 13185  
administrator may request, and the taxpayer shall provide, any 13186  
information, statements, or documents required by the municipal 13187  
corporation to determine and verify the taxpayer's municipal 13188  
income tax liability. The requirements imposed under division (F) 13189  
of this section apply regardless of whether the taxpayer files on 13190  
a generic form or on a form prescribed by the tax administrator. 13191

(G)(1)(a) Except as otherwise provided in this chapter, each 13192  
individual income tax return required to be filed under this 13193  
section shall be completed and filed as required by the tax 13194  
administrator on or before the date prescribed for the filing of 13195  
state individual income tax returns under division (G) of section 13196  
5747.08 of the Revised Code. The taxpayer shall complete and file 13197  
the return or notice on forms prescribed by the tax administrator 13198  
or on generic forms, together with remittance made payable to the 13199  
municipal corporation or tax administrator. No remittance is 13200  
required if the amount shown to be due is ten dollars or less. 13201

(b) Except as otherwise provided in this chapter, each annual 13202  
net profit return required to be filed under this section by a 13203  
taxpayer that is not an individual shall be completed and filed as 13204  
required by the tax administrator on or before the fifteenth day 13205  
of the fourth month following the end of the taxpayer's taxable 13206  
year. The taxpayer shall complete and file the return or notice on 13207  
forms prescribed by the tax administrator or on generic forms, 13208  
together with remittance made payable to the municipal corporation 13209  
or tax administrator. No remittance is required if the amount 13210  
shown to be due is ten dollars or less. 13211

(2)(a) Any taxpayer that has duly requested an automatic 13212  
six-month extension for filing the taxpayer's federal income tax 13213  
return shall automatically receive an extension for the filing of 13214

a municipal income tax return. The extended due date of the 13215  
municipal income tax return shall be the fifteenth day of the 13216  
tenth month after the last day of the taxable year to which the 13217  
return relates. ~~An~~ 13218

(b) A taxpayer that has not requested or received a six-month 13219  
extension for filing the taxpayer's federal income tax return may 13220  
request that the tax administrator grant the taxpayer a six-month 13221  
extension of the date for filing the taxpayer's municipal income 13222  
tax return. If the request is received by the tax administrator on 13223  
or before the date the municipal income tax return is due, the tax 13224  
administrator shall grant the taxpayer's requested extension. 13225

(c) An extension of time to file under ~~this~~ division (G)(2) 13226  
of this section is not an extension of the time to pay any tax due 13227  
unless the tax administrator grants an extension of that date. 13228

(3) If the tax commissioner extends for all taxpayers the 13229  
date for filing state income tax returns under division (G) of 13230  
section 5747.08 of the Revised Code, a taxpayer shall 13231  
automatically receive an extension for the filing of a municipal 13232  
income tax return. The extended due date of the municipal income 13233  
tax return shall be the same as the extended due date of the state 13234  
income tax return. 13235

(4) If the tax administrator considers it necessary in order 13236  
to ensure the payment of the tax imposed by the municipal 13237  
corporation in accordance with this chapter, the tax administrator 13238  
may require taxpayers to file returns and make payments otherwise 13239  
than as provided in this section, including taxpayers not 13240  
otherwise required to file annual returns. 13241

(5) To the extent that any provision in this division 13242  
conflicts with any provision in section 718.052 of the Revised 13243  
Code, the provision in that section prevails. 13244

(H)(1) For taxable years beginning after 2015, a municipal 13245

corporation shall not require a taxpayer to remit tax with respect 13246  
to net profits if the amount due is less than ten dollars. 13247

(2) Any taxpayer not required to remit tax to a municipal 13248  
corporation for a taxable year pursuant to division (H)(1) of this 13249  
section shall file with the municipal corporation an annual net 13250  
profit return under division (F)(3) of this section. 13251

(I) This division shall not apply to payments required to be 13252  
made under division (B)(1)(a) or (2)(a) of section 718.03 of the 13253  
Revised Code. 13254

(1) If any report, claim, statement, or other document 13255  
required to be filed, or any payment required to be made, within a 13256  
prescribed period or on or before a prescribed date under this 13257  
chapter is delivered after that period or that date by United 13258  
States mail to the tax administrator or other municipal official 13259  
with which the report, claim, statement, or other document is 13260  
required to be filed, or to which the payment is required to be 13261  
made, the date of the postmark stamped on the cover in which the 13262  
report, claim, statement, or other document, or payment is mailed 13263  
shall be deemed to be the date of delivery or the date of payment. 13264  
"The date of postmark" means, in the event there is more than one 13265  
date on the cover, the earliest date imprinted on the cover by the 13266  
postal service. 13267

(2) If a payment is required to be made by electronic funds 13268  
transfer, the payment is considered to be made when the payment is 13269  
credited to an account designated by the tax administrator for the 13270  
receipt of tax payments, except that, when a payment made by 13271  
electronic funds transfer is delayed due to circumstances not 13272  
under the control of the taxpayer, the payment is considered to be 13273  
made when the taxpayer submitted the payment. 13274

(J) The amounts withheld by an employer, the agent of an 13275  
employer, or an other payer as described in section 718.03 of the 13276

Revised Code shall be allowed to the recipient of the compensation 13277  
as credits against payment of the tax imposed on the recipient by 13278  
the municipal corporation, unless the amounts withheld were not 13279  
remitted to the municipal corporation and the recipient colluded 13280  
with the employer, agent, or other payer in connection with the 13281  
failure to remit the amounts withheld. 13282

(K) Each return required by a municipal corporation to be 13283  
filed in accordance with this section shall include a box that the 13284  
taxpayer may check to authorize another person, including a tax 13285  
return preparer who prepared the return, to communicate with the 13286  
tax administrator about matters pertaining to the return. The 13287  
return or instructions accompanying the return shall indicate that 13288  
by checking the box the taxpayer authorizes the tax administrator 13289  
to contact the preparer or other person concerning questions that 13290  
arise during the examination or other review of the return and 13291  
authorizes the preparer or other person only to provide the tax 13292  
administrator with information that is missing from the return, to 13293  
contact the tax administrator for information about the 13294  
examination or other review of the return or the status of the 13295  
taxpayer's refund or payments, and to respond to notices about 13296  
mathematical errors, offsets, or return preparation that the 13297  
taxpayer has received from the tax administrator and has shown to 13298  
the preparer or other person. 13299

(L) The tax administrator of a municipal corporation shall 13300  
accept for filing a generic form of any income tax return, report, 13301  
or document required by the municipal corporation in accordance 13302  
with this chapter, provided that the generic form, once completed 13303  
and filed, contains all of the information required by ordinance, 13304  
resolution, or rules adopted by the municipal corporation or tax 13305  
administrator, and provided that the taxpayer or tax return 13306  
preparer filing the generic form otherwise complies with the 13307  
provisions of this chapter and of the municipal corporation 13308

ordinance or resolution governing the filing of returns, reports, 13309  
or documents. 13310

(M) When income tax returns, reports, or other documents 13311  
require the signature of a tax return preparer, the tax 13312  
administrator shall accept a facsimile of such a signature in lieu 13313  
of a manual signature. 13314

**Sec. 718.07.** ~~On and after January 1, 2002, each~~ The tax 13315  
administrator of a municipal corporation that imposes a tax on 13316  
income in accordance with this chapter shall make electronic 13317  
versions of any rules or ordinances governing the tax available to 13318  
the public through the internet, including, but not limited to, 13319  
ordinances or rules governing the rate of tax; payment and 13320  
withholding of taxes; filing any prescribed returns, reports, or 13321  
other documents; dates for filing or paying taxes, including 13322  
estimated taxes; penalties, interest, assessment, and other 13323  
collection remedies; rights of taxpayers to appeal; ~~and~~ procedures 13324  
for filing appeals; and a summary of taxpayers' rights and 13325  
responsibilities. ~~On and after that date, any municipal~~ 13326  
~~corporation that requires taxpayers to file income tax returns,~~ 13327  
~~reports, or other documents~~ The tax administrator shall make 13328  
blanks of ~~such~~ any prescribed returns, reports, or documents, and 13329  
any instructions pertaining thereto, available to the public 13330  
electronically through the internet. Electronic versions of rules, 13331  
ordinances, blanks, and instructions shall be made available 13332  
~~either~~ by posting them on the electronic site established by the 13333  
tax commissioner under section 5703.49 of the Revised Code ~~or~~ and, 13334  
if the municipal corporation or tax administrator maintains an 13335  
electronic site for the posting of such documents that is 13336  
accessible through the internet, by posting them on ~~an~~ that 13337  
electronic site ~~established by the municipal corporation that is~~ 13338  
~~accessible through the internet.~~ If a municipal corporation or tax 13339  
administrator establishes such an electronic site, the municipal 13340

corporation shall incorporate an electronic link between that site 13341  
and the site established pursuant to section 5703.49 of the 13342  
Revised Code, and shall provide to the tax commissioner the 13343  
uniform resource locator of the site established pursuant to this 13344  
division. 13345

**Sec. 718.37.** (A) A taxpayer aggrieved by an action or 13346  
omission of a tax administrator, a tax administrator's employee, 13347  
or an employee of the municipal corporation may bring an action 13348  
against the ~~tax administrator, against the~~ municipal corporation, 13349  
~~or against both,~~ for damages in the court of common pleas of the 13350  
county in which the municipal corporation is located, if all of 13351  
the following apply: 13352

(1) In the action or omission the tax administrator, the tax 13353  
administrator's employee, or the employee of the municipal 13354  
corporation frivolously disregards a provision of this chapter or 13355  
a rule or instruction of the tax administrator; 13356

(2) The action or omission occurred with respect to an audit 13357  
or an assessment and the review and collection proceedings 13358  
connected with the audit or assessment; 13359

(3) The tax administrator, the tax administrator's employee, 13360  
or the employee of the municipal corporation did not act 13361  
manifestly outside the scope of employment and did not act with 13362  
malicious purpose, in bad faith, or in a wanton or reckless 13363  
manner. 13364

(B) In any action brought under division (A) of this section, 13365  
upon a finding of liability on the part of the ~~tax administrator~~ 13366  
~~or the~~ municipal corporation, the ~~tax administrator or the~~ 13367  
municipal corporation shall be liable to the taxpayer in an amount 13368  
equal to the sum of the following: 13369

(1) Compensatory damages sustained by the taxpayer as a 13370

result of the action or omission by the tax administrator, the tax administrator's employee, or the employee of the municipal corporation;

(2) Reasonable costs of litigation and attorneys' fees sustained by the taxpayer.

(C) In the awarding of damages under division (B) of this section, the court shall take into account the negligent actions or omissions, if any, on the part of the taxpayer that contributed to the damages, but shall not be bound by the provisions of sections 2315.32 to 2315.36 of the Revised Code.

(D) Whenever it appears to the court that a taxpayer's conduct in the proceedings brought under division (A) of this section is frivolous, the court may impose a penalty against the taxpayer in an amount not to exceed ten thousand dollars which shall be paid to the general fund of the municipal corporation.

(E) Division (A) of this section does not apply to opinions of the tax administrator or other information functions of the tax administrator.

(F) As used in this section, "frivolous" means that the conduct of the tax administrator, an employee of the municipal corporation or the tax administrator, the taxpayer, or the taxpayer's counsel of record satisfies either of the following:

(1) It obviously serves merely to harass or maliciously injure the tax administrator, the municipal corporation, or employees thereof if referring to the conduct of a taxpayer or the taxpayer's counsel of record, or to harass or maliciously injure the taxpayer if referring to the conduct of the tax administrator, the municipal corporation, or employees thereof;

(2) It is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law.

**Sec. 737.41.** (A) The legislative authority of a municipal corporation in which is established a municipal court, other than a county-operated municipal court, that has a department of probation shall establish in the municipal treasury a municipal probation services fund. The fund shall contain all moneys paid to the treasurer of the municipal corporation under section 2951.021 of the Revised Code for deposit into the fund. The treasurer of the municipal corporation shall disburse the money contained in the fund at the request of the municipal court department of probation, for use only by that department for specialized staff, purchase of equipment, purchase of services, reconciliation programs for offenders and victims, other treatment programs, including community addiction services providers ~~certified under section 5119.36 of the Revised Code~~, determined to be appropriate by the chief probation officer, and other similar expenses related to placing offenders under a community control sanction.

(B) Any money in a municipal probation services fund at the end of a fiscal year shall not revert to the treasury of the municipal corporation but shall be retained in the fund.

(C) As used in this section:

(1) "County-operated municipal court" has the same meaning as in section 1901.03 of the Revised Code.

(2) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.

(3) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

**Sec. 902.01.** As used in this chapter:

(A) "Bonds" means bonds, notes, or other forms of evidences of obligation issued in temporary or definitive form, including refunding bonds and notes and bonds and notes issued in



anticipation of the issuance of bonds and renewal notes. 13432

(B) "Bond proceedings" means the resolution or ordinance or 13433  
the trust agreement or indenture of mortgage, or combination 13434  
thereof, authorizing or providing for the terms and conditions 13435  
applicable to bonds issued under authority of this chapter. 13436

(C) "Borrower" means the recipient of a loan or the lessee or 13437  
purchaser of a project under this chapter and is limited to a sole 13438  
proprietor, or to a partnership, joint venture, firm, association, 13439  
or corporation, a majority of whose stockholders, partners, 13440  
members, or associates are persons or the spouses of persons 13441  
related to each other within the fourth degree of kinship, 13442  
according to law, provided that the sole proprietor or at least 13443  
one of such related persons resides or will reside on or is or 13444  
will actively operate the project or the farm or agricultural 13445  
enterprise composed, in whole or in part, of the project, and 13446  
provided further that the sole proprietor or all of the 13447  
stockholders, members, partners, or associates are natural 13448  
persons. The agricultural financing commission may establish 13449  
procedures for the determination of the eligibility of borrowers 13450  
under this chapter which determinations are conclusive in relation 13451  
to the validity and enforceability of bonds issued under bond 13452  
proceedings authorized in connection therewith, and in relation to 13453  
security interests given and leases, subleases, sale agreements, 13454  
loan agreements, and other agreements made in connection 13455  
therewith, all in accordance with their terms. 13456

(D) "Composite financing arrangement" means the sale of a 13457  
single issue of bonds to finance two or more projects, including, 13458  
but not limited to, a single issue of bonds for a group of loans 13459  
submitted by or through a single lending institution or with 13460  
credit enhancement from a single lending institution, or the sale 13461  
by or on behalf of one or more issuers of two or more issues or 13462  
lots of bonds under or pursuant to a single sale agreement, single 13463

marketing arrangement, or single official statement, offering 13464  
circular, or other marketing document. 13465

(E) "Issuer" means the state, or any county or municipal 13466  
corporation of the state. 13467

(F) "Issuing authority" means ~~in the case of the state, the~~ 13468  
~~agricultural financing commission created by section 901.61 of the~~ 13469  
~~Revised Code;~~ in the case of a municipal corporation, the 13470  
legislative authority thereof; and in the case of a county, the 13471  
board of county commissioners or whatever officers, board, 13472  
commission, council, or other body might succeed to or assume the 13473  
legislative powers of the board of county commissioners. 13474

(G) "Lending institution" means any domestic building and 13475  
loan association as defined in section 1151.01 of the Revised 13476  
Code, any service corporation the entire stock of which is owned 13477  
by one or more such building and loan associations, a bank which 13478  
has its principal place of business located in this state, a bank 13479  
subsidiary corporation that is wholly owned by a bank having its 13480  
principal place of business located in this state, any state or 13481  
federal governmental agency or instrumentality including without 13482  
limitation the federal land bank, production credit association, 13483  
or bank for cooperatives, or any of their local associations, or 13484  
any other financial institution or entity authorized to make 13485  
mortgage loans and qualified to do business in this state. 13486

(H) "Loan" includes a loan made to or through, or a deposit 13487  
with, a lending institution or a loan made directly to the owner 13488  
or operator of a project to finance one or more projects. 13489  
Notwithstanding any other provision of this chapter, loans from 13490  
proceeds of bonds issued under a composite financing arrangement 13491  
shall be made only to or through, or by a deposit with, a lending 13492  
institution, including the purchase of loans from lending 13493  
institutions, or be made in any other manner in which a lending 13494  
institution has been or is involved in the origination or credit 13495

enhancement of the loan. 13496

(I) "Mortgage loan" means a loan secured by a mortgage, deed 13497  
of trust, or other security interest. 13498

(J) "Pledged facilities" means the project or projects 13499  
mortgaged or facilities the rentals, revenues, and other income, 13500  
charges, and moneys from which are pledged, or both, for the 13501  
payment of the principal of and interest on the bonds issued under 13502  
authority of section 902.04 of the Revised Code, and includes a 13503  
project for which a loan has been made under authority of this 13504  
chapter, in which case, references in this chapter to revenues of 13505  
such pledged facilities or from the disposition thereof include 13506  
payments made or to be made to or for the account of the issuer 13507  
pursuant to such loan. 13508

(K) "Project" means real or personal property, or both, 13509  
including undivided and other interests therein, acquired by gift 13510  
or purchase, constructed, reconstructed, enlarged, improved, 13511  
furnished, or equipped, or any combination thereof, by an issuer, 13512  
or by others from the proceeds of bonds, located within the 13513  
boundaries of the issuer, and used or to be used by a borrower for 13514  
agricultural purposes as provided in division (D) of this section. 13515  
A project is hereby determined to qualify as facilities for 13516  
industry, commerce, distribution, or research described in Section 13517  
13 of Article VIII, Ohio Constitution. 13518

(L) "Purchase" means, with respect to loans, the purchase of 13519  
loans from, or other acquisition by an issuer of loans of, lending 13520  
institutions. 13521

(M) "Revenues" means the rentals, revenues, payments, 13522  
repayments, income, charges, and moneys derived or to be derived 13523  
from the use, lease, sublease, rental, sale, including installment 13524  
sale or conditional sale, or other disposition of pledged 13525  
facilities, or derived or to be derived pursuant to a loan made 13526

for a project, bond proceeds to the extent provided in the bond 13527  
proceedings for the payment of principal of, or premium, if any, 13528  
or interest on the bonds, proceeds from any insurance, 13529  
condemnation, or guaranty pertaining to pledged facilities or the 13530  
financing thereof, any income and profit from the investment of 13531  
the proceeds of bonds or of any revenues, any fees and charges 13532  
received by or on behalf of an issuer for the services of or 13533  
commitments by the issuer, and moneys received in repayment of and 13534  
for interest on any loan made or purchased by an issuer, moneys 13535  
received by an issuer upon the sale of any bonds of the issuer 13536  
under section 902.04 of the Revised Code, any moneys received from 13537  
investment of funds of an issuer or from the sale of collateral 13538  
securing loans made or purchased by the issuer, including 13539  
collateral acquired by foreclosure or other action to enforce a 13540  
security interest, and any moneys received in payment of a claim 13541  
under insurance, guarantees, letters of credit, or otherwise with 13542  
respect to any loans made or purchased by an issuer or any 13543  
collateral held by the issuer of any bonds issued under this 13544  
chapter. 13545

(N) "Security interest" means a mortgage, lien, or other 13546  
encumbrance on, or pledge or assignment of, or other security 13547  
interest with respect to all or any part of pledged facilities, 13548  
revenues, reserve funds, or other funds established under the bond 13549  
proceedings, or on, of, or with respect to, a lease, sublease, 13550  
sale, conditional sale, or installment sale agreement, loan 13551  
agreement, or any other agreement pertaining to the lease, 13552  
sublease, sale, or other disposition of a project or pertaining to 13553  
a loan made for a project, or any guaranty or insurance agreement 13554  
made with respect thereto, or any interest of the issuer therein, 13555  
or any other interest granted, assigned, purchased, or released to 13556  
secure payments of the principal of, premium, if any, or interest 13557  
on any bonds or to secure any other payments to be made by an 13558  
issuer under the bond proceedings. Any security interest under 13559

this chapter may be prior or subordinate to or on a parity with 13560  
any other mortgage, lien, encumbrance, pledge, assignment, or 13561  
other security interest. 13562

**Sec. 903.01.** As used in this chapter: 13563

(A) "Agricultural animal" means any animal generally used for 13564  
food or in the production of food, including cattle, sheep, goats, 13565  
rabbits, poultry, and swine; horses; alpacas; llamas; and any 13566  
other animal included by the director of agriculture by rule. 13567  
"Agricultural animal" does not include fish or other aquatic 13568  
animals regardless of whether they are raised at fish hatcheries, 13569  
fish farms, or other facilities that raise aquatic animals. 13570

(B) "Animal feeding facility" means a lot, building, or 13571  
structure where both of the following conditions are met: 13572

(1) Agricultural animals have been, are, or will be stabled 13573  
or confined and fed or maintained there for a total of forty-five 13574  
days or more in any twelve-month period. 13575

(2) Crops, vegetative forage growth, or post-harvest residues 13576  
are not sustained in the normal growing season over any portion of 13577  
the lot, building, or structure. 13578

"Animal feeding facility" also includes land that is owned or 13579  
leased by or otherwise is under the control of the owner or 13580  
operator of the lot, building, or structure and on which manure 13581  
originating from agricultural animals in the lot, building, or 13582  
structure or a production area is or may be applied. 13583

Two or more animal feeding facilities under common ownership 13584  
shall be considered to be a single animal feeding facility for the 13585  
purposes of this chapter if they adjoin each other or if they use 13586  
a common area or system for the disposal of manure. 13587

(C) "Animal feeding operation" has the same meaning as 13588  
"animal feeding facility." 13589

(D) "Cattle" includes, but is not limited to, heifers, steers, bulls, and cow and calf pairs.	13590 13591
(E) "Concentrated animal feeding facility" means an animal feeding facility with a total design capacity equal to or more than the number of animals specified in any of the categories in division (M) of this section.	13592 13593 13594 13595
(F) "Concentrated animal feeding operation" means an animal feeding facility that complies with one of the following:	13596 13597
(1) Has a total design capacity equal to or more than the number of animals specified in any of the categories in division (M) of this section;	13598 13599 13600
(2) Satisfies the criteria in division (M), (Q), or (FF) of this section;	13601 13602
(3) Is designated by the director of agriculture as a medium or small concentrated animal feeding operation pursuant to rules.	13603 13604
(G) "Discharge" means to add from a point source to waters of the state.	13605 13606
(H) "Federal Water Pollution Control Act" means the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 816, 33 U.S.C. 1251 et. seq., as amended, and regulations adopted under it.	13607 13608 13609 13610
(I) "Finalized," with respect to the programs required under division (A)(1) of section 903.02 and division (A)(1) of section 903.03 of the Revised Code, means that all rules that are necessary for the administration of this chapter have been adopted and all employees of the department of agriculture that are necessary for the administration of this chapter have been employed.	13611 13612 13613 13614 13615 13616 13617
(J) "General permit" has the meaning that is established in rules.	13618 13619

(K) "Individual permit" has the meaning that is established in rules.	13620 13621
(L) "Installation permit" means a permit for the installation or modification of a disposal system or any part of a disposal system issued by the director of environmental protection under division (J)(1) of section 6111.03 of the Revised Code.	13622 13623 13624 13625
(M) "Large concentrated animal feeding operation" means an animal feeding facility that stables or confines at least the number of animals specified in any of the following categories:	13626 13627 13628
(1) Seven hundred mature dairy cattle whether milked or dry;	13629
(2) One thousand veal calves;	13630
(3) One thousand cattle other than mature dairy cattle or veal calves;	13631 13632
(4) Two thousand five hundred swine that each weigh fifty-five pounds or more;	13633 13634
(5) Ten thousand swine that each weigh less than fifty-five pounds;	13635 13636
(6) Five hundred horses;	13637
(7) Ten thousand sheep or lambs;	13638
(8) Fifty-five thousand turkeys;	13639
(9) Thirty thousand laying hens or broilers if the animal feeding facility uses a liquid manure handling system;	13640 13641
(10) One hundred twenty-five thousand chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	13642 13643 13644
(11) Eighty-two thousand laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	13645 13646 13647
(12) Thirty thousand ducks if the animal feeding facility	13648

uses a manure handling system that is not a liquid manure handling system; 13649  
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(13) Five thousand ducks if the animal feeding facility uses a liquid manure handling system. 13651  
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(N) "Major concentrated animal feeding facility" means a concentrated animal feeding facility with a total design capacity of more than ten times the number of animals specified in any of the categories in division (M) of this section. 13653  
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(O) "Manure" means any of the following wastes used in or resulting from the production of agricultural animals or direct agricultural products such as milk or eggs: animal excreta, discarded products, bedding, process waste water, process generated waste water, waste feed, silage drainage, and compost products resulting from mortality composting or the composting of animal excreta. 13657  
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(P) "Manure storage or treatment facility" means any excavated, diked, or walled structure or combination of structures designed for the biological stabilization, holding, or storage of manure. 13664  
13665  
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(Q) "Medium concentrated animal feeding operation" means an animal feeding facility that satisfies both of the following: 13668  
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(1) The facility stables or confines the number of animals specified in any of the following categories: 13670  
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(a) Two hundred to six hundred ninety-nine mature dairy cattle whether milked or dry; 13672  
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(b) Three hundred to nine hundred ninety-nine veal calves; 13674

(c) Three hundred to nine hundred ninety-nine cattle other than mature dairy cattle or veal calves; 13675  
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(d) Seven hundred fifty to two thousand four hundred ninety-nine swine that each weigh fifty-five pounds or more; 13677  
13678



(e) Three thousand to nine thousand nine hundred ninety-nine swine that each weigh less than fifty-five pounds;	13679 13680
(f) One hundred fifty to four hundred ninety-nine horses;	13681
(g) Three thousand to nine thousand nine hundred ninety-nine sheep or lambs;	13682 13683
(h) Sixteen thousand five hundred to fifty-four thousand nine hundred ninety-nine turkeys;	13684 13685
(i) Nine thousand to twenty-nine thousand nine hundred ninety-nine laying hens or broilers if the animal feeding facility uses a liquid manure handling system;	13686 13687 13688
(j) Thirty-seven thousand five hundred to one hundred twenty-four thousand nine hundred ninety-nine chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	13689 13690 13691 13692
(k) Twenty-five thousand to eighty-one thousand nine hundred ninety-nine laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	13693 13694 13695 13696
(l) Ten thousand to twenty-nine thousand nine hundred ninety-nine ducks if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	13697 13698 13699
(m) One thousand five hundred to four thousand nine hundred ninety-nine ducks if the animal feeding facility uses a liquid manure handling system.	13700 13701 13702
(2) The facility does one of the following:	13703
(a) Discharges pollutants into waters of the United States through a ditch constructed by humans, a flushing system constructed by humans, or another similar device constructed by humans;	13704 13705 13706 13707
(b) Discharges pollutants directly into waters of the United	13708

States that originate outside of and that pass over, across, or 13709  
through the facility or otherwise come into direct contact with 13710  
the animals at the facility. 13711

"Medium concentrated animal feeding operation" includes an 13712  
animal feeding facility that is designated by the director as a 13713  
medium concentrated animal feeding operation pursuant to rules. 13714

(R) "Mortality composting" means the controlled decomposition 13715  
of organic solid material consisting of dead animals that 13716  
stabilizes the organic fraction of the material. 13717

(S) "NPDES permit" means a permit issued under the national 13718  
pollutant discharge elimination system established in section 402 13719  
of the Federal Water Pollution Control Act and includes the 13720  
renewal of such a permit. "NPDES permit" includes the federally 13721  
enforceable provisions of a permit to operate into which NPDES 13722  
permit provisions have been incorporated. 13723

(T) "Permit" includes an initial, renewed, or modified permit 13724  
to install, permit to operate, NPDES permit, and installation 13725  
permit unless expressly stated otherwise. 13726

(U) "Permit to install" means a permit issued under section 13727  
903.02 of the Revised Code. 13728

(V) "Permit to operate" means a permit issued or renewed 13729  
under section 903.03 of the Revised Code and includes incorporated 13730  
NPDES permit provisions, if applicable. 13731

(W) "Person" has the same meaning as in section 1.59 of the 13732  
Revised Code and also includes the state, any political 13733  
subdivision of the state, any interstate body created by compact, 13734  
the United States, or any department, agency, or instrumentality 13735  
of any of those entities. 13736

(X) "Point source" has the same meaning as in the Federal 13737  
Water Pollution Control Act. 13738

(Y) "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials except those regulated under the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C. 2011, as amended, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste, including manure, discharged into water. "Pollutant" does not include either of the following:

(1) Sewage from vessels;

(2) Water, gas, or other material that is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well that is used either to facilitate production or for disposal purposes is approved by the state and if the state determines that the injection or disposal will not result in the degradation of ground or surface water resources.

(Z) "Process generated waste water" means water that is directly or indirectly used in the operation of an animal feeding facility for any of the following:

(1) Spillage or overflow from animal watering systems;

(2) Washing, cleaning, or flushing pens, barns, manure pits, or other areas of an animal feeding facility;

(3) Direct contact swimming, washing, or spray cooling of animals;

(4) Dust control.

(AA) "Process waste water" means any process generated waste water and any precipitation, including rain or snow, that comes into contact with manure, litter, bedding, or any other raw material or intermediate or final material or product used in or resulting from the production of animals or direct products such

as milk or eggs. 13769

(BB) "Production area" means any of the following components 13770  
of an animal feeding facility: 13771

(1) Animal confinement areas, including, but not limited to, 13772  
open lots, housed lots, feedlots, confinement houses, stall barns, 13773  
free stall barns, milkrooms, milking centers, cowyards, barnyards, 13774  
medication pens, animal walkways, and stables; 13775

(2) Manure storage areas, including, but not limited to, 13776  
manure storage or treatment facilities; 13777

(3) Raw material storage areas, including, but not limited 13778  
to, feed silos, silage bunkers, commodity buildings, and bedding 13779  
materials; 13780

(4) Waste containment areas, including, but not limited to, 13781  
any of the following: 13782

(a) An egg washing or egg processing facility; 13783

(b) An area used in the storage, handling, treatment, or 13784  
disposal of mortalities; 13785

(c) Settling basins, runoff ponds, liquid impoundments, and 13786  
areas within berms and diversions that are designed and maintained 13787  
to separate uncontaminated storm water runoff from contaminated 13788  
water and to contain and treat contaminated storm water runoff. 13789

(CC) "Public meeting" means a nonadversarial public hearing 13790  
at which a person may present written or oral statements for the 13791  
director of agriculture's consideration and includes public 13792  
hearings held under section 6111.12 of the Revised Code. 13793

(DD) ~~"Review compliance certificate" means a certificate~~ 13794  
~~issued under section 903.04 of the Revised Code.~~ 13795

~~(EE)~~ "Rule" means a rule adopted under section 903.10 of the 13796  
Revised Code. 13797

~~(FF)~~(EE) "Small concentrated animal feeding operation" means 13798  
an animal feeding facility that is not a large or medium 13799  
concentrated animal feeding operation and that is designated by 13800  
the director as a small concentrated animal feeding operation 13801  
pursuant to rules. 13802

~~(GG)~~(FF) "Waters of the state" has the same meaning as in 13803  
section 6111.01 of the Revised Code. 13804

**Sec. 903.03.** (A)(1) Not later than one hundred eighty days 13805  
after March 15, 2001, the director of agriculture shall prepare a 13806  
program for the issuance of permits to operate under this section. 13807

(2) Except for a concentrated animal feeding facility that is 13808  
operating under an installation permit ~~or a review compliance~~ 13809  
~~certificate~~, on and after the date on which the director has 13810  
finalized the program required under division (A)(1) of this 13811  
section, no person shall own or operate a concentrated animal 13812  
feeding facility without a permit to operate issued by the 13813  
director under this section. 13814

(B) The director or the director's authorized representative 13815  
may help an applicant for a permit to operate during the 13816  
permitting process by providing guidance and technical assistance. 13817

(C) An applicant for a permit to operate shall submit a fee 13818  
in an amount established by rule together with, except as 13819  
otherwise provided in division (E) of this section, an application 13820  
to the director on a form that the director prescribes and 13821  
provides. The applicant shall include with the application all of 13822  
the following information: 13823

(1) The name and address of the applicant, of all partners if 13824  
the applicant is a partnership, of all members if the applicant is 13825  
a limited liability company, or of all officers and directors if 13826  
the applicant is a corporation, and of any other person who has a 13827

right to control or in fact controls management of the applicant 13828  
or the selection of officers, directors, or managers of the 13829  
applicant. As used in division (C)(1) of this section, "control" 13830  
has the same meaning as in division (C)(1) of section 903.02 of 13831  
the Revised Code. 13832

(2) Information concerning the applicant's past compliance 13833  
with laws pertaining to environmental protection that is required 13834  
to be provided under section 903.05 of the Revised Code, if 13835  
applicable; 13836

(3) A manure management plan for the concentrated animal 13837  
feeding facility that conforms to best management practices 13838  
regarding the handling, storage, transportation, and land 13839  
application of manure generated at the facility and that contains 13840  
any other information required by rule; 13841

(4) An insect and rodent control plan for the concentrated 13842  
animal feeding facility that conforms to best management practices 13843  
and is prepared in accordance with section 903.06 of the Revised 13844  
Code; 13845

(5) In the case of an application for a major concentrated 13846  
animal feeding facility, written proof that the person who would 13847  
be responsible for the supervision of the management and handling 13848  
of manure at the facility has been issued a livestock manager 13849  
certification in accordance with section 903.07 of the Revised 13850  
Code or will obtain a livestock manager certification prior to 13851  
applying any manure to land. 13852

(D) The director shall issue permits to operate in accordance 13853  
with section 903.09 of the Revised Code. The director shall deny a 13854  
permit to operate if either of the following applies: 13855

(1) The permit application contains misleading or false 13856  
information; 13857

(2) The manure management plan or insect and rodent control 13858

plan fails to conform to best management practices. 13859

Additional grounds for the denial of a permit to operate 13860  
shall be those established in this chapter and in rules. 13861

(E) The director shall issue general permits to operate for 13862  
categories of concentrated animal feeding facilities that will 13863  
apply in lieu of individual permits to operate, provided that each 13864  
category of facilities meets all of the criteria established in 13865  
rules for general permits to operate. A person who is required to 13866  
obtain a permit to operate shall submit to the director a notice 13867  
of the person's intent to be covered under an existing general 13868  
permit or, at the person's option, shall submit an application for 13869  
an individual permit to operate. Upon receipt of a notice of 13870  
intent to be covered under an existing general permit, the 13871  
director shall notify the applicant in writing that the person is 13872  
covered by the general permit if the person satisfies the criteria 13873  
established in rules for eligibility for such coverage. If the 13874  
person is ineligible for coverage under the general permit, the 13875  
director shall require the submission of an application for an 13876  
individual permit to operate. 13877

(F) A permit to operate shall be valid for a period of five 13878  
years. 13879

(G) A permit to operate may be renewed. An application for 13880  
renewal of a permit to operate shall be submitted to the director 13881  
at least one hundred eighty days prior to the expiration date of 13882  
the permit to operate and shall comply with the requirements 13883  
governing applications for permits to operate that are established 13884  
under this section and by rules, including requirements pertaining 13885  
to public notice and participation. 13886

(H) The director may modify, suspend, or revoke a permit to 13887  
operate in accordance with rules. 13888

(I) The owner or operator of a concentrated animal feeding 13889

facility who proposes to make a major operational change at the 13890  
facility shall submit an application for approval of the change to 13891  
the director in accordance with rules. 13892

**Sec. 903.07.** (A) On and after the date that is established in 13893  
rules by the director of agriculture, both of the following apply: 13894  
13895

(1) The management and handling of manure at a major 13896  
concentrated animal feeding facility, including the land 13897  
application of manure or the removal of manure from a manure 13898  
storage or treatment facility, shall be conducted only by or under 13899  
the supervision of a person holding a livestock manager 13900  
certification issued under this section. A person managing or 13901  
handling manure who is acting under the instructions and control 13902  
of a person holding a livestock manager certification is 13903  
considered to be under the supervision of the certificate holder 13904  
if the certificate holder is responsible for the actions of the 13905  
person and is available when needed even though the certificate 13906  
holder is not physically present at the time of the manure 13907  
management or handling. 13908

(2) No person shall transport and land apply annually or buy, 13909  
sell, or land apply annually the volume of manure established in 13910  
rules adopted by the director under division ~~(E)~~(D)(5) of section 13911  
903.10 of the Revised Code unless the person holds a livestock 13912  
manager certification issued under this section. 13913

(B) The director shall issue a livestock manager 13914  
certification to a person who has submitted a complete application 13915  
for certification on a form prescribed and provided by the 13916  
director, together with the appropriate application fee, and who 13917  
has completed successfully the required training and has passed 13918  
the required examination. The director may suspend or revoke a 13919  
livestock manager certification and may reinstate a suspended or 13920



revoked livestock manager certification in accordance with rules. 13921

(C) Information required to be included in an application for 13922  
a livestock manager certification, the amount of the application 13923  
fee, requirements regarding training and the examination, 13924  
requirements governing the management and handling of manure, 13925  
including the land application of manure, and requirements 13926  
governing the keeping of records regarding the handling of manure, 13927  
including the land application of manure, shall be established in 13928  
rules. 13929

**Sec. 903.09.** (A) Prior to issuing or modifying a permit to 13930  
install, permit to operate, or NPDES permit, the director of 13931  
agriculture shall issue a draft permit. The director or the 13932  
director's representative shall mail notice of the issuance of a 13933  
draft permit to the applicant and shall publish the notice once in 13934  
a newspaper of general circulation in the county in which the 13935  
concentrated animal feeding facility or discharger is located or 13936  
proposed to be located. The director shall mail notice of the 13937  
issuance of a draft permit and a copy of the draft permit to the 13938  
board of county commissioners of the county and the board of 13939  
township trustees of the township in which the concentrated animal 13940  
feeding facility or discharger is located or proposed to be 13941  
located. The director or the director's representative also shall 13942  
provide notice of the issuance of a draft NPDES permit to any 13943  
other persons that are entitled to notice under the Federal Water 13944  
Pollution Control Act. Notice of the issuance of a draft permit to 13945  
install, permit to operate, or NPDES permit shall include the 13946  
address where written comments concerning the draft permit may be 13947  
submitted and the period of time during which comments will be 13948  
accepted as established by rule. 13949

If the director receives written comments in an amount that 13950  
demonstrates significant public interest, as defined by rule, in 13951

the draft permit, the director shall schedule one public meeting 13952  
to provide information to the public and to hear comments 13953  
pertinent to the draft permit. The notice of the public meeting 13954  
shall be provided in the same manner as the notice of the issuance 13955  
of the draft permit. 13956

(B) If a person is required to obtain both a permit to 13957  
install and a permit to operate, including any permit to operate 13958  
with NPDES provisions, and public meetings are required for both 13959  
permits, the public meetings for the permits shall be combined. 13960

(C) The director shall apply the antidegradation policy 13961  
adopted under section 6111.12 of the Revised Code to permits 13962  
issued under this chapter to the same degree and under the same 13963  
circumstances as it applies to permits issued under Chapter 6111. 13964  
of the Revised Code. The director shall hold one public meeting to 13965  
consider antidegradation issues when such a meeting is required by 13966  
the antidegradation policy. When allowed by the antidegradation 13967  
policy, the director shall hold the public meeting on 13968  
antidegradation issues concurrently with any public meeting held 13969  
for the draft permit. 13970

(D) The director or the director's representative shall 13971  
publish notice of the issuance of a final permit to install, 13972  
permit to operate, or NPDES permit once in a newspaper of general 13973  
circulation in the county in which the concentrated animal feeding 13974  
facility or discharger is located. 13975

(E) Notice or a public meeting is not required for the 13976  
modification of a permit made with the consent of the permittee 13977  
for the correction of typographical errors. 13978

(F) The denial, modification, suspension, or revocation of a 13979  
permit to install, permit to operate, or NPDES permit without the 13980  
consent of the applicant or permittee shall be preceded by a 13981  
proposed action stating the director's intention to issue an order 13982

with respect to the permit and the reasons for it. 13983

The director shall mail to the applicant or the permittee 13984  
notice of the director's proposed action to deny, modify, suspend, 13985  
or revoke a permit to install, permit to operate, or NPDES permit. 13986  
The director shall publish the notice once in a newspaper of 13987  
general circulation in the county in which the concentrated animal 13988  
feeding facility or concentrated animal feeding operation is 13989  
located or proposed to be located. The director shall mail a copy 13990  
of the notice of the proposed action to the board of county 13991  
commissioners of the county and to the board of township trustees 13992  
of the township in which the concentrated animal feeding facility 13993  
or concentrated animal feeding operation is located or proposed to 13994  
be located. The director also shall provide notice of the 13995  
director's proposed action to deny, modify, suspend, or revoke a 13996  
permit to install, permit to operate, or NPDES permit to any other 13997  
person that is entitled to notice under the Federal Water 13998  
Pollution Control Act. The notice of the director's proposed 13999  
action to deny, modify, suspend, or revoke a permit to install, 14000  
permit to operate, or NPDES permit shall include the address where 14001  
written comments concerning the director's proposed action may be 14002  
submitted and the period of time during which comments will be 14003  
accepted as established by rule. If the director receives written 14004  
comments in an amount that demonstrates significant public 14005  
interest, as defined by rule, the director shall schedule one 14006  
public meeting to provide information to the public and to hear 14007  
comments pertinent to the proposed action. The notice of the 14008  
public meeting shall be provided in the same manner as the notice 14009  
of the director's proposed action. 14010

The director shall not issue an order that makes the proposed 14011  
action final until the applicant or permittee has had an 14012  
opportunity for an adjudication hearing in accordance with Chapter 14013  
119. of the Revised Code, except that section 119.12 of the 14014

Revised Code does not apply. An order of the director that 14015  
finalizes the proposed action or an order issuing a permit without 14016  
a prior proposed action may be appealed to the environmental 14017  
review appeals commission under sections 3745.04 to 3745.06 of the 14018  
Revised Code. 14019

(G)(1) The director shall issue an order issuing or denying 14020  
an application for a permit to operate that contains NPDES 14021  
provisions or for a NPDES permit, as well as any application for a 14022  
permit to install that is submitted simultaneously, not later than 14023  
one hundred eighty days after receiving the application. 14024

(2) In the case of an application for a permit to install or 14025  
permit to operate that is not connected with an application for a 14026  
NPDES permit, the director shall issue or propose to deny the 14027  
permit not later than ninety days after receiving the application. 14028  
If the director has proposed to deny the permit to install or 14029  
permit to operate under division (G)(2) of this section, the 14030  
director shall issue an order denying the permit or, if the 14031  
director decides against the proposed denial, issuing the permit 14032  
not later than one hundred eighty days after receiving the 14033  
application. If the director denies the permit, the director shall 14034  
notify the applicant in writing of the reason for the denial. 14035

(H) All rulemaking and the issuance of civil penalties under 14036  
this chapter shall comply with Chapter 119. of the Revised Code. 14037

(I) Upon the transfer of ownership of an animal feeding 14038  
facility for which a permit to install, an installation permit, a 14039  
~~review compliance certificate~~, or a permit to operate that 14040  
contains no NPDES provisions has been issued, the permit ~~or~~ 14041  
~~certificate~~ shall be transferred to the new owner of the animal 14042  
feeding facility except as provided in division (C) of section 14043  
903.05 of the Revised Code. In the case of the transfer of 14044  
ownership of a point source for which a NPDES permit or a permit 14045  
to operate that contains NPDES provisions has been issued, the 14046

permit shall be transferred in accordance with rules. 14047

(J) Applications for installation permits for animal feeding 14048  
facilities pending before the director of environmental protection 14049  
on the date on which the director of agriculture has finalized the 14050  
programs required under division (A)(1) of section 903.02 and 14051  
division (A)(1) of section 903.03 of the Revised Code shall be 14052  
transferred to the director of agriculture. In the case of an 14053  
applicant who is required to obtain a permit to install and a 14054  
permit to operate under sections 903.02 and 903.03, respectively, 14055  
of the Revised Code, the director of agriculture shall process the 14056  
pending application for an installation permit as an application 14057  
for a permit to install and a permit to operate. 14058

(K) Applications for NPDES permits for either of the 14059  
following that are pending before the director of environmental 14060  
protection on the date on which the United States environmental 14061  
protection agency approves the NPDES program submitted by the 14062  
director of agriculture under section 903.08 of the Revised Code 14063  
shall be transferred to the director of agriculture: 14064

(1) The discharge of pollutants from a concentrated animal 14065  
feeding operation; 14066

(2) The discharge of storm water resulting from an animal 14067  
feeding facility. 14068

In the case of an applicant who is required to obtain a NPDES 14069  
permit under section 903.08 of the Revised Code, the director of 14070  
agriculture shall process the pending application as an 14071  
application for a NPDES permit under that section. 14072

**Sec. 903.10.** The director of agriculture may adopt rules in 14073  
accordance with Chapter 119. of the Revised Code that do all of 14074  
the following: 14075

(A) Establish all of the following concerning permits to 14076

install and permits to operate:	14077
(1) A description of what constitutes a modification of a concentrated animal feeding facility;	14078
(2) A description of what constitutes a major operational change at a concentrated animal feeding facility;	14079
(3) The amount of the fee that must be submitted with each permit application and each application for a permit modification;	14080
(4) Information that must be included in the designs and plans required to be submitted with an application for a permit to install and criteria for approving, disapproving, or requiring modification of the designs and plans;	14081
(5) Information that must be included in a manure management plan required to be submitted with an application for a permit to operate;	14082
(6) Information that must be included in an application for the modification of an installation permit, a permit to install, or a permit to operate;	14083
(7) Information that must be included in an application for approval of a major operational change at a concentrated animal feeding facility;	14084
(8) Any additional information that must be included with a permit application;	14085
(9) Procedures for the issuance, denial, modification, transfer, suspension, and revocation of permits to install and permits to operate, including general permits;	14086
(10) Procedures for the approval or denial of an application for approval of a major operational change at a concentrated animal feeding facility;	14087
(11) Grounds for the denial, modification, suspension, or revocation of permits to install and permits to operate in	14088
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addition to the grounds established in division (D) of section 903.02 and division (D) of section 903.03 of the Revised Code;	14107 14108
(12) Grounds for the denial of an application for approval of a major operational change at a concentrated animal feeding facility;	14109 14110 14111
(13) A requirement that a person that is required to obtain both a permit to install and a permit to operate submit applications for those permits simultaneously;	14112 14113 14114
(14) A definition of "general permit to operate" that establishes categories of concentrated animal feeding facilities to be covered under such a permit and a definition of "individual permit to operate" together with the criteria for issuing a general permit to operate and the criteria for determining a person's eligibility to operate under a general permit to operate.	14115 14116 14117 14118 14119 14120
<del>(B) Establish all of the following for the purposes of review compliance certificates issued under section 903.04 of the Revised Code:</del>	14121 14122 14123
<del>(1) The form of a certificate;</del>	14124
<del>(2) Criteria for what constitutes a significant capital expenditure under division (D) of that section;</del>	14125 14126
<del>(3) Deadlines and procedures for submitting information under division (E)(2) of that section.</del>	14127 14128
<del>(C) Establish best management practices that minimize water pollution, odors, insects, and rodents, that govern the land application of manure that originated at a concentrated animal feeding facility, and that govern all of the following activities that occur at a concentrated animal feeding facility:</del>	14129 14130 14131 14132 14133
(1) Manure management, including the storage, handling, transportation, and land application of manure. Rules adopted under division <del>(C)</del> <u>(B)</u> (1) of this section shall include practices	14134 14135 14136

that prevent surface and ground water contamination caused by the 14137  
storage of manure or the land application of manure and prevent 14138  
the contamination of water in drainage tiles that may be caused by 14139  
that application. 14140

(2) Disposal of dead livestock; 14141

(3) Production of biodiesel, biomass energy, electric or heat 14142  
energy, and biologically derived methane gas as those terms are 14143  
defined in section 5713.30 of the Revised Code; 14144

(4) Any other activity that the director considers 14145  
appropriate. 14146

Best management practices established in rules adopted under 14147  
division ~~(C)~~(B) of this section shall not conflict with best 14148  
management practices established in rules that have been adopted 14149  
under any other section of the Revised Code. The rules adopted 14150  
under division ~~(C)~~(B) of this section shall establish guidelines 14151  
that require owners or operators of concentrated animal feeding 14152  
facilities to consult with and work with local officials, 14153  
including boards of county commissioners and boards of township 14154  
trustees, in addressing issues related to local government 14155  
infrastructure needs and the financing of that infrastructure. 14156

~~(D)~~(C) Establish all of the following concerning insect and 14157  
rodent control plans required under section 903.06 of the Revised 14158  
Code: 14159

(1) The information to be included in an insect and rodent 14160  
control plan; 14161

(2) Criteria for approving, disapproving, or requiring 14162  
modification of an insect and rodent control plan; 14163

(3) Criteria for determining compliance with or violation of 14164  
an insect and rodent control plan; 14165

(4) Procedures and standards for monitoring insect and rodent 14166



control plans;	14167
(5) Procedures and standards for enforcing insect and rodent control plans at concentrated animal feeding facilities at which insects or rodents constitute a nuisance or adversely affect public health;	14168 14169 14170 14171
(6) The amount of civil penalties for violation of an insect and rodent control plan assessed by the director of agriculture under division (B) of section 903.16 of the Revised Code, provided that the rules adopted under division <del>(D)</del> <u>(C)</u> (6) of this section shall not establish a civil penalty of more than ten thousand dollars for a violation involving a concentrated animal feeding facility that is not a major concentrated animal feeding facility and shall not establish a civil penalty of more than twenty-five thousand dollars for a violation involving a major concentrated animal feeding facility;	14172 14173 14174 14175 14176 14177 14178 14179 14180 14181
(7) The time period within which the director must approve or deny an insect and rodent control plan after receiving it;	14182 14183
(8) Any other provisions necessary to administer and enforce section 903.12 of the Revised Code.	14184 14185
<del>(E)</del> <u>(D)</u> Establish all of the following concerning livestock manager certifications required under section 903.07 of the Revised Code:	14186 14187 14188
(1) The information to be included in an application for a livestock manager certification and the amount of the application fee;	14189 14190 14191
(2) The content of the training required to be completed and of the examination required to be passed by an applicant for a livestock manager certification. The training shall include and the examination shall test the applicant's knowledge of information on topics that include calculating nutrient values in manure, devising and implementing a plan for the land application	14192 14193 14194 14195 14196 14197

of manure, removing manure held in a manure storage or treatment 14198  
facility, and following best management practices established in 14199  
rules for disposal of dead animals and manure management, 14200  
including practices that control odor and protect the environment. 14201  
The director may specify other types of recognized training 14202  
programs that, if completed, are considered to satisfy the 14203  
training and examination requirement. 14204

(3) Criteria and procedures for the issuance, denial, 14205  
suspension, revocation, or reinstatement of a livestock manager 14206  
certification; 14207

(4) The length of time during which livestock manager 14208  
certifications will be valid and procedures for their renewal; 14209

(5) The volume of manure that must be transported and land 14210  
applied annually or the volume of manure that must be bought, 14211  
sold, or land applied annually by a person in order for the person 14212  
to be required to obtain a livestock manager certification under 14213  
division (A)(2) of section 903.07 of the Revised Code; 14214

(6) Requirements governing the management and handling of 14215  
manure, including the land application of manure; 14216

(7) Requirements governing the keeping of records regarding 14217  
the handling of manure, including the land application of manure; 14218

(8) Any other provisions necessary to administer and enforce 14219  
section 903.07 of the Revised Code. 14220

~~(F)~~(E) Establish all of the following concerning NPDES 14221  
permits: 14222

(1) The designation of concentrated animal feeding operations 14223  
that are subject to NPDES permit requirements under section 903.08 14224  
of the Revised Code; 14225

(2) Effluent limitations governing discharges into waters of 14226  
the state that are authorized by permits; 14227

(3) Variances from effluent limitations and other permit requirements to the extent that the variances are consistent with the Federal Water Pollution Control Act;	14228 14229 14230
(4) Terms and conditions to be included in a permit, including, as applicable, best management practices; installation of discharge or water quality monitoring methods or equipment; creation and retention of records; submission of periodic reports; schedules of compliance; net volume, net weight, and, where necessary, concentration and mass loading limits of manure that may be discharged into waters of the state; and authorized duration and frequency of any discharges into waters of the state;	14231 14232 14233 14234 14235 14236 14237 14238
(5) Procedures for the submission of applications for permits and notices of intent to be covered by general permits, including information that must be included in the applications and notices;	14239 14240 14241
(6) The amount of the fee that must be submitted with an application for a permit;	14242 14243
(7) Procedures for processing permit applications, including public notice and participation requirements;	14244 14245
(8) Procedures for notifying the United States environmental protection agency of the submission of permit applications, the director's action on those applications, and any other reasonable and relevant information;	14246 14247 14248 14249
(9) Procedures for notifying and receiving and responding to recommendations from other states whose waters may be affected by the issuance of a permit;	14250 14251 14252
(10) Procedures for the transfer of permits to new owners or operators;	14253 14254
(11) Grounds and procedures for the issuance, denial, modification, suspension, or revocation of permits, including general permits;	14255 14256 14257

(12) A definition of "general NPDES permit" that establishes 14258  
categories of point sources to be covered under such a permit and 14259  
a definition of "individual NPDES permit" together with the 14260  
criteria for issuing a general NPDES permit and the criteria for 14261  
determining a person's eligibility to discharge under a general 14262  
NPDES permit. 14263

The rules adopted under division ~~(F)~~(E) of this section shall 14264  
be consistent with the requirements of the Federal Water Pollution 14265  
Control Act. 14266

~~(G)~~(F) Establish public notice and participation 14267  
requirements, in addition to the procedures established in rules 14268  
adopted under division ~~(F)~~(E)(7) of this section, for the 14269  
issuance, denial, modification, transfer, suspension, and 14270  
revocation of permits to install, permits to operate, and NPDES 14271  
permits consistent with section 903.09 of the Revised Code, 14272  
including a definition of what constitutes significant public 14273  
interest for the purposes of divisions (A) and (F) of section 14274  
903.09 of the Revised Code and procedures for public meetings. The 14275  
rules shall require that information that is presented at such a 14276  
public meeting be limited to the criteria that are applicable to 14277  
the permit application that is the subject of the public meeting. 14278

~~(H)~~(G) Establish the amount of civil penalties assessed by 14279  
the director of agriculture under division (B) of section 903.16 14280  
of the Revised Code for violation of the terms and conditions of a 14281  
permit to install, or permit to operate, ~~or review compliance~~ 14282  
~~certificate~~, provided that the rules adopted under this division 14283  
shall not establish a civil penalty of more than ten thousand 14284  
dollars per day for each violation; 14285

~~(I)~~(H) Establish procedures for the protection of trade 14286  
secrets from public disclosure. The procedures shall authorize the 14287  
release of trade secrets to officers, employees, or authorized 14288  
representatives of the state, another state, or the United States 14289

when necessary for an enforcement action brought under this 14290  
chapter or when otherwise required by the Federal Water Pollution 14291  
Control Act. The rules shall require at least ten days' written 14292  
notice to the person to whom a trade secret applies prior to the 14293  
release of the trade secret. Rules adopted under this division do 14294  
not apply to any information that is contained in applications, 14295  
including attachments, for NPDES permits and that is required to 14296  
be submitted under section 903.08 of the Revised Code or rules 14297  
adopted under division ~~(F)~~(E) of this section. 14298

~~(J)~~(I) Establish any other provisions necessary to administer 14299  
and enforce this chapter. 14300

**Sec. 903.11.** (A) The director of agriculture may enter into 14301  
contracts or agreements to carry out the purposes of this chapter 14302  
with any public or private person, including OSU extension, the 14303  
natural resources conservation service in the United States 14304  
department of agriculture, the environmental protection agency, 14305  
the division of soil and water resources in the department of 14306  
natural resources, and soil and water conservation districts 14307  
established under Chapter 1515. of the Revised Code. However, the 14308  
director shall not enter into a contract or agreement with a 14309  
private person for the review of applications for permits to 14310  
install, permits to operate, or NPDES permits, ~~or review~~ 14311  
~~compliance certificates~~ that are issued under this chapter or for 14312  
the inspection of a facility regulated under this chapter or with 14313  
any person for the issuance of any of those permits ~~or~~ 14314  
~~certificates~~ or for the enforcement of this chapter and rules 14315  
adopted under it. 14316

(B) The director may administer grants and loans using moneys 14317  
from the federal government and other sources, public or private, 14318  
for carrying out any of the director's functions. Nothing in this 14319  
chapter shall be construed to limit the eligibility of owners or 14320

operators of animal feeding facilities or other agricultural 14321  
enterprises to receive moneys from the water pollution control 14322  
loan fund established under section 6111.036 of the Revised Code 14323  
and the nonpoint source pollution management fund established 14324  
under section 6111.037 of the Revised Code. 14325

The director of agriculture shall provide the director of 14326  
environmental protection with written recommendations for 14327  
providing financial assistance from those funds to agricultural 14328  
enterprises. The director of environmental protection shall 14329  
consider the recommendations in developing priorities for 14330  
providing financial assistance from the funds. 14331

**Sec. 903.12.** (A) The director of agriculture or the 14332  
director's authorized representative at reasonable times may enter 14333  
on any public or private property, real or personal, to make 14334  
investigations and inspections, including the sampling of 14335  
discharges and the inspection of discharge monitoring equipment, 14336  
or to otherwise execute duties that are necessary for the 14337  
administration and enforcement of this chapter. The director or 14338  
the director's authorized representative at reasonable times may 14339  
examine and copy any records pertaining to discharges that are 14340  
subject to this chapter or any records that are required to be 14341  
maintained by the terms and conditions of a permit ~~or review~~ 14342  
~~compliance certificate~~ issued under this chapter. If refused 14343  
entry, the director or the director's authorized representative 14344  
may apply for and the court of common pleas having jurisdiction 14345  
may issue an appropriate warrant. 14346

(B) No person to whom a permit ~~or review compliance~~ 14347  
~~certificate~~ has been issued under this chapter shall refuse entry 14348  
to the director or the director's authorized representative or 14349  
purposely hinder or thwart the director or the director's 14350  
authorized representative in the exercise of any authority granted 14351

under division (A) of this section. 14352

**Sec. 903.13.** In a private civil action for an alleged 14353  
nuisance related to agricultural activities conducted at a 14354  
concentrated animal feeding facility, it is an affirmative defense 14355  
if the person owning, operating, or otherwise responsible for the 14356  
concentrated animal feeding facility is in compliance with best 14357  
management practices established in the installation permit, or 14358  
permit to operate, ~~or review compliance certificate~~ issued for the 14359  
concentrated animal feeding facility and the agricultural 14360  
activities do not violate federal, state, and local laws governing 14361  
nuisances. 14362

**Sec. 903.16.** (A) The director of agriculture may propose to 14363  
require corrective actions and assess a civil penalty against an 14364  
owner or operator of a concentrated animal feeding facility if the 14365  
director or the director's authorized representative determines 14366  
that the owner or operator is not in compliance with section 14367  
903.02, or 903.03, ~~or 903.04~~ or division (A) of section 903.07 of 14368  
the Revised Code, the terms and conditions of a permit to install, 14369  
or permit to operate, ~~or review compliance certificate~~ issued for 14370  
the concentrated animal feeding facility, including the 14371  
requirements established under division (C) of section 903.06 of 14372  
the Revised Code, or rules adopted under division (A), (B), (C), 14373  
(D), ~~(E)~~, or ~~(F)~~ (I) of section 903.10 of the Revised Code. 14374  
However, the director may impose a civil penalty only if all of 14375  
the following occur: 14376

(1) The owner or operator is notified in writing of the 14377  
deficiencies resulting in noncompliance, the actions that the 14378  
owner or operator must take to correct the deficiencies, and the 14379  
time period within which the owner or operator must correct the 14380  
deficiencies and attain compliance. 14381

(2) After the time period specified in the notice has elapsed, the director or the director's duly authorized representative has inspected the concentrated animal feeding facility, determined that the owner or operator is still not in compliance, and issued a notice of an adjudication hearing.

(3) The director affords the owner or operator an opportunity for an adjudication hearing under Chapter 119. of the Revised Code to challenge the director's determination that the owner or operator is not in compliance or the imposition of the civil penalty, or both. However, the owner or operator may waive the right to an adjudication hearing.

(B) If the opportunity for an adjudication hearing is waived or if, after an adjudication hearing, the director determines that a violation has occurred or is occurring, the director may issue an order requiring compliance and assess the civil penalty. The order and the assessment of the civil penalty may be appealed in accordance with section 119.12 of the Revised Code.

Civil penalties shall be assessed under this division as follows:

(1) A person who has violated section 903.02, or 903.03, ~~or 903.04~~ of the Revised Code, the terms and conditions of a permit to install, or permit to operate, ~~or review compliance certificate~~, or rules adopted under division (A), (B), (C), (D), ~~(E)~~, or ~~(J)~~(I) of section 903.10 of the Revised Code shall pay a civil penalty in an amount established in rules unless the violation is of the requirements established under division (C) of section 903.06 or division (A) of section 903.07 of the Revised Code.

(2) A person who has violated the requirements established under division (C) of section 903.06 of the Revised Code shall pay a civil penalty in an amount established in rules for each



violation. Each seven-day period during which a violation 14413  
continues constitutes a separate violation. 14414

(3) A person who has violated the requirements established 14415  
under division (A) of section 903.07 of the Revised Code shall pay 14416  
a civil penalty of not more than ten thousand dollars for each 14417  
violation. Each thirty-day period during which a violation 14418  
continues constitutes a separate violation. 14419

(C) The attorney general, upon the written request of the 14420  
director, shall bring an action for an injunction in any court of 14421  
competent jurisdiction against any person violating or threatening 14422  
to violate section 903.02, or 903.03, ~~or 903.04~~ or division (A) of 14423  
section 903.07 of the Revised Code; the terms and conditions of a 14424  
permit to install, or permit to operate, ~~or review compliance~~ 14425  
~~certificate~~, including the requirements established under division 14426  
(C) of section 903.06 of the Revised Code; rules adopted under 14427  
division (A), (B), (C), (D), ~~(E)~~, or ~~(J)~~(I) of section 903.10 of 14428  
the Revised Code; or an order issued under division (B) of this 14429  
section or division (B) of section 903.07 of the Revised Code. 14430

(D)(1) In lieu of seeking civil penalties under division (A) 14431  
of this section, the director may request the attorney general, in 14432  
writing, to bring an action for a civil penalty in a court of 14433  
competent jurisdiction against any person that has violated or is 14434  
violating division (A) of section 903.07 of the Revised Code or 14435  
the terms and conditions of a permit to install, or permit to 14436  
operate, ~~or review compliance certificate~~, including the 14437  
requirements established under division (C) of section 903.06 of 14438  
the Revised Code. 14439

(2) The director may request the attorney general, in 14440  
writing, to bring an action for a civil penalty in a court of 14441  
competent jurisdiction against any person that has violated or is 14442  
violating section 903.02, or 903.03, ~~or 903.04~~ of the Revised 14443  
Code, rules adopted under division (A), (B), (C), (D), ~~(E)~~, or 14444

~~(J)~~(I) of section 903.10 of the Revised Code, or an order issued 14445  
under division (B) of this section or division (B) of section 14446  
903.07 of the Revised Code. 14447

(3) A person who has committed a violation for which the 14448  
attorney general may bring an action for a civil penalty under 14449  
division (D)(1) or (2) of this section shall pay a civil penalty 14450  
of not more than ten thousand dollars per violation. Each day that 14451  
a violation continues constitutes a separate violation. 14452

(E) In addition to any other penalties imposed under this 14453  
section, the director may impose an administrative penalty against 14454  
an owner or operator of a concentrated animal feeding facility if 14455  
the director or the director's authorized representative 14456  
determines that the owner or operator is not in compliance with 14457  
best management practices that are established in rules adopted 14458  
under division (B) or (C) ~~or (D)~~ of section 903.10 of the Revised 14459  
Code or in the permit to install, or permit to operate, ~~or review~~ 14460  
~~compliance certificate~~ issued for the facility. The administrative 14461  
penalty shall not exceed five thousand dollars. 14462

The director shall afford the owner or operator an 14463  
opportunity for an adjudication hearing under Chapter 119. of the 14464  
Revised Code to challenge the director's determination under this 14465  
division, the director's imposition of an administrative penalty 14466  
under this division, or both. The director's determination and the 14467  
imposition of the administrative penalty may be appealed in 14468  
accordance with section 119.12 of the Revised Code. 14469

**Sec. 903.17.** (A) The director of agriculture may propose to 14470  
require corrective actions and assess a civil penalty against an 14471  
owner or operator of an animal feeding operation if the director 14472  
or the director's authorized representative determines that the 14473  
owner or operator is not in compliance with section 903.08 of the 14474  
Revised Code, the terms and conditions of a NPDES permit, the 14475

NPDES provisions of a permit to operate, or rules adopted under 14476  
division ~~(F)~~(E) of section 903.10 of the Revised Code. However, 14477  
the director may impose a civil penalty only if all of the 14478  
following occur: 14479

(1) The owner or operator is notified in writing of the 14480  
deficiencies resulting in noncompliance, the actions that the 14481  
owner or operator must take to correct the deficiencies, and the 14482  
time period within which the owner or operator must correct the 14483  
deficiencies and attain compliance. 14484

(2) After the time period specified in the notice has 14485  
elapsed, the director or the director's duly authorized 14486  
representative has inspected the animal feeding operation, 14487  
determined that the owner or operator is still not in compliance, 14488  
and issued a notice of violation to require corrective actions. 14489

(3) The director affords the owner or operator an opportunity 14490  
for an adjudication hearing under Chapter 119. of the Revised Code 14491  
to challenge the director's determination that the owner or 14492  
operator is not in compliance or the imposition of the civil 14493  
penalty, or both. However, the owner or operator may waive the 14494  
right to an adjudication hearing. 14495

(B) If the opportunity for an adjudication hearing is waived 14496  
or if, after an adjudication hearing, the director determines that 14497  
a violation has occurred or is occurring, the director may issue 14498  
an order and assess a civil penalty of not more than ten thousand 14499  
dollars per violation against the violator. For purposes of 14500  
determining the civil penalty, each day that a violation continues 14501  
constitutes a separate and distinct violation. The order and the 14502  
assessment of the civil penalty may be appealed in accordance with 14503  
section 119.12 of the Revised Code. 14504

(C) To the extent consistent with the Federal Water Pollution 14505  
Control Act, the director shall consider technical feasibility and 14506

economic costs in issuing orders under this section. 14507

(D)(1) The attorney general, upon the written request of the 14508  
director, shall bring an action for an injunction in any court of 14509  
competent jurisdiction against any person violating or threatening 14510  
to violate section 903.08 of the Revised Code, the terms and 14511  
conditions of a NPDES permit, the NPDES provisions of a permit to 14512  
operate, rules adopted under division ~~(F)~~(E) of section 903.10 of 14513  
the Revised Code, or an order issued under division (B) of this 14514  
section. 14515

(2) In lieu of seeking civil penalties under division (A) of 14516  
this section, the director may request, in writing, the attorney 14517  
general to bring an action for a civil penalty of not more than 14518  
ten thousand dollars per violation in a court of competent 14519  
jurisdiction against any person that has violated or is violating 14520  
section 903.08 of the Revised Code, the terms and conditions of a 14521  
NPDES permit, the NPDES provisions of a permit to operate, rules 14522  
adopted under division ~~(F)~~(E) of section 903.10 of the Revised 14523  
Code, or an order issued under division (B) of this section. For 14524  
purposes of determining the civil penalty to be assessed under 14525  
division (B) of this section, each day that a violation continues 14526  
constitutes a separate and distinct violation. 14527

(E) In addition to any other penalties imposed under this 14528  
section, the director may impose an administrative penalty against 14529  
an owner or operator of an animal feeding operation if the 14530  
director or the director's authorized representative determines 14531  
that the owner or operator has discharged pollutants into waters 14532  
of the state in violation of section 903.08 of the Revised Code or 14533  
the terms and conditions of a NPDES permit or the NPDES provisions 14534  
of the permit to operate issued for the operation. The 14535  
administrative penalty shall not exceed five thousand dollars. 14536

The director shall afford the owner or operator an 14537  
opportunity for an adjudication hearing under Chapter 119. of the 14538

Revised Code to challenge the director's determination under this 14539  
division, the director's imposition of an administrative penalty 14540  
under this division, or both. The director's determination and the 14541  
imposition of the administrative penalty may be appealed in 14542  
accordance with section 119.12 of the Revised Code. 14543

**Sec. 903.25.** An owner or operator of an animal feeding 14544  
facility who holds a permit to install, a permit to operate, a 14545  
~~review compliance certificate,~~ or a NPDES permit or who is 14546  
operating under an operation and management plan, as defined in 14547  
section 1511.01 of the Revised Code, developed or approved by the 14548  
chief of the division of soil and water resources in the 14549  
department of natural resources under section 1511.02 of the 14550  
Revised Code or by the supervisors of the appropriate soil and 14551  
water conservation district under section 1515.08 of the Revised 14552  
Code shall not be required by any political subdivision of the 14553  
state or any officer, employee, agency, board, commission, 14554  
department, or other instrumentality of a political subdivision to 14555  
obtain a license, permit, or other approval pertaining to manure, 14556  
insects or rodents, odor, or siting requirements for installation 14557  
of an animal feeding facility. 14558

**Sec. 918.41.** If the director of agriculture has not entered 14559  
into an agreement with the United States department of agriculture 14560  
in compliance with section 918.44 of the Revised Code, ~~he~~ the 14561  
director shall establish and maintain a state acceptance service 14562  
within the department of agriculture to examine and monitor 14563  
compliance by meat and poultry vendors ~~on the list established and~~ 14564  
~~maintained by the director of administrative services under~~ 14565  
~~section 125.17 of the Revised Code~~ with the specifications of the 14566  
state purchase contracts awarded them under section 125.11 of the 14567  
Revised Code, and by establishments, as defined in section 918.01 14568  
or 918.21 of the Revised Code, subject to state or federal 14569

inspection. State acceptance service shall be made available to 14570  
such vendors and establishments within the state from eight a.m. 14571  
to five p.m. Monday through Friday. 14572

At least forty-eight hours, excluding Saturday and Sunday, 14573  
before the date on which ~~he~~ a vendor or authorized representative 14574  
from such an establishment desires examination and monitoring of 14575  
the production of meat products, as defined in section 918.01 of 14576  
the Revised Code, or poultry products, as defined in section 14577  
918.21 of the Revised Code, that ~~he~~ the vendor or establishment 14578  
intends to supply to the state under a state purchase contract, a 14579  
vendor or authorized representative from such an establishment 14580  
shall contact the state acceptance service and request examination 14581  
and monitoring. A state acceptor shall examine and monitor the 14582  
production of the meat or poultry products to determine whether 14583  
there is compliance with the state purchase contract 14584  
specifications. The containers of products found to be in 14585  
compliance shall be sealed, dated, and marked with an official 14586  
mark. The state acceptor shall provide an official acceptance 14587  
certificate to accompany each shipment to its destination. 14588

The director shall train and appoint as state acceptors 14589  
inspectors, as defined in sections 918.01 and 918.21 of the 14590  
Revised Code. 14591

Acceptance may be provided by the United States department of 14592  
agriculture at the option of the vendor or authorized 14593  
representative of such an establishment. 14594

**Sec. 955.12.** Except as provided in section 955.121 of Revised 14595  
Code, a board of county commissioners shall appoint or employ a 14596  
county dog warden and deputies in such number, for such periods of 14597  
time, and at such compensation as the board considers necessary to 14598  
enforce sections 955.01 to 955.27, ~~955.29 to 955.38,~~ and 955.50 to 14599  
955.53 of the Revised Code. 14600

The warden and deputies shall give bond in a sum not less 14601  
than five hundred dollars and not more than two thousand dollars, 14602  
as set by the board, conditioned for the faithful performance of 14603  
their duties. The bond or bonds may, in the discretion of the 14604  
board, be individual or blanket bonds. The bonds shall be filed 14605  
with the county auditor of their respective counties. 14606

The warden and deputies shall make a record of all dogs 14607  
owned, kept, and harbored in their respective counties. They shall 14608  
patrol their respective counties and seize and impound on sight 14609  
all dogs found running at large and all dogs more than three 14610  
months of age found not wearing a valid registration tag, except 14611  
any dog that wears a valid registration tag and is: on the 14612  
premises of its owner, keeper, or harborer, under the reasonable 14613  
control of its owner or some other person, hunting with its owner 14614  
or its handler at a field trial, kept constantly confined in a dog 14615  
kennel registered under this chapter or one licensed under Chapter 14616  
956. of the Revised Code, or acquired by, and confined on the 14617  
premises of, an institution or organization of the type described 14618  
in section 955.16 of the Revised Code. A dog that wears a valid 14619  
registration tag may be seized on the premises of its owner, 14620  
keeper, or harborer and impounded only in the event of a natural 14621  
disaster. 14622

If a dog warden has reason to believe that a dog is being 14623  
treated inhumanely on the premises of its owner, keeper, or 14624  
harborer, the warden shall apply to the court of common pleas for 14625  
the county in which the premises are located for an order to enter 14626  
the premises, and if necessary, seize the dog. If the court finds 14627  
probable cause to believe that the dog is being treated 14628  
inhumanely, it shall issue such an order. 14629

The warden and deputies shall also ~~investigate all claims for~~ 14630  
~~damages to animals reported to them under section 955.29 of the~~ 14631  
~~Revised Code and assist claimants to fill out the claim form~~ 14632

~~therefor. They shall~~ make weekly reports, in writing, to the board 14633  
in their respective counties of all dogs seized, impounded, 14634  
redeemed, and destroyed ~~and of all claims for damage to animals~~ 14635  
~~inflicted by dogs.~~ 14636

The wardens and deputies shall have the same police powers as 14637  
are conferred upon sheriffs and police officers in the performance 14638  
of their duties as prescribed by sections 955.01 to 955.27, ~~955.29~~ 14639  
~~to 955.38,~~ and 955.50 to 955.53 of the Revised Code. They shall 14640  
also have power to summon the assistance of bystanders in 14641  
performing their duties and may serve writs and other legal 14642  
processes issued by any court in their respective counties with 14643  
reference to enforcing those sections. County auditors may 14644  
deputize the wardens or deputies to issue dog licenses as provided 14645  
in sections 955.01 and 955.14 of the Revised Code. 14646

Whenever any person files an affidavit in a court of 14647  
competent jurisdiction that there is a dog running at large that 14648  
is not kept constantly confined either in a dog kennel registered 14649  
under this chapter or one licensed under Chapter 956. of the 14650  
Revised Code or on the premises of an institution or organization 14651  
of the type described in section 955.16 of the Revised Code or 14652  
that a dog is kept or harbored in the warden's jurisdiction 14653  
without being registered as required by law, the court shall 14654  
immediately order the warden to seize and impound the dog. 14655  
Thereupon the warden shall immediately seize and impound the dog 14656  
complained of. The warden shall give immediate notice by certified 14657  
mail to the owner, keeper, or harborer of the dog seized and 14658  
impounded by the warden, if the owner, keeper, or harborer can be 14659  
determined from the current year's registration list maintained by 14660  
the warden and the county auditor of the county where the dog is 14661  
registered, that the dog has been impounded and that, unless the 14662  
dog is redeemed within fourteen days of the date of the notice, it 14663  
may thereafter be sold or destroyed according to law. If the 14664



owner, keeper, or harborer cannot be determined from the current 14665  
year's registration list maintained by the warden and the county 14666  
auditor of the county where the dog is registered, the officer 14667  
shall post a notice in the pound or animal shelter both describing 14668  
the dog and place where seized and advising the unknown owner 14669  
that, unless the dog is redeemed within three days, it may 14670  
thereafter be sold or destroyed according to law. 14671

~~As used in this section, "animal" has the same meaning as in 14672  
section 955.51 of the Revised Code. 14673~~

**Sec. 955.121.** (A)(1) In lieu of appointing a county dog 14674  
warden and deputies under section 955.12 of the Revised Code, a 14675  
board of county commissioners may appoint the county sheriff to 14676  
enforce sections 955.01 to 955.27, ~~955.29 to 955.38,~~ and 955.50 to 14677  
955.53 of the Revised Code. If a board chooses to appoint the 14678  
county sheriff as the county dog warden, the board shall enter 14679  
into a two-year written agreement with the sheriff for that 14680  
purpose at the first meeting in a calendar year following a 14681  
general election in which at least one of the members of the board 14682  
was elected. 14683

(2) The agreement may authorize both of the following: 14684

(a) The sheriff to appoint sheriff's deputies or persons 14685  
other than peace officers as deputy dog wardens; 14686

(b) The transfer of any benefits accrued by employees who are 14687  
transferred as a result of the county sheriff's being appointed as 14688  
the county dog warden. 14689

(B) Any dog warden and deputy dog wardens appointed under 14690  
this section shall comply with both of the following: 14691

(1) Any training requirements applicable to county dog 14692  
wardens and deputy dog wardens appointed or employed under section 14693  
955.12 of the Revised Code; 14694

(2) The requirements established in that section. 14695

(C) If a county sheriff or a sheriff's deputies are appointed 14696  
as a dog warden or deputy dog wardens under this section, 14697  
references in this chapter and in Chapters 953., 956., and 959. of 14698  
the Revised Code to "dog warden" and "deputy dog warden" shall be 14699  
deemed to be replaced, respectively, with references to "sheriff" 14700  
and "deputy sheriff." 14701

**Sec. 955.14.** (A) Notwithstanding section 955.01 of the 14702  
Revised Code, a board of county commissioners by resolution may 14703  
increase dog and kennel registration fees in the county. The 14704  
amount of the fees shall not exceed an amount that the board, in 14705  
its discretion, estimates is needed to pay all expenses for the 14706  
administration of this chapter ~~and to pay claims allowed for~~ 14707  
~~animals injured or destroyed by dogs.~~ Such a resolution shall be 14708  
adopted not earlier than the first day of February and not later 14709  
than the thirty-first day of August of any year and shall specify 14710  
the registration period or periods to which the increased fees 14711  
apply. An increase in fees adopted under this division shall be in 14712  
the ratio of two dollars for each year of registration for a dog 14713  
registration fee, twenty dollars for a permanent dog registration 14714  
fee, and ten dollars for a kennel registration fee. 14715

(B) ~~Not later than the fifteenth day of October of each year,~~ 14716  
~~the board of county commissioners shall determine if there is~~ 14717  
~~sufficient money in the dog and kennel fund, after paying the~~ 14718  
~~expenses of administration incurred or estimated to be incurred~~ 14719  
~~for the remainder of the year, to pay the claims allowed for~~ 14720  
~~animals injured or destroyed by dogs. If the board determines~~ 14721  
~~there is not sufficient money in the dog and kennel fund to pay~~ 14722  
~~the claims allowed, the board shall provide by resolution that all~~ 14723  
~~claims remaining unpaid shall be paid from the general fund of the~~ 14724  
~~county. All money paid out of the general fund for those purposes~~ 14725

~~may be replaced by the board from the dog and kennel fund at any~~ 14726  
~~time during the following year notwithstanding section 5705.14 of~~ 14727  
~~the Revised Code.~~ 14728

~~(C)~~ Notwithstanding section 955.20 of the Revised Code, if 14729  
dog and kennel registration fees in any county are increased above 14730  
two dollars for each year of registration and twenty dollars for a 14731  
permanent registration for a dog registration fee and ten dollars 14732  
for a kennel registration fee under authority of division (A) of 14733  
this section, then on or before the first day of March following 14734  
each year in which the increased fees are in effect, the county 14735  
auditor shall draw on the dog and kennel fund a warrant payable to 14736  
the college of veterinary medicine of the Ohio state university in 14737  
an amount equal to ten cents for each one-year dog registration, 14738  
thirty cents for each three-year dog registration, one dollar for 14739  
each permanent dog registration, and ten cents for each kennel 14740  
registration fee received during the preceding year. The money 14741  
received by the college of veterinary medicine of the Ohio state 14742  
university under this division shall be applied for research and 14743  
study of the diseases of dogs, particularly those transmittable to 14744  
humans, and for research of other diseases of dogs that by their 14745  
nature will provide results applicable to the prevention and 14746  
treatment of both human and canine illness. 14747

~~(D)~~(C) The Ohio state university college of veterinary 14748  
medicine shall be responsible to report annually to the general 14749  
assembly the progress of the research and study authorized and 14750  
funded by division ~~(C)~~(B) of this section. The report shall 14751  
briefly describe the research projects undertaken and assess the 14752  
value of each. The report shall account for funds received 14753  
pursuant to division ~~(C)~~(B) of this section and for the funds 14754  
expended attributable to each research project and for other 14755  
necessary expenses in conjunction with the research authorized by 14756  
division ~~(C)~~(B) of this section. The report shall be filed with 14757

the general assembly by the first day of May of each year. 14758

~~(E)~~(D) The county auditor may authorize agents to receive 14759  
applications for registration of dogs and kennels and to issue 14760  
certificates of registration and tags. If authorized agents are 14761  
employed in a county, each applicant for a dog or kennel 14762  
registration shall pay to the agent an administrative fee of 14763  
seventy-five cents in addition to the registration fee. The 14764  
administrative fee shall be the compensation of the agent. The 14765  
county auditor shall establish rules for reporting and accounting 14766  
by the agents. No administrative or similar fee shall be charged 14767  
in any county except as authorized by this division or division 14768  
~~(F)~~(E) of this section. 14769

~~(F)~~(E) For any county that accepts the payment of dog and 14770  
kennel registration fees by financial transaction devices in 14771  
accordance with section 955.013 of the Revised Code, in addition 14772  
to those registration fees, the county auditor shall collect for 14773  
each registration paid by a financial transaction device one of 14774  
the following: 14775

(1) An administrative fee of seventy-five cents or another 14776  
amount necessary to cover actual costs designated by the county 14777  
auditor; 14778

(2) If the board of county commissioners adopts a surcharge 14779  
or convenience fee for making payments by a financial transaction 14780  
device under division (E) of section 301.28 of the Revised Code, 14781  
that surcharge or convenience fee; 14782

(3) If the county auditor contracts with a third party to 14783  
provide services to enable registration via the internet as 14784  
provided in section 955.013 of the Revised Code, a surcharge or 14785  
convenience fee as agreed to between that third party and the 14786  
county for those internet registration services. Any additional 14787  
expenses incurred by the county auditor that result from a 14788

contract with a third party as provided in this section and 14789  
section 955.013 of the Revised Code and that are not covered by a 14790  
surcharge or convenience fee shall be paid out of the allowance 14791  
provided to the county auditor under section 955.20 of the Revised 14792  
Code. 14793

~~(G)~~(F) The county auditor shall post conspicuously the amount 14794  
of the administrative fee, surcharge, or convenience fee that is 14795  
permissible under this section on the web page where the auditor 14796  
accepts payments for registrations made under division (B)(1) of 14797  
section 955.013 of the Revised Code. If any person chooses to pay 14798  
by financial transaction device, the administrative fee, 14799  
surcharge, or convenience fee shall be considered voluntary and is 14800  
not refundable. 14801

~~(H) As used in this section, "animal" has the same meaning as 14802  
in section 955.51 of the Revised Code. 14803~~

**Sec. 955.15.** The board of county commissioners shall provide 14804  
nets and other suitable devices for the taking of dogs in a humane 14805  
manner, provide a suitable place for impounding dogs, make proper 14806  
provision for feeding and caring for the same, and provide humane 14807  
devices and methods for destroying dogs. In any county in which 14808  
there is a society for the prevention of cruelty to children and 14809  
animals, having one or more agents and maintaining an animal 14810  
shelter suitable for a dog pound and devices for humanely 14811  
destroying dogs, the board need not furnish a dog pound, but the 14812  
county dog warden shall deliver all dogs seized by ~~him~~ the warden 14813  
and ~~his~~ the warden's deputies to such society at its animal 14814  
shelter, there to be dealt with in accordance with law. The board 14815  
shall provide for the payment of reasonable compensation to such 14816  
society for its services so performed out of the dog and kennel 14817  
fund. The board may designate and appoint any officers regularly 14818  
employed by any society organized under sections 1717.02 to 14819

1717.05, ~~inclusive~~, of the Revised Code, to act as county dog 14820  
warden or deputies for the purpose of carrying out sections 955.01 14821  
to 955.27, ~~inclusive~~, and ~~955.29 to 955.38, inclusive~~, of the 14822  
Revised Code, if such society whose agents are so employed owns or 14823  
controls a suitable place for keeping and destroying dogs. 14824

**Sec. 955.20.** The registration fees provided for in sections 14825  
955.01 to 955.14 of the Revised Code constitute a special fund 14826  
known as "the dog and kennel fund." The fees shall be deposited by 14827  
the county auditor in the county treasury daily as collected. 14828  
Money in the fund shall be used for the purpose of defraying the 14829  
cost of furnishing all blanks, records, tags, nets, and other 14830  
equipment, for the purpose of paying the compensation of county 14831  
dog wardens, deputies, poundkeepers, and other employees necessary 14832  
to carry out and enforce sections 955.01 to 955.261 of the Revised 14833  
Code, ~~and for the payment of animal claims as provided in sections~~ 14834  
~~955.29 to 955.38 of the Revised Code~~, and in accordance with 14835  
section 955.27 of the Revised Code. The board of county 14836  
commissioners, by resolution, shall appropriate sufficient funds 14837  
out of the dog and kennel fund, not more than fifteen per cent of 14838  
which shall be expended by the auditor for registration tags, 14839  
blanks, records, and clerk hire, for the purpose of defraying the 14840  
necessary expenses of registering, seizing, impounding, and 14841  
destroying dogs in accordance with sections 955.01 to 955.27 of 14842  
the Revised Code, and for the purpose of covering any additional 14843  
expenses incurred by the county auditor as authorized by division 14844  
~~(F)~~(E)(3) of section 955.14 of the Revised Code. 14845

If the funds so appropriated in any calendar year are found 14846  
by the board to be insufficient to defray the necessary cost and 14847  
expense of the county dog warden in enforcing sections 955.01 to 14848  
955.27 of the Revised Code, the board, by resolution so provided, 14849  
~~after setting aside a sum equal to the total amount of animal~~ 14850  
~~claims filed in that calendar year, or an amount equal to the~~ 14851

~~total amount of animal claims paid or allowed the preceding year,~~ 14852  
~~whichever amount is larger,~~ may appropriate further funds for the 14853  
use and purpose of the county dog warden in administering those 14854  
sections. 14855

**Sec. 955.27.** After paying all necessary expenses of 14856  
administering the sections of the Revised Code relating to the 14857  
registration, seizing, impounding, and destroying of dogs, 14858  
including the purchase, construction, and repair of vehicles and 14859  
facilities necessary for the proper administration of such 14860  
sections, ~~making compensation for injuries to livestock inflicted~~ 14861  
~~by dogs, and after paying all animal claims,~~ the board of county 14862  
commissioners, at the December session, if there remains more than 14863  
two thousand dollars in the dog and kennel fund for that year in a 14864  
county in which there is a society for the prevention of cruelty 14865  
to children and animals, incorporated and organized by law, and 14866  
having one or more agents appointed pursuant to law, or any other 14867  
society organized under Chapter 1717. of the Revised Code, that 14868  
owns or controls a suitable dog kennel or a place for the keeping 14869  
and destroying of dogs that has one or more agents appointed and 14870  
employed pursuant to law, may pay to the treasurer of the society, 14871  
upon warrant of the county auditor, all such excess as the board 14872  
deems necessary for the uses and purposes of the society. 14873

~~As used in this section, "animal" has the same meaning as in~~ 14874  
~~section 955.51 of the Revised Code.~~ 14875

**Sec. 1306.20.** (A) Subject to section 1306.11 of the Revised 14876  
Code, each state agency shall determine if, and the extent to 14877  
which, it will send and receive electronic records and electronic 14878  
signatures to and from other persons and otherwise create, 14879  
generate, communicate, store, process, use, and rely upon 14880  
electronic records and electronic signatures. 14881

(B)(1) Subject to division (B)(2) of this section, a state agency may waive a requirement in the Revised Code, other than a requirement in sections 1306.01 to 1306.15 of the Revised Code, that relates to any of the following:	14882
	14883
	14884
	14885
(a) The method of posting or displaying records;	14886
(b) The manner of sending, communicating, or transmitting records;	14887
	14888
(c) The manner of formatting records.	14889
(2) A state agency may exercise its authority to waive a requirement under division (B)(1) of this section only if the following apply:	14890
	14891
	14892
(a) The requirement relates to a matter over which the state agency has jurisdiction;	14893
	14894
(b) The waiver is consistent with criteria set forth in rules adopted by the state agency. The criteria, to the extent reasonable under the circumstances, shall contain standards to facilitate the use of electronic commerce by persons under the jurisdiction of the state agency consistent with rules adopted by the department of administrative services pursuant to division (A) of section 1306.21 of the Revised Code.	14895
	14896
	14897
	14898
	14899
	14900
	14901
(C) If a state agency creates, uses, receives, or retains electronic records, both of the following apply:	14902
	14903
(1) Any rules adopted by a state agency relating to electronic records shall be consistent with rules adopted by the department of administrative services pursuant to division (A) of section 1306.21 of the Revised Code.	14904
	14905
	14906
	14907
(2) Each state agency shall create, use, receive, and retain electronic records in accordance with section 149.40 of the Revised Code.	14908
	14909
	14910
(D) If a state agency creates, uses, or receives electronic	14911



signatures, the state agency shall create, use, or receive the 14912  
signatures in accordance with rules adopted by the department of 14913  
administrative services pursuant to division (A) of section 14914  
1306.21 of the Revised Code. 14915

(E)~~(1)~~ To the extent a state agency retains an electronic 14916  
record, the state agency may retain a record in a format that is 14917  
different from the format in which the record was originally 14918  
created, used, sent, or received only if it can be demonstrated 14919  
that the alternative format used accurately and completely 14920  
reflects the record as it was originally created, used, sent, or 14921  
received. 14922

~~(2) If a state agency in retaining any set of electronic 14923  
records pursuant to division (E)(1) of this section alters the 14924  
format of the records, the state agency shall create a certificate 14925  
of authenticity for each set of records that is altered. 14926~~

~~(3) The department of administrative services, in 14927  
consultation with the state archivist, shall adopt rules in 14928  
accordance with section 111.15 of the Revised Code that establish 14929  
the methods for creating certificates of authenticity pursuant to 14930  
division (E)(2) of this section. 14931~~

(F) Whenever any rule of law requires or authorizes the 14932  
filing of any information, notice, lien, or other document or 14933  
record with any state agency, a filing made by an electronic 14934  
record shall have the same force and effect as a filing made on 14935  
paper in all cases where the state agency has authorized or agreed 14936  
to such electronic filing and the filing is made in accordance 14937  
with applicable rules or agreement. 14938

(G) Nothing in sections 1306.01 to 1306.23 of the Revised 14939  
Code shall be construed to require any state agency to use or 14940  
permit the use of electronic records and electronic signatures. 14941

~~(H)(1) Notwithstanding division (C)(1) or (D) of this 14942~~

~~section, any state agency that, prior to September 14, 2000, used 14943  
or permitted the use of electronic records or electronic 14944  
signatures pursuant to laws enacted, rules adopted, or agency 14945  
policies adopted before September 14, 2000, may use or permit the 14946  
use of electronic records or electronic signatures pursuant to 14947  
those previously enacted laws, adopted rules, or adopted policies 14948  
for a period of two years after September 14, 2000. 14949~~

~~(2) Subject to division (H)(3) of this section, after the 14950  
two-year period described in division (H)(1) of this section has 14951  
concluded, all state agencies that use or permit the use of 14952  
electronic records or electronic signatures before September 14, 14953  
2000, shall only use or permit the use of electronic records or 14954  
electronic signatures consistent with rules adopted by the 14955  
department of administrative services pursuant to division (A) of 14956  
section 1306.21 of the Revised Code. 14957~~

~~(3) After the two-year period described in division (H)(1) of 14958  
this section has concluded, the department of administrative 14959  
services may permit a state agency to use electronic records or 14960  
electronic signatures that do not comply with division (H)(2) of 14961  
this section, if the state agency files a written request with the 14962  
department. 14963~~

~~(I) For the purposes of this section, "state agency" means 14964  
every organized body, office, or agency established by the laws of 14965  
the state for the exercise of any function of state government, 14966  
but does not include the general assembly, any legislative agency, 14967  
the supreme court, the other courts of record in this state, any 14968  
judicial agency, or any state university identified in section 14969  
3345.011 of the Revised Code, or the northeast Ohio medical 14970  
university. 14971~~

~~(J)(I) A state university identified in section 3345.011 of 14972  
the Revised Code, and the northeast Ohio medical university, that 14973  
uses or permits the use of electronic records or electronic 14974~~

signatures on ~~the effective date of this amendment~~ September 16, 14975  
2014, shall, within six months after ~~the effective date of this~~ 14976  
~~amendment~~ September 16, 2014, adopt rules in accordance with 14977  
section 111.15 of the Revised Code to provide for the use or 14978  
permission to use electronic records or electronic signatures. A 14979  
state university identified in section 3345.011 of the Revised 14980  
Code, and the northeast Ohio medical university, if not using or 14981  
permitting the use of electronic records or electronic signatures 14982  
on ~~the effective date of this amendment~~ September 16, 2014, shall 14983  
adopt rules in accordance with section 111.15 of the Revised Code 14984  
when it elects to begin using or permitting the use of electronic 14985  
records or electronic signatures. 14986

**Sec. 1309.528.** All fees collected by the secretary of state 14987  
for filings under Title XIII or XVII of the Revised Code shall be 14988  
deposited into the state treasury to the credit of the corporate 14989  
and uniform commercial code filing fund, which is hereby created. 14990  
The fund shall also receive revenue from fees charged to customers 14991  
for special database requests. All moneys credited to the fund 14992  
shall be used for the purpose of paying for the operations of the 14993  
office of the secretary of state and for the purpose of paying for 14994  
expenses relating to the processing of filings under Title XIII or 14995  
XVII of the Revised Code. 14996

**Sec. 1321.20.** (A) Every person licensed or registered under 14997  
this chapter shall pay to the superintendent of financial 14998  
institutions, prior to the last day of June, an annual license or 14999  
certificate of registration fee. On or about the fifteenth day of 15000  
April of each year, the superintendent shall determine the license 15001  
or certificate fees to be charged, pursuant to sections 1321.03, 15002  
1321.05, and 1321.73 of the Revised Code. Such determination shall 15003  
be made by dividing the appropriation for the consumer finance 15004  
section of the division of financial institutions for the current 15005

fiscal year by the number of licenses and certificates issued as 15006  
of the date of the computation. In no event shall the amount of 15007  
the fee exceed three hundred dollars, except that the maximum fee 15008  
which may be charged insurance premium finance companies licensed 15009  
under section 1321.73 of the Revised Code shall not exceed three 15010  
hundred seventy-five dollars. Prior to the first day of June of 15011  
each year, the superintendent shall inform each person licensed or 15012  
registered under this chapter of the amount of the license or 15013  
certificate fee for the succeeding fiscal year as determined by 15014  
this section. 15015

~~(B)(1) Each person licensed under Chapter 4727. of the 15016  
Revised Code who is subject to annual license renewal under 15017  
division (E)(1) of section 4727.03 of the Revised Code shall, 15018  
prior to the last day of June, pay to the superintendent a fee 15019  
equal to twice the amount of the fee determined by the 15020  
superintendent pursuant to division (A) of this section. However, 15021  
in no event shall the amount of the fee exceed three hundred 15022  
dollars. 15023~~

~~(2) Each person licensed under Chapter 4727. of the Revised 15024  
Code who is subject to biennial license renewal under division 15025  
(E)(2) of section 4727.03 of the Revised Code shall, prior to the 15026  
date the license expires, pay to the superintendent a fee equal to 15027  
four times the amount of the fee determined by the superintendent 15028  
pursuant to division (A) of this section. However, in no event 15029  
shall the amount of the fee exceed six hundred dollars. 15030~~

(C) The fee for a license or certificate issued pursuant to 15031  
Chapter 4727. or 4728. of the Revised Code after the first day of 15032  
January of the year the license or certificate expires shall be 15033  
equal to one-half the amount determined according to divisions (A) 15034  
and (B) of this section or in accordance with section 4728.03 of 15035  
the Revised Code. 15036

(D) If the renewal fees billed by the superintendent pursuant 15037

to divisions (A) and (B) of this section are less than the 15038  
estimated expenditures of the consumer finance section of the 15039  
division of financial institutions, as determined by the 15040  
superintendent, for the following fiscal year, the superintendent 15041  
may assess each person licensed pursuant to section 1321.04 of the 15042  
Revised Code at a rate sufficient to equal in the aggregate the 15043  
difference between the renewal fees billed and the estimated 15044  
expenditures. Each person shall pay the assessed amount to the 15045  
superintendent prior to the last day of June. In no case shall the 15046  
assessment exceed ten cents per each one hundred dollars of 15047  
interest (excluding charge-off recoveries), points, loan 15048  
origination charges, and credit line charges collected by that 15049  
person during the previous calendar year. If an assessment is 15050  
imposed under this division, it shall not be less than two hundred 15051  
fifty dollars per licensee or registrant and shall not exceed 15052  
thirty thousand dollars less the total renewal fees paid pursuant 15053  
to division (A) of this section by each licensee or registrant. 15054

**Sec. 1347.08.** (A) Every state or local agency that maintains 15055  
a personal information system, upon the request and the proper 15056  
identification of any person who is the subject of personal 15057  
information in the system, shall: 15058

(1) Inform the person of the existence of any personal 15059  
information in the system of which the person is the subject; 15060

(2) Except as provided in divisions (C) and (E)(2) of this 15061  
section, permit the person, the person's legal guardian, or an 15062  
attorney who presents a signed written authorization made by the 15063  
person, to inspect all personal information in the system of which 15064  
the person is the subject; 15065

(3) Inform the person about the types of uses made of the 15066  
personal information, including the identity of any users usually 15067  
granted access to the system. 15068

(B) Any person who wishes to exercise a right provided by 15069  
this section may be accompanied by another individual of the 15070  
person's choice. 15071

(C)(1) A state or local agency, upon request, shall disclose 15072  
medical, psychiatric, or psychological information to a person who 15073  
is the subject of the information or to the person's legal 15074  
guardian, unless a physician, psychiatrist, or psychologist 15075  
determines for the agency that the disclosure of the information 15076  
is likely to have an adverse effect on the person, in which case 15077  
the information shall be released to a physician, psychiatrist, or 15078  
psychologist who is designated by the person or by the person's 15079  
legal guardian. 15080

(2) Upon the signed written request of either a licensed 15081  
attorney at law or a licensed physician designated by the inmate, 15082  
together with the signed written request of an inmate of a 15083  
correctional institution under the administration of the 15084  
department of rehabilitation and correction, the department shall 15085  
disclose medical information to the designated attorney or 15086  
physician as provided in division (C) of section 5120.21 of the 15087  
Revised Code. 15088

(D) If an individual who is authorized to inspect personal 15089  
information that is maintained in a personal information system 15090  
requests the state or local agency that maintains the system to 15091  
provide a copy of any personal information that the individual is 15092  
authorized to inspect, the agency shall provide a copy of the 15093  
personal information to the individual. Each state and local 15094  
agency may establish reasonable fees for the service of copying, 15095  
upon request, personal information that is maintained by the 15096  
agency. 15097

(E)(1) This section regulates access to personal information 15098  
that is maintained in a personal information system by persons who 15099  
are the subject of the information, but does not limit the 15100

authority of any person, including a person who is the subject of 15101  
personal information maintained in a personal information system, 15102  
to inspect or have copied, pursuant to section 149.43 of the 15103  
Revised Code, a public record as defined in that section. 15104

(2) This section does not provide a person who is the subject 15105  
of personal information maintained in a personal information 15106  
system, the person's legal guardian, or an attorney authorized by 15107  
the person, with a right to inspect or have copied, or require an 15108  
agency that maintains a personal information system to permit the 15109  
inspection of or to copy, a confidential law enforcement 15110  
investigatory record or trial preparation record, as defined in 15111  
divisions (A)(2) and (4) of section 149.43 of the Revised Code. 15112

(F) This section does not apply to any of the following: 15113

(1) The contents of an adoption file maintained by the 15114  
department of health under sections 3705.12 to 3705.124 of the 15115  
Revised Code; 15116

(2) Information contained in the putative father registry 15117  
established by section 3107.062 of the Revised Code, regardless of 15118  
whether the information is held by the department of job and 15119  
family services or, pursuant to section 3111.69 of the Revised 15120  
Code, the office of child support in the department or a child 15121  
support enforcement agency; 15122

(3) Papers, records, and books that pertain to an adoption 15123  
and that are subject to inspection in accordance with section 15124  
3107.17 of the Revised Code; 15125

(4) Records specified in division (A) of section 3107.52 of 15126  
the Revised Code; 15127

(5) Records that identify an individual described in division 15128  
(A)(1) of section 3721.031 of the Revised Code, or that would tend 15129  
to identify such an individual; 15130

(6) Files and records that have been expunged under division	15131
(D)(1) or (2) of section 3721.23 of the Revised Code;	15132
(7) Records that identify an individual described in division	15133
(A)(1) of section 3721.25 of the Revised Code, or that would tend	15134
to identify such an individual;	15135
(8) Records that identify an individual described in division	15136
(A)(1) of section 5165.88 of the Revised Code, or that would tend	15137
to identify such an individual;	15138
(9) Test materials, examinations, or evaluation tools used in	15139
an examination for licensure as a nursing home administrator that	15140
the board of executives of long-term services and supports	15141
administers under section 4751.04 of the Revised Code or contracts	15142
under that section with a private or government entity to	15143
administer;	15144
(10) Information contained in a database established and	15145
maintained pursuant to section 5101.13 of the Revised Code;	15146
<u>(11) Information contained in a database established and</u>	15147
<u>maintained pursuant to section 5101.612 of the Revised Code.</u>	15148
<b>Sec. 1349.04.</b> (A) As used in this section:	15149
(1) "Active duty" means active duty pursuant to an executive	15150
order of the president of the United States, an act of the	15151
congress of the United States, or section 5919.29 or 5923.21 of	15152
the Revised Code.	15153
(2) "Immediate family" means a person's spouse residing in	15154
the person's household; brothers and sisters of the whole or half	15155
blood; children, including adopted children and stepchildren;	15156
parents; and grandparents.	15157
(B) The attorney general shall appoint a member of the staff	15158
of the consumer protection division of the attorney general's	15159
office to expedite cases or issues raised by a person, or the	15160



immediate family of the person, who is deployed on active duty, 15161  
which cases or issues raised relate to ~~sections 125.021,~~ section 15162  
317.322, 1343.031, 1349.02, 1349.03, 1713.60, 1923.062, 3313.64, 15163  
3332.20, 3345.53, 3915.053, 4933.12, or 4933.121 of the Revised 15164  
Code or to any other relevant section of the Revised Code 15165  
regulating consumer protection. 15166

**Sec. 1501.01.** (A) Except where otherwise expressly provided, 15167  
the director of natural resources shall formulate and institute 15168  
all the policies and programs of the department of natural 15169  
resources. The chief of any division of the department shall not 15170  
enter into any contract, agreement, or understanding unless it is 15171  
approved by the director. No appointee or employee of the 15172  
director, other than the assistant director, may bind the director 15173  
in a contract except when given general or special authority to do 15174  
so by the director. 15175

The director may enter into contracts or agreements with any 15176  
agency of the United States government, any other public agency, 15177  
or any private entity or organization for the performance of the 15178  
duties of the department. 15179

(B) The director shall correlate and coordinate the work and 15180  
activities of the divisions in the department to eliminate 15181  
unnecessary duplications of effort and overlapping of functions. 15182  
The chiefs of the various divisions of the department shall meet 15183  
with the director at least once each month at a time and place 15184  
designated by the director. 15185

The director may create advisory boards to any of those 15186  
divisions in conformity with section 121.13 of the Revised Code. 15187

(C) The director may accept and expend gifts, devises, and 15188  
bequests of money, lands, and other properties on behalf of the 15189  
department or any division thereof under the terms set forth in 15190  
section 9.20 of the Revised Code. Any political subdivision of 15191

this state may make contributions to the department for the use of 15192  
the department or any division therein according to the terms of 15193  
the contribution. 15194

(D) The director may publish and sell or otherwise distribute 15195  
data, reports, and information. 15196

(E) The director may identify and develop the geographic 15197  
information system needs for the department, which may include, 15198  
but not be limited to, all of the following: 15199

(1) Assisting in the training and education of department 15200  
resource managers, administrators, and other staff in the 15201  
application and use of geographic information system technology; 15202

(2) Providing technical support to the department in the 15203  
design, preparation of data, and use of appropriate geographic 15204  
information system applications in order to help solve resource 15205  
related problems and to improve the effectiveness and efficiency 15206  
of department delivered services; 15207

(3) Creating, maintaining, and documenting spatial digital 15208  
data bases; 15209

(4) Providing information to and otherwise assisting 15210  
government officials, planners, and resource managers in 15211  
understanding land use planning and resource management; 15212

(5) Providing continuing assistance to local government 15213  
officials and others in natural resource digital data base 15214  
development and in applying and utilizing the geographic 15215  
information system for land use planning, current agricultural use 15216  
value assessment, development reviews, coastal management, and 15217  
other resource management activities; 15218

(6) Coordinating and administering the remote sensing needs 15219  
of the department, including the collection and analysis of aerial 15220  
photography, satellite data, and other data pertaining to land, 15221

water, and other resources of the state;	15222
(7) Preparing and publishing maps and digital data relating to the state's land use and land cover over time on a local, regional, and statewide basis;	15223 15224 15225
(8) Locating and distributing hard copy maps, digital data, aerial photography, and other resource data and information to government agencies and the public;	15226 15227 15228
(9) Preparing special studies and executing any other related duties, functions, and responsibilities identified by the director;	15229 15230 15231
(10) Entering into contracts or agreements with any agency of the United States government, any other public agency, or any private agency or organization for the performance of the duties specified in division (E) of this section or for accomplishing cooperative projects within those duties;	15232 15233 15234 15235 15236
(11) Entering into agreements with local government agencies for the purposes of land use inventories, Ohio capability analysis data layers, and other duties related to resource management.	15237 15238 15239
(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to permit the department to accept by means of a credit card the payment of fees, charges, and rentals at those facilities described in section 1501.07 of the Revised Code that are operated by the department, for any data, reports, or information sold by the department, and for any other goods or services provided by the department.	15240 15241 15242 15243 15244 15245 15246
(G) Whenever authorized by the governor to do so, the director may appropriate property for the uses and purposes authorized to be performed by the department and on behalf of any division within the department. This authority shall be exercised in the manner provided in sections 163.01 to 163.22 of the Revised Code for the appropriation of property by the director of	15247 15248 15249 15250 15251 15252

administrative services. This authority to appropriate property is 15253  
in addition to the authority provided by law for the appropriation 15254  
of property by divisions of the department. The director of 15255  
natural resources also may acquire by purchase, lease, or 15256  
otherwise such real and personal property rights or privileges in 15257  
the name of the state as are necessary for the purposes of the 15258  
department or any division therein. The director, ~~with the~~ 15259  
~~approval of the governor and the attorney general~~ in accordance 15260  
with section 5301.13 of the Revised Code, if applicable, may sell, 15261  
lease, or exchange portions of lands or property, real or 15262  
personal, of any division of the department or grant easements or 15263  
licenses for the use thereof, or enter into agreements for the 15264  
sale of water from lands and waters under the administration or 15265  
care of the department or any of its divisions, when the sale, 15266  
lease, exchange, easement, agreement, or license for use is in an 15267  
amount that is less than fifty thousand dollars and is 15268  
advantageous to the state, ~~provided that such approval is not~~ 15269  
~~required for leases and contracts made under section 1501.07,~~ 15270  
~~1501.09, or 1520.03 or Chapter 1523. of the Revised Code.~~ With the 15271  
approval of the governor, the director, in accordance with section 15272  
5301.13 of the Revised Code, if applicable, may sell, lease, or 15273  
exchange portions of, grant easements or licenses for the use of, 15274  
or enter into agreements for the sale of such lands, property, or 15275  
waters in an amount of fifty thousand dollars or more when the 15276  
sale, lease, exchange, easement, agreement, or license is 15277  
advantageous to the state. Water may be sold from a reservoir only 15278  
to the extent that the reservoir was designed to yield a supply of 15279  
water for a purpose other than recreation or wildlife, and the 15280  
water sold is in excess of that needed to maintain the reservoir 15281  
for purposes of recreation or wildlife. 15282

Money received from such sales, leases, easements, exchanges, 15283  
agreements, or licenses for use, except revenues required to be 15284  
set aside or paid into depositories or trust funds for the payment 15285

of bonds issued under sections 1501.12 to 1501.15 of the Revised Code, and to maintain the required reserves therefor as provided in the orders authorizing the issuance of such bonds or the trust agreements securing such bonds, revenues required to be paid and credited pursuant to the bond proceeding applicable to obligations issued pursuant to section 154.22, and revenues generated under section 1520.05 of the Revised Code, shall be deposited in the state treasury to the credit of the fund of the division of the department having prior jurisdiction over the lands or property. If no such fund exists, the money shall be credited to the general revenue fund. All such money received from lands or properties administered by the division of wildlife shall be credited to the wildlife fund.

(H) The director shall provide for the custody, safekeeping, and deposit of all moneys, checks, and drafts received by the department or its employees prior to paying them to the treasurer of state under section 113.08 of the Revised Code.

(I) The director shall cooperate with the nature conservancy, other nonprofit organizations, and the United States fish and wildlife service in order to secure protection of islands in the Ohio river and the wildlife and wildlife habitat of those islands.

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

**Sec. 1501.011.** (A) Except as provided in divisions (B), (C), and (D) of this section, the Ohio facilities construction commission shall supervise the design and construction of, and make contracts for the construction, reconstruction, improvement, enlargement, alteration, repair, or decoration of, any projects or improvements for the department of natural resources that may be

authorized by legislative appropriations or any other funds 15317  
available therefor, the estimated cost of which amounts to two 15318  
hundred thousand dollars or more or the amount determined pursuant 15319  
to section 153.53 of the Revised Code or more. 15320

(B) The department of natural resources shall administer the 15321  
construction of improvements under an agreement with the 15322  
supervisors of a soil and water conservation district pursuant to 15323  
division (I) of section 1515.08 of the Revised Code. 15324

(C)(1) The department of natural resources shall supervise 15325  
the design and construction of, and make contracts for the 15326  
construction, reconstruction, improvement, enlargement, 15327  
alteration, repair, or decoration of, any of the following 15328  
activities, projects, or improvements: 15329

(a) Dam repairs administered by the division of engineering 15330  
under Chapter 1507. of the Revised Code; 15331

(b) Projects or improvements administered by the division of 15332  
watercraft and funded through the waterways safety fund 15333  
established in section 1547.75 of the Revised Code; 15334

(c) Projects or improvements administered by the division of 15335  
wildlife under Chapter 1531. or 1533. of the Revised Code; 15336

(d) Activities conducted by the department pursuant to 15337  
section 5511.05 of the Revised Code in order to maintain the 15338  
department's roadway inventory. 15339

(2) If a contract to be let under division (C)(1) of this 15340  
section involves an exigency that concerns the public health, 15341  
safety, or welfare or addresses an emergency situation in which 15342  
timeliness is crucial in preventing the cost of the contract from 15343  
increasing significantly, pursuant to the declaration of a public 15344  
exigency, the department may award the contract without 15345  
competitive bidding or selection as otherwise required by Chapter 15346  
153. of the Revised Code. 15347

A notice published by the department of natural resources 15348  
regarding an activity, project, or improvement shall be published 15349  
as contemplated in section 7.16 of the Revised Code. 15350

(D) The executive director of the Ohio facilities 15351  
construction commission may authorize the department of natural 15352  
resources to administer any other project or improvement, the 15353  
estimated cost of which, including design fees, construction, 15354  
equipment, and contingency amounts, is not more than one million 15355  
five hundred thousand dollars. 15356

**Sec. 1505.10.** ~~The chief of the division of geological survey~~ 15357  
director of natural resources or the director's designee shall 15358  
prepare and publish for public distribution annual reports that 15359  
shall include all of the following: 15360

(A) A list of the operators of mines, quarries, pits, or 15361  
other mineral resource extraction operations in this state; 15362

(B) Information on the location of and commodity extracted at 15363  
each operation; 15364

(C) Information on the employment at each operation; 15365

(D) Information on the tonnage of coal or other minerals 15366  
extracted at each operation along with the method of extraction; 15367

(E) Information on the production, use, distribution, value, 15368  
and other facts relative to the mineral resources of the state 15369  
that may be of public interest. 15370

The director or the director's designee may require the 15371  
division of mineral resources management to perform the duties 15372  
required by this section. 15373

Each operator engaged in the extraction of minerals shall 15374  
submit an accurate and complete annual report, on or before the 15375  
last day of January each year, to the ~~chief of the division of~~ 15376  
~~geological survey~~ director or the director's designee on forms 15377

provided by the ~~chief~~ director or the director's designee and 15378  
containing the information specified in divisions (A) to (E) of 15379  
this section for the immediately preceding calendar year. The 15380  
~~chief of the division of mineral resources management~~ director or 15381  
the director's designee may use all or portions of the information 15382  
collected pursuant to this section in preparing the annual report 15383  
required by section 1561.04 of the Revised Code. 15384

No person shall fail to comply with this section. 15385

**Sec. 1509.01.** As used in this chapter: 15386

(A) "Well" means any borehole, whether drilled or bored, 15387  
within the state for production, extraction, or injection of any 15388  
gas or liquid mineral, excluding potable water to be used as such, 15389  
but including natural or artificial brines and oil field waters. 15390

(B) "Oil" means crude petroleum oil and all other 15391  
hydrocarbons, regardless of gravity, that are produced in liquid 15392  
form by ordinary production methods, but does not include 15393  
hydrocarbons that were originally in a gaseous phase in the 15394  
reservoir. 15395

(C) "Gas" means all natural gas and all other fluid 15396  
hydrocarbons that are not oil, including condensate. 15397

(D) "Condensate" means liquid hydrocarbons separated at or 15398  
near the well pad or along the gas production or gathering system 15399  
prior to gas processing. 15400

(E) "Pool" means an underground reservoir containing a common 15401  
accumulation of oil or gas, or both, but does not include a gas 15402  
storage reservoir. Each zone of a geological structure that is 15403  
completely separated from any other zone in the same structure may 15404  
contain a separate pool. 15405

(F) "Field" means the general area underlaid by one or more 15406  
pools. 15407



(G) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.	15408 15409 15410
(H) "Waste" includes all of the following:	15411
(1) Physical waste, as that term generally is understood in the oil and gas industry;	15412 15413
(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;	15414 15415
(3) Inefficient storing of oil or gas;	15416
(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;	15417 15418 15419 15420 15421 15422
(5) Other underground or surface waste in the production or storage of oil, gas, or condensate, however caused.	15423 15424
(I) "Correlative rights" means the reasonable opportunity to every person entitled thereto to recover and receive the oil and gas in and under the person's tract or tracts, or the equivalent thereof, without having to drill unnecessary wells or incur other unnecessary expense.	15425 15426 15427 15428 15429
(J) "Tract" means a single, <del>individually taxed</del> <u>individual</u> parcel of land <del>appearing on the tax list or a portion of a single,</del> <u>individual parcel of land.</u>	15430 15431 15432
(K) "Owner," unless referring to a mine, means the person who has the right to drill on a tract or drilling unit, to drill into and produce from a pool, and to appropriate the oil or gas produced therefrom either for the person or for others, except that a person ceases to be an owner with respect to a well when	15433 15434 15435 15436 15437

the well has been plugged in accordance with applicable rules 15438  
adopted and orders issued under this chapter. "Owner" does not 15439  
include a person who obtains a lease of the mineral rights for oil 15440  
and gas on a parcel of land if the person does not attempt to 15441  
produce or produce oil or gas from a well or obtain a permit under 15442  
this chapter for a well or if the entire interest of a well is 15443  
transferred to the person in accordance with division (B) of 15444  
section 1509.31 of the Revised Code. 15445

(L) "Royalty interest" means the fee holder's share in the 15446  
production from a well. 15447

(M) "Discovery well" means the first well capable of 15448  
producing oil or gas in commercial quantities from a pool. 15449

(N) "Prepared clay" means a clay that is plastic and is 15450  
thoroughly saturated with fresh water to a weight and consistency 15451  
great enough to settle through saltwater in the well in which it 15452  
is to be used, except as otherwise approved by the chief of the 15453  
division of oil and gas resources management. 15454

(O) "Rock sediment" means the combined cutting and residue 15455  
from drilling sedimentary rocks and formation. 15456

(P) "Excavations and workings," "mine," and "pillar" have the 15457  
same meanings as in section 1561.01 of the Revised Code. 15458

(Q) "Coal bearing township" means a township designated as 15459  
such by the chief of the division of mineral resources management 15460  
under section 1561.06 of the Revised Code. 15461

(R) "Gas storage reservoir" means a continuous area of a 15462  
subterranean porous sand or rock stratum or strata into which gas 15463  
is or may be injected for the purpose of storing it therein and 15464  
removing it therefrom and includes a gas storage reservoir as 15465  
defined in section 1571.01 of the Revised Code. 15466

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 15467

Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 15468  
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 15469  
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 15470  
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 15471  
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 15472  
regulations adopted under those acts. 15473

(T) "Person" includes any political subdivision, department, 15474  
agency, or instrumentality of this state; the United States and 15475  
any department, agency, or instrumentality thereof; ~~and~~ any legal 15476  
entity defined as a person under section 1.59 of the Revised Code; 15477  
and any other form of business organization or entity recognized 15478  
by the laws of this state. 15479

(U) "Brine" means all saline geological formation water 15480  
resulting from, obtained from, or produced in connection with 15481  
exploration, drilling, well stimulation, production of oil or gas, 15482  
or plugging of a well. 15483

(V) "Waters of the state" means all streams, lakes, ponds, 15484  
marshes, watercourses, waterways, springs, irrigation systems, 15485  
drainage systems, and other bodies of water, surface or 15486  
underground, natural or artificial, that are situated wholly or 15487  
partially within this state or within its jurisdiction, except 15488  
those private waters that do not combine or effect a junction with 15489  
natural surface or underground waters. 15490

(W) "Exempt Mississippian well" means a well that meets all 15491  
of the following criteria: 15492

(1) Was drilled and completed before January 1, 1980; 15493

(2) Is located in an unglaciated part of the state; 15494

(3) Was completed in a reservoir no deeper than the 15495  
Mississippian Big Injun sandstone in areas underlain by 15496  
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea 15497  
sandstone in areas directly underlain by Permian stratigraphy; 15498

(4) Is used primarily to provide oil or gas for domestic use.	15499
(X) "Exempt domestic well" means a well that meets all of the following criteria:	15500
	15501
(1) Is owned by the owner of the surface estate of the tract on which the well is located;	15502
	15503
(2) Is used primarily to provide gas for the owner's domestic use;	15504
	15505
(3) Is located more than two hundred feet horizontal distance from any inhabited private dwelling house other than an inhabited private dwelling house located on the tract on which the well is located;	15506
	15507
	15508
	15509
(4) Is located more than two hundred feet horizontal distance from any public building that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.	15510
	15511
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(Y) "Urbanized area" means an area where a well or production facilities of a well are located within a municipal corporation or within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities.	15514
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(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations.	15520
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	15522
(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access road	15523
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construction, well drilling, well completion, well stimulation, 15529  
well site activities, reclamation, and plugging. "Production 15530  
operation" also includes all of the following: 15531

(1) The piping, equipment, and facilities used for the 15532  
production and preparation of hydrocarbon gas or liquids for 15533  
transportation or delivery; 15534

(2) The processes of extraction and recovery, lifting, 15535  
stabilization, treatment, separation, production processing, 15536  
storage, waste disposal, and measurement of hydrocarbon gas and 15537  
liquids, including related equipment and facilities; 15538

(3) The processes and related equipment and facilities 15539  
associated with production compression, gas lift, gas injection, 15540  
fuel gas supply, well drilling, well stimulation, and well 15541  
completion activities, including dikes, pits, and earthen and 15542  
other impoundments used for the temporary storage of fluids and 15543  
waste substances associated with well drilling, well stimulation, 15544  
and well completion activities; 15545

(4) Equipment and facilities at a wellpad or other location 15546  
that are used for the transportation, handling, recycling, 15547  
temporary storage, management, processing, or treatment of any 15548  
equipment, material, and by-products or other substances from an 15549  
operation at a wellpad that may be used or reused at the same or 15550  
another operation at a wellpad or that will be disposed of in 15551  
accordance with applicable laws and rules adopted under them. 15552

(BB) "Annular overpressurization" means the accumulation of 15553  
fluids within an annulus with sufficient pressure to allow 15554  
migration of annular fluids into underground sources of drinking 15555  
water. 15556

(CC) "Idle and orphaned well" means a well for which a bond 15557  
has been forfeited or an abandoned well for which no money is 15558  
available to plug the well in accordance with this chapter and 15559

rules adopted under it.	15560
(DD) "Temporarily inactive well" means a well that has been granted temporary inactive status under section 1509.062 of the Revised Code.	15561 15562 15563
(EE) "Material and substantial violation" means any of the following:	15564 15565
(1) Failure to obtain a permit to drill, reopen, convert, plugback, or plug a well under this chapter;	15566 15567
(2) Failure to obtain, maintain, update, or submit proof of insurance coverage that is required under this chapter;	15568 15569
(3) Failure to obtain, maintain, update, or submit proof of a surety bond that is required under this chapter;	15570 15571
(4) Failure to plug an abandoned well or idle and orphaned well unless the well has been granted temporary inactive status under section 1509.062 of the Revised Code or the chief of the division of oil and gas resources management has approved another option concerning the abandoned well or idle and orphaned well;	15572 15573 15574 15575 15576
(5) Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code;	15577 15578
(6) Failure to reimburse the oil and gas well fund pursuant to a final order issued under section 1509.071 of the Revised Code;	15579 15580 15581
(7) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code;	15582 15583
(8) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it.	15584 15585
(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code.	15586 15587
(GG) "Horizontal well" means a well that is drilled for the	15588

production of oil or gas in which the wellbore reaches a 15589  
horizontal or near horizontal position in the Point Pleasant, 15590  
Utica, or Marcellus formation and the well is stimulated. 15591

(HH) "Well pad" means the area that is cleared or prepared 15592  
for the drilling of one or more horizontal wells. 15593

**Sec. 1509.06.** (A) An application for a permit to drill a new 15594  
well, drill an existing well deeper, reopen a well, convert a well 15595  
to any use other than its original purpose, or plug back a well to 15596  
a different source of supply, including associated production 15597  
operations, shall be filed with the chief of the division of oil 15598  
and gas resources management upon such form as the chief 15599  
prescribes and shall contain each of the following that is 15600  
applicable: 15601

(1) The name and address of the owner and, if a corporation, 15602  
the name and address of the statutory agent; 15603

(2) The signature of the owner or the owner's authorized 15604  
agent. When an authorized agent signs an application, it shall be 15605  
accompanied by a certified copy of the appointment as such agent. 15606

(3) The names and addresses of all persons holding the 15607  
royalty interest in the tract upon which the well is located or is 15608  
to be drilled or within a proposed drilling unit; 15609

(4) The location of the tract or drilling unit on which the 15610  
well is located or is to be drilled identified by section or lot 15611  
number, city, village, township, and county; 15612

(5) Designation of the well by name and number; 15613

(6)(a) The geological formation to be tested or used and the 15614  
proposed total depth of the well; 15615

(b) If the well is for the injection of a liquid, identity of 15616  
the geological formation to be used as the injection zone and the 15617  
composition of the liquid to be injected. 15618

(7) The type of drilling equipment to be used; 15619

(8)(a) An identification, to the best of the owner's 15620  
knowledge, of each proposed source of ground water and surface 15621  
water that will be used in the production operations of the well. 15622  
The identification of each proposed source of water shall indicate 15623  
if the water will be withdrawn from the Lake Erie watershed or the 15624  
Ohio river watershed. In addition, the owner shall provide, to the 15625  
best of the owner's knowledge, the proposed estimated rate and 15626  
volume of the water withdrawal for the production operations. If 15627  
recycled water will be used in the production operations, the 15628  
owner shall provide the estimated volume of recycled water to be 15629  
used. The owner shall submit to the chief an update of any of the 15630  
information that is required by division (A)(8)(a) of this section 15631  
if any of that information changes before the chief issues a 15632  
permit for the application. 15633

(b) Except as provided in division (A)(8)(c) of this section, 15634  
for an application for a permit to drill a new well within an 15635  
urbanized area, the results of sampling of water wells within 15636  
three hundred feet of the proposed well prior to commencement of 15637  
drilling. In addition, the owner shall include a list that 15638  
identifies the location of each water well where the owner of the 15639  
property on which the water well is located denied the owner 15640  
access to sample the water well. The sampling shall be conducted 15641  
in accordance with the guidelines established in "Best Management 15642  
Practices For Pre-drilling Water Sampling" in effect at the time 15643  
that the application is submitted. The division shall furnish 15644  
those guidelines upon request and shall make them available on the 15645  
division's web site. If the chief determines that conditions at 15646  
the proposed well site warrant a revision, the chief may revise 15647  
the distance established in this division for purposes of 15648  
pre-drilling water sampling. 15649

(c) For an application for a permit to drill a new horizontal 15650



well, the results of sampling of water wells within one thousand 15651  
five hundred feet of the proposed horizontal wellhead prior to 15652  
commencement of drilling. In addition, the owner shall include a 15653  
list that identifies the location of each water well where the 15654  
owner of the property on which the water well is located denied 15655  
the owner access to sample the water well. The sampling shall be 15656  
conducted in accordance with the guidelines established in "Best 15657  
Management Practices For Pre-drilling Water Sampling" in effect at 15658  
the time that the application is submitted. The division shall 15659  
furnish those guidelines upon request and shall make them 15660  
available on the division's web site. If the chief determines that 15661  
conditions at the proposed well site warrant a revision, the chief 15662  
may revise the distance established in this division for purposes 15663  
of pre-drilling water sampling. 15664

(9) For an application for a permit to drill a new well 15665  
within an urbanized area, a sworn statement that the applicant has 15666  
provided notice by regular mail of the application to the owner of 15667  
each parcel of real property that is located within five hundred 15668  
feet of the surface location of the well and to the executive 15669  
authority of the municipal corporation or the board of township 15670  
trustees of the township, as applicable, in which the well is to 15671  
be located. In addition, the notice shall contain a statement that 15672  
informs an owner of real property who is required to receive the 15673  
notice under division (A)(9) of this section that within five days 15674  
of receipt of the notice, the owner is required to provide notice 15675  
under section 1509.60 of the Revised Code to each residence in an 15676  
occupied dwelling that is located on the owner's parcel of real 15677  
property. The notice shall contain a statement that an application 15678  
has been filed with the division of oil and gas resources 15679  
management, identify the name of the applicant and the proposed 15680  
well location, include the name and address of the division, and 15681  
contain a statement that comments regarding the application may be 15682  
sent to the division. The notice may be provided by hand delivery 15683

or regular mail. The identity of the owners of parcels of real 15684  
property shall be determined using the tax records of the 15685  
municipal corporation or county in which a parcel of real property 15686  
is located as of the date of the notice. 15687

(10) A plan for restoration of the land surface disturbed by 15688  
drilling operations. The plan shall provide for compliance with 15689  
the restoration requirements of division (A) of section 1509.072 15690  
of the Revised Code and any rules adopted by the chief pertaining 15691  
to that restoration. 15692

(11)(a) A description by name or number of the county, 15693  
township, and municipal corporation roads, streets, and highways 15694  
that the applicant anticipates will be used for access to and 15695  
egress from the well site; 15696

(b) For an application for a permit for a horizontal well, a 15697  
copy of an agreement concerning maintenance and safe use of the 15698  
roads, streets, and highways described in division (A)(11)(a) of 15699  
this section entered into on reasonable terms with the public 15700  
official that has the legal authority to enter into such 15701  
maintenance and use agreements for each county, township, and 15702  
municipal corporation, as applicable, in which any such road, 15703  
street, or highway is located or an affidavit on a form prescribed 15704  
by the chief attesting that the owner attempted in good faith to 15705  
enter into an agreement under division (A)(11)(b) of this section 15706  
with the applicable public official of each such county, township, 15707  
or municipal corporation, but that no agreement was executed. 15708

(12) Such other relevant information as the chief prescribes 15709  
by rule. 15710

Each application shall be accompanied by a map, on a scale 15711  
not smaller than four hundred feet to the inch, prepared by an 15712  
Ohio registered surveyor, showing the location of the well and 15713  
containing such other data as may be prescribed by the chief. If 15714

the well is or is to be located within the excavations and 15715  
workings of a mine, the map also shall include the location of the 15716  
mine, the name of the mine, and the name of the person operating 15717  
the mine. 15718

(B) The chief shall cause a copy of the weekly circular 15719  
prepared by the division to be provided to the county engineer of 15720  
each county that contains active or proposed drilling activity. 15721  
The weekly circular shall contain, in the manner prescribed by the 15722  
chief, the names of all applicants for permits, the location of 15723  
each well or proposed well, the information required by division 15724  
(A)(11) of this section, and any additional information the chief 15725  
prescribes. In addition, the chief promptly shall transfer an 15726  
electronic copy or facsimile, or if those methods are not 15727  
available to a municipal corporation or township, a copy via 15728  
regular mail, of a drilling permit application to the clerk of the 15729  
legislative authority of the municipal corporation or to the clerk 15730  
of the township in which the well or proposed well is or is to be 15731  
located if the legislative authority of the municipal corporation 15732  
or the board of township trustees has asked to receive copies of 15733  
such applications and the appropriate clerk has provided the chief 15734  
an accurate, current electronic mailing address or facsimile 15735  
number, as applicable. 15736

(C)(1) Except as provided in division (C)(2) of this section, 15737  
the chief shall not issue a permit for at least ten days after the 15738  
date of filing of the application for the permit unless, upon 15739  
reasonable cause shown, the chief waives that period or a request 15740  
for expedited review is filed under this section. However, the 15741  
chief shall issue a permit within twenty-one days of the filing of 15742  
the application unless the chief denies the application by order. 15743

(2) If the location of a well or proposed well will be or is 15744  
within an urbanized area, the chief shall not issue a permit for 15745  
at least eighteen days after the date of filing of the application 15746

for the permit unless, upon reasonable cause shown, the chief 15747  
waives that period or the chief at the chief's discretion grants a 15748  
request for an expedited review. However, the chief shall issue a 15749  
permit for a well or proposed well within an urbanized area within 15750  
thirty days of the filing of the application unless the chief 15751  
denies the application by order. 15752

(D) An applicant may file a request with the chief for 15753  
expedited review of a permit application if the well is not or is 15754  
not to be located in a gas storage reservoir or reservoir 15755  
protective area, as "reservoir protective area" is defined in 15756  
section 1571.01 of the Revised Code. If the well is or is to be 15757  
located in a coal bearing township, the application shall be 15758  
accompanied by the affidavit of the landowner prescribed in 15759  
section 1509.08 of the Revised Code. 15760

In addition to a complete application for a permit that meets 15761  
the requirements of this section and the permit fee prescribed by 15762  
this section, a request for expedited review shall be accompanied 15763  
by a separate nonrefundable filing fee of two hundred fifty 15764  
dollars. Upon the filing of a request for expedited review, the 15765  
chief shall cause the county engineer of the county in which the 15766  
well is or is to be located to be notified of the filing of the 15767  
permit application and the request for expedited review by 15768  
telephone or other means that in the judgment of the chief will 15769  
provide timely notice of the application and request. The chief 15770  
shall issue a permit within seven days of the filing of the 15771  
request unless the chief denies the application by order. 15772  
Notwithstanding the provisions of this section governing expedited 15773  
review of permit applications, the chief may refuse to accept 15774  
requests for expedited review if, in the chief's judgment, the 15775  
acceptance of the requests would prevent the issuance, within 15776  
twenty-one days of their filing, of permits for which applications 15777  
are pending. 15778

(E) A well shall be drilled and operated in accordance with the plans, sworn statements, and other information submitted in the approved application.

(F) The chief shall issue an order denying a permit if the chief finds that there is a substantial risk that the operation will result in violations of this chapter or rules adopted under it that will present an imminent danger to public health or safety or damage to the environment, provided that where the chief finds that terms or conditions to the permit can reasonably be expected to prevent such violations, the chief shall issue the permit subject to those terms or conditions, including, if applicable, terms and conditions regarding subjects identified in rules adopted under section 1509.03 of the Revised Code. The issuance of a permit shall not be considered an order of the chief.

The chief shall post notice of each permit that has been approved under this section on the division's web site not later than two business days after the application for a permit has been approved.

(G) Each application for a permit required by section 1509.05 of the Revised Code, ~~except an application to plug back an existing well that is required by that section and an application~~ for a well drilled or reopened for purposes of section 1509.22 of the Revised Code, also shall be accompanied by a nonrefundable fee as follows:

(1) Five hundred dollars for a permit to conduct activities in a township with a population of fewer than ten thousand;

(2) Seven hundred fifty dollars for a permit to conduct activities in a township with a population of ten thousand or more, but fewer than fifteen thousand;

(3) One thousand dollars for a permit to conduct activities in either of the following:

(a) A township with a population of fifteen thousand or more;	15810
(b) A municipal corporation regardless of population.	15811
(4) If the application is for a permit that requires	15812
mandatory pooling, an additional five thousand dollars.	15813
For purposes of calculating fee amounts, populations shall be	15814
determined using the most recent federal decennial census.	15815
Each application for the revision or reissuance of a permit	15816
shall be accompanied by a nonrefundable fee of two hundred fifty	15817
dollars.	15818
(H)(1) Prior to the commencement of well pad construction and	15819
prior to the issuance of a permit to drill a proposed horizontal	15820
well or a proposed well that is to be located in an urbanized	15821
area, the division shall conduct a site review to identify and	15822
evaluate any site-specific terms and conditions that may be	15823
attached to the permit. At the site review, a representative of	15824
the division shall consider fencing, screening, and landscaping	15825
requirements, if any, for similar structures in the community in	15826
which the well is proposed to be located. The terms and conditions	15827
that are attached to the permit shall include the establishment of	15828
fencing, screening, and landscaping requirements for the surface	15829
facilities of the proposed well, including a tank battery of the	15830
well.	15831
(2) Prior to the issuance of a permit to drill a proposed	15832
well, the division shall conduct a review to identify and evaluate	15833
any site-specific terms and conditions that may be attached to the	15834
permit if the proposed well will be located in a one-hundred-year	15835
floodplain or within the five-year time of travel associated with	15836
a public drinking water supply.	15837
(I) A permit shall be issued by the chief in accordance with	15838
this chapter. A permit issued under this section for a well that	15839
is or is to be located in an urbanized area shall be valid for	15840

twelve months, and all other permits issued under this section 15841  
shall be valid for twenty-four months. 15842

(J) An applicant or a permittee, as applicable, shall submit 15843  
to the chief an update of the information that is required under 15844  
division (A)(8)(a) of this section if any of that information 15845  
changes prior to commencement of production operations. 15846

(K) A permittee or a permittee's authorized representative 15847  
shall notify an inspector from the division at least twenty-four 15848  
hours, or another time period agreed to by the chief's authorized 15849  
representative, prior to the commencement of well pad construction 15850  
and of drilling, reopening, converting, well stimulation, or 15851  
plugback operations. 15852

**Sec. 1509.11.** (A)(1) The owner of any well, except a 15853  
horizontal well, that is producing or capable of producing oil or 15854  
gas shall file with the chief of the division of oil and gas 15855  
resources management, on or before the thirty-first day of March, 15856  
a statement of production of oil, gas, and brine for the last 15857  
preceding calendar year in such form as the chief may prescribe. 15858  
An owner that has more than one hundred such wells in this state 15859  
shall submit electronically the statement of production in a 15860  
format that is approved by the chief. ~~The chief shall include on 15861  
the form, at the minimum, a request for the submittal of the 15862  
information that a person who is regulated under this chapter is 15863  
required to submit under the "Emergency Planning and Community 15864  
Right To Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and 15865  
regulations adopted under it, and that the division of oil and gas 15866  
resources management does not obtain through other reporting 15867  
mechanisms.~~ 15868

(2) The owner of any horizontal well that is producing or 15869  
capable of producing oil or gas shall file with the chief, on the 15870  
forty-fifth day following the close of each calendar quarter, a 15871

statement of production of oil, gas, and brine for the preceding 15872  
calendar quarter in a form that the chief prescribes. An owner 15873  
that has more than one hundred horizontal wells in this state 15874  
shall submit electronically the statement of production in a 15875  
format that is approved by the chief. ~~The chief shall include on~~ 15876  
~~the form, at a minimum, a request for the submittal of the~~ 15877  
~~information that a person who is regulated under this chapter is~~ 15878  
~~required to submit under the "Emergency Planning and Community~~ 15879  
~~Right To Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, and~~ 15880  
~~regulations adopted under it, and that the division does not~~ 15881  
~~obtain through other reporting mechanisms.~~ 15882

(B) The chief shall not disclose information received from 15883  
the department of taxation under division (C)(12) of section 15884  
5703.21 of the Revised Code until the related statement of 15885  
production required by division (A) of this section is filed with 15886  
the chief. 15887

**Sec. 1509.23.** ~~(A)~~ Rules of the chief of the division of oil 15888  
and gas resources management may specify practices to be followed 15889  
in the drilling and treatment of wells, production of oil and gas, 15890  
and plugging of wells for protection of public health or safety or 15891  
to prevent damage to natural resources, including specification of 15892  
the following: 15893

~~(1)~~(A) Appropriate devices; 15894

~~(2)~~(B) Minimum distances that wells and other excavations, 15895  
structures, and equipment shall be located from water wells, 15896  
streets, roads, highways, rivers, lakes, streams, ponds, other 15897  
bodies of water, railroad tracks, public or private recreational 15898  
areas, zoning districts, and buildings or other structures. Rules 15899  
adopted under this division ~~(A)(2) of this section~~ shall not 15900  
conflict with section 1509.021 of the Revised Code. 15901

~~(3)~~(C) Other methods of operation; 15902



~~(4)(D)~~ Procedures, methods, and equipment and other 15903  
requirements for equipment to prevent and contain discharges of 15904  
oil and brine from oil production facilities and oil drilling and 15905  
workover facilities consistent with and equivalent in scope, 15906  
content, and coverage to section 311(j)(1)(c) of the "Federal 15907  
Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 15908  
U.S.C.A. 1251, as amended, and regulations adopted under it. In 15909  
addition, the rules may specify procedures, methods, and equipment 15910  
and other requirements for equipment to prevent and contain 15911  
surface and subsurface discharges of fluids, condensates, and 15912  
gases. 15913

~~(5)(E)~~ Notifications; 15914

~~(6)(F)~~ Requirements governing the location and construction 15915  
of fresh water impoundments that are part of a production 15916  
operation. 15917

~~(B)~~ The chief, in consultation with the emergency response 15918  
commission created in section 3750.02 of the Revised Code, shall 15919  
adopt rules in accordance with Chapter 119. of the Revised Code 15920  
that specify the information that shall be included in an 15921  
electronic database that the chief shall create and host. The 15922  
information shall be that which the chief considers to be 15923  
appropriate for the purpose of responding to emergency situations 15924  
that pose a threat to public health or safety or the environment. 15925  
At the minimum, the information shall include that which a person 15926  
who is regulated under this chapter is required to submit under 15927  
the "Emergency Planning and Community Right To Know Act of 1986," 15928  
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 15929  
it. 15930

~~In addition, the rules shall specify whether and to what 15931  
extent the database and the information that it contains will be 15932  
made accessible to the public. The rules shall ensure that the 15933  
database will be made available via the internet or a system of 15934~~

~~computer disks to the emergency response commission and to every  
local emergency planning committee and fire department in this  
state.~~

Sec. 1509.231. (A) A person that is regulated under this  
chapter and rules adopted under it and that is required to submit  
information under the "Emergency Planning and Community  
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11022, and  
regulations adopted under it shall submit the information to the  
chief of the division of oil and gas resources management on or  
before the first day of March of each calendar year. The person  
shall submit the information in accordance with rules adopted  
under division (B) of this section.

(B) The chief, in consultation with the emergency response  
commission created in section 3750.02 of the Revised Code, shall  
adopt rules in accordance with Chapter 119. of the Revised Code  
that specify the information that shall be included in an  
electronic database that the chief shall create and host. The  
information shall be information that the chief considers to be  
appropriate for the purpose of responding to emergency situations  
that pose a threat to public health or safety or the environment.  
The rules shall require that the information be consistent with  
the information that a person that is regulated under this chapter  
is required to submit under the "Emergency Planning and Community  
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11022, and  
regulations adopted under it.

In addition, the rules shall do all of the following:

(1) Specify whether and to what extent the database and the  
information that it contains will be made accessible to the  
public;

(2) Ensure that the information submitted for the database  
will be made immediately available to the emergency response

commission, the local emergency planning committee of the 15966  
emergency planning district in which a facility is located, and 15967  
the fire department having jurisdiction over a facility; 15968

(3) Ensure that the information submitted for the database 15969  
includes the information required to be reported under section 15970  
3750.08 of the Revised Code and rules adopted under section 15971  
3750.02 of the Revised Code. 15972

(C) As used in this section, "emergency planning district," 15973  
"facility," and "fire department" have the same meanings as in 15974  
section 3750.01 of the Revised Code. 15975

**Sec. 1509.232.** (A) An owner, a person to whom an order is 15976  
issued under this chapter or rules adopted under it, a person to 15977  
whom a registration certificate is issued under section 1509.222 15978  
of the Revised Code, or a person engaged in an activity pursuant 15979  
to section 1509.226 of the Revised Code shall notify the division 15980  
of oil and gas resources management by means of a toll free 15981  
telephone number designated by the chief of the division of oil 15982  
and gas resources management or by electronic means designated by 15983  
the chief within thirty minutes after becoming aware of the 15984  
occurrence of any of the following unless notification within that 15985  
time is impracticable under the circumstances: 15986

(1) An uncontrolled or unplanned release of gas associated 15987  
with a production operation or other activity regulated under this 15988  
chapter or rules adopted under it in an amount determined, in good 15989  
faith, to equal or exceed one hundred MCF as defined in section 15990  
5727.80 of the Revised Code; 15991

(2) A release of oil outside a containment area associated 15992  
with a production operation or other activity regulated under this 15993  
chapter or rules adopted under it if the release is in an amount 15994  
determined, in good faith, to exceed two hundred ten United States 15995  
gallons or as specified by rule adopted by the chief in accordance 15996

<u>with Chapter 119. of the Revised Code;</u>	15997
<u>(3) A release of brine, drill cuttings, or other drilling wastes regulated under this chapter or rules adopted under it</u>	15998
<u>outside the boundary of a site or facility regulated under this chapter or rules adopted under it;</u>	15999
	16000
	16001
<u>(4) A release of hydrogen sulfide associated with a production operation or other activity regulated under this chapter or rules adopted under it in an amount determined, in good faith, to exceed twenty parts per million;</u>	16002
	16003
	16004
	16005
<u>(5) A discharge or spill of a liquid, solid, or semisolid substance or material associated with a production operation or other activity regulated under this chapter or rules adopted under it in an amount determined, in good faith, to exceed a reportable quantity as defined in rules adopted under section 3750.02 of the Revised Code, excluding a discharge or spill consisting solely of fresh water or storm water;</u>	16006
	16007
	16008
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	16012
<u>(6) A fire or explosion associated with a production operation or other activity regulated under this chapter or rules adopted under it, excluding flaring or controlled burns authorized under this chapter or rules adopted under it or by the terms and conditions of a permit issued under this chapter;</u>	16013
	16014
	16015
	16016
	16017
<u>(7) The response by a fire department as defined in section 742.01 of the Revised Code or a person providing emergency medical services as defined in section 4765.01 of the Revised Code to the location of, and for the purpose of responding to, an occurrence specified in division (A)(1), (2), (3), (4), (5), or (6) of this section.</u>	16018
	16019
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<u>(B) If a contractor performs services on behalf of a person specified in division (A) of this section, the contractor shall notify that person within thirty minutes after the contractor becomes aware of any occurrence specified in that division unless</u>	16024
	16025
	16026
	16027

notification within that time is impracticable under the 16028  
circumstances. 16029

(C) The chief may adopt rules in accordance with Chapter 119. 16030  
of the Revised Code that are necessary for the administration of 16031  
this section. 16032

(D) No person shall fail to comply with this section. 16033

(E)(1) Section 1509.33 of the Revised Code applies to this 16034  
section. 16035

(2) Section 1509.99 of the Revised Code does not apply to 16036  
this section. 16037

**Sec. 1509.27.** If a tract ~~of land is~~ or tracts are of 16038  
insufficient size or shape to meet the requirements for drilling a 16039  
proposed well thereon as provided in section 1509.24 or 1509.25 of 16040  
the Revised Code, whichever is applicable, and the owner ~~of the~~ 16041  
~~tract who also is the owner of the mineral interest~~ has been 16042  
unable to form a drilling unit under agreement as provided in 16043  
section 1509.26 of the Revised Code, on a just and equitable 16044  
basis, ~~such as~~ the owner may make application to the division of 16045  
oil and gas resources management for a mandatory pooling order. 16046

The application shall include information as shall be 16047  
reasonably required by the chief of the division of oil and gas 16048  
resources management and shall be accompanied by an application 16049  
for a permit as required by section 1509.05 of the Revised Code. 16050  
The chief shall notify all mineral rights owners of ~~land tracts~~ 16051  
within the area proposed to be pooled by an order and included 16052  
within the drilling unit of the filing of the application and of 16053  
their right to a hearing. After the hearing or after the 16054  
expiration of thirty days from the date notice of application was 16055  
mailed to such owners, the chief, if satisfied that the 16056  
application is proper in form and that mandatory pooling is 16057

necessary to protect correlative rights and to provide effective 16058  
development, use, and conservation of oil and gas, shall issue a 16059  
drilling permit and a mandatory pooling order complying with the 16060  
requirements for drilling a well as provided in section 1509.24 or 16061  
1509.25 of the Revised Code, whichever is applicable. The 16062  
mandatory pooling order shall: 16063

(A) Designate the boundaries of the drilling unit within 16064  
which the well shall be drilled; 16065

(B) Designate the proposed production site; 16066

(C) Describe each separately owned tract or part thereof 16067  
pooled by the order; 16068

(D) Allocate on a surface acreage basis a pro rata portion of 16069  
the production to ~~the owner of~~ each tract pooled by the order. The 16070  
pro rata portion shall be in the same proportion that the 16071  
percentage of the ~~owner's~~ tract's acreage is to the state minimum 16072  
acreage requirements established in rules adopted under this 16073  
chapter for a drilling unit unless the applicant demonstrates to 16074  
the chief using geological evidence that the geologic structure 16075  
containing the oil or gas is larger than the minimum acreage 16076  
requirement in which case the pro rata portion shall be in the 16077  
same proportion that the percentage of the ~~owner's~~ tract's acreage 16078  
is to the geologic structure. 16079

(E) Specify the basis upon which each mineral rights owner of 16080  
a tract pooled by the order shall share all reasonable costs and 16081  
expenses of drilling and producing if the mineral rights owner 16082  
elects to participate in the drilling and operation of the well; 16083

(F) Designate the person to whom the permit shall be issued. 16084

A person shall not submit more than five applications for 16085  
mandatory pooling orders per year under this section unless 16086  
otherwise approved by the chief. 16087

No surface operations or disturbances to the surface of the land shall occur on a tract pooled by an order without the written consent of or a written agreement with the surface rights owner of the tract that approves the operations or disturbances.

If ~~an~~ a mineral rights owner of a tract pooled by the order does not elect to participate in the risk and cost of the drilling and operation of a well, the mineral rights owner shall be designated as a nonparticipating owner in the drilling and operation of the well on a limited or carried basis and is subject to terms and conditions determined by the chief to be just and reasonable. In addition, if ~~an~~ a mineral rights owner is designated as a nonparticipating owner, the mineral rights owner is not liable for actions or conditions associated with the drilling or operation of the well. If the applicant bears the costs of drilling, equipping, and operating a well for the benefit of a nonparticipating owner, as provided for in the pooling order, then the applicant shall be entitled to the share of production from the drilling unit accruing to the interest of that nonparticipating owner, exclusive of the nonparticipating owner's proportionate share of the royalty interest until there has been received the share of costs charged to that nonparticipating owner plus such additional percentage of the share of costs as the chief shall determine. The total amount receivable hereunder shall in no event exceed two hundred per cent of the share of costs charged to that nonparticipating owner. After receipt of that share of costs by such an applicant, a nonparticipating owner shall receive a proportionate share of the working interest in the well in addition to a proportionate share of the royalty interest, if any.

If there is a dispute as to costs of drilling, equipping, or operating a well, the chief shall determine those costs.

**Sec. 1509.33.** (A) Whoever violates sections 1509.01 to

1509.31 of the Revised Code, or any rules adopted or orders or 16119  
terms or conditions of a permit or registration certificate issued 16120  
pursuant to these sections for which no specific penalty is 16121  
provided in this section, shall pay a civil penalty of not more 16122  
than ~~four~~ ten thousand dollars for each offense. 16123

(B) Whoever violates section 1509.221 of the Revised Code or 16124  
any rules adopted or orders or terms or conditions of a permit 16125  
issued thereunder shall pay a civil penalty of not more than ~~two~~ 16126  
ten thousand ~~five hundred~~ dollars for each violation. 16127

(C) Whoever violates division (D) of section 1509.22 or 16128  
division (A)(1) of section 1509.222 of the Revised Code shall pay 16129  
a civil penalty of not less than two thousand five hundred dollars 16130  
nor more than twenty thousand dollars for each violation. 16131

(D) Whoever violates division (A) of section 1509.22 of the 16132  
Revised Code shall pay a civil penalty of not less than two 16133  
thousand five hundred dollars nor more than ten thousand dollars 16134  
for each violation. 16135

(E) Whoever violates division (A) of section 1509.223 of the 16136  
Revised Code shall pay a civil penalty of not more than ten 16137  
thousand dollars for each violation. 16138

(F) Whoever violates section 1509.072 of the Revised Code or 16139  
any rules adopted or orders issued to administer, implement, or 16140  
enforce that section shall pay a civil penalty of not more than 16141  
five thousand dollars for each violation. 16142

(G) In addition to any other penalties provided in this 16143  
chapter, whoever violates section 1509.05, section 1509.21, 16144  
division (B) of section 1509.22, or division (A)(1) of section 16145  
1509.222 of the Revised Code or a term or condition of a permit or 16146  
an order issued by the chief of the division of oil and gas 16147  
resources management under this chapter or knowingly violates 16148  
division (A) of section 1509.223 of the Revised Code is liable for 16149



any damage or injury caused by the violation and for the actual 16150  
cost of rectifying the violation and conditions caused by the 16151  
violation. If two or more persons knowingly violate one or more of 16152  
those divisions in connection with the same event, activity, or 16153  
transaction, they are jointly and severally liable under this 16154  
division. 16155

(H) The attorney general, upon the request of the chief of 16156  
the division of oil and gas resources management, shall commence 16157  
an action under this section against any person who violates 16158  
sections 1509.01 to 1509.31 of the Revised Code, or any rules 16159  
adopted or orders or terms or conditions of a permit or 16160  
registration certificate issued pursuant to these sections. Any 16161  
action under this section is a civil action, governed by the Rules 16162  
of Civil Procedure and other rules of practice and procedure 16163  
applicable to civil actions. The remedy provided in this division 16164  
is cumulative and concurrent with any other remedy provided in 16165  
this chapter, and the existence or exercise of one remedy does not 16166  
prevent the exercise of any other, except that no person shall be 16167  
subject to both a civil penalty under division (A), (B), (C), or 16168  
(D) of this section and a ~~criminal penalty under~~ fine established 16169  
in section 1509.99 of the Revised Code for the same offense. 16170

(I) For purposes of this section, each day of violation 16171  
constitutes a separate offense. 16172

**Sec. 1513.07.** (A)(1) No operator shall conduct a coal mining 16173  
operation without a permit for the operation issued by the chief 16174  
of the division of mineral resources management. 16175

(2) All permits issued pursuant to this chapter shall be 16176  
issued for a term not to exceed five years, except that, if the 16177  
applicant demonstrates that a specified longer term is reasonably 16178  
needed to allow the applicant to obtain necessary financing for 16179  
equipment and the opening of the operation and if the application 16180

is full and complete for the specified longer term, the chief may 16181  
grant a permit for the longer term. A successor in interest to a 16182  
permittee who applies for a new permit within thirty days after 16183  
succeeding to the interest and who is able to obtain the 16184  
performance security of the original permittee may continue coal 16185  
mining and reclamation operations according to the approved mining 16186  
and reclamation plan of the original permittee until the 16187  
successor's application is granted or denied. 16188

(3) A permit shall terminate if the permittee has not 16189  
commenced the coal mining operations covered by the permit within 16190  
three years after the issuance of the permit, except that the 16191  
chief may grant reasonable extensions of the time upon a showing 16192  
that the extensions are necessary by reason of litigation 16193  
precluding the commencement or threatening substantial economic 16194  
loss to the permittee or by reason of conditions beyond the 16195  
control and without the fault or negligence of the permittee, and 16196  
except that with respect to coal to be mined for use in a 16197  
synthetic fuel facility or specified major electric generating 16198  
facility, the permittee shall be deemed to have commenced coal 16199  
mining operations at the time construction of the synthetic fuel 16200  
or generating facility is initiated. 16201

(4)(a) Any permit issued pursuant to this chapter shall carry 16202  
with it the right of successive renewal upon expiration with 16203  
respect to areas within the boundaries of the permit. The holders 16204  
of the permit may apply for renewal and the renewal shall be 16205  
issued unless the chief determines by written findings, subsequent 16206  
to fulfillment of the public notice requirements of this section 16207  
and section 1513.071 of the Revised Code through demonstrations by 16208  
opponents of renewal or otherwise, that one or more of the 16209  
following circumstances exists: 16210

(i) The terms and conditions of the existing permit are not 16211  
being satisfactorily met. 16212

(ii) The present coal mining and reclamation operation is not 16213  
in compliance with the environmental protection standards of this 16214  
chapter. 16215

(iii) The renewal requested substantially jeopardizes the 16216  
operator's continuing responsibilities on existing permit areas. 16217

(iv) The applicant has not provided evidence that the 16218  
performance security in effect for the operation will continue in 16219  
effect for any renewal requested in the application. 16220

(v) Any additional, revised, or updated information required 16221  
by the chief has not been provided. Prior to the approval of any 16222  
renewal of a permit, the chief shall provide notice to the 16223  
appropriate public authorities as prescribed by rule of the chief. 16224

(b) If an application for renewal of a valid permit includes 16225  
a proposal to extend the mining operation beyond the boundaries 16226  
authorized in the existing permit, the portion of the application 16227  
for renewal of a valid permit that addresses any new land areas 16228  
shall be subject to the full standards applicable to new 16229  
applications under this chapter. 16230

(c) A permit renewal shall be for a term not to exceed the 16231  
period of the original permit established by this chapter. 16232  
Application for permit renewal shall be made at least one hundred 16233  
twenty days prior to the expiration of the valid permit. 16234

(5) A permit issued pursuant to this chapter does not 16235  
eliminate the requirements for obtaining a permit to install or 16236  
modify a disposal system or any part thereof or to discharge 16237  
sewage, industrial waste, or other wastes into the waters of the 16238  
state in accordance with Chapter 6111. of the Revised Code. 16239

(B)(1) The permit application shall be submitted in a manner 16240  
satisfactory to the chief and shall contain, among other things, 16241  
all of the following: 16242

(a) The names and addresses of all of the following:	16243
(i) The permit applicant;	16244
(ii) Every legal owner of record of the property, surface and mineral, to be mined;	16245 16246
(iii) The holders of record of any leasehold interest in the property;	16247 16248
(iv) Any purchaser of record of the property under a real estate contract;	16249 16250
(v) The operator if different from the applicant;	16251
(vi) If any of these are business entities other than a single proprietor, the names and addresses of the principals, officers, and statutory agent for service of process.	16252 16253 16254
(b) The names and addresses of the owners of record of all surface and subsurface areas adjacent to any part of the permit area;	16255 16256 16257
(c) A statement of any current or previous coal mining permits in the United States held by the applicant, the permit identification, and any pending applications;	16258 16259 16260
(d) If the applicant is a partnership, corporation, association, or other business entity, the following where applicable: the names and addresses of every officer, partner, director, or person performing a function similar to a director, of the applicant, the name and address of any person owning, of record, ten per cent or more of any class of voting stock of the applicant, a list of all names under which the applicant, partner, or principal shareholder previously operated a coal mining operation within the United States within the five-year period preceding the date of submission of the application, and a list of the person or persons primarily responsible for ensuring that the applicant complies with the requirements of this chapter and rules	16261 16262 16263 16264 16265 16266 16267 16268 16269 16270 16271 16272

adopted pursuant thereto while mining and reclaiming under the 16273  
permit; 16274

(e) A statement of whether the applicant, any subsidiary, 16275  
affiliate, or persons controlled by or under common control with 16276  
the applicant, any partner if the applicant is a partnership, any 16277  
officer, principal shareholder, or director if the applicant is a 16278  
corporation, or any other person who has a right to control or in 16279  
fact controls the management of the applicant or the selection of 16280  
officers, directors, or managers of the applicant: 16281

(i) Has ever held a federal or state coal mining permit that 16282  
in the five-year period prior to the date of submission of the 16283  
application has been suspended or revoked or has had a coal mining 16284  
bond, performance security, or similar security deposited in lieu 16285  
of bond forfeited and, if so, a brief explanation of the facts 16286  
involved; 16287

(ii) Has been an officer, partner, director, principal 16288  
shareholder, or person having the right to control or has in fact 16289  
controlled the management of or the selection of officers, 16290  
directors, or managers of a business entity that has had a coal 16291  
mining or surface mining permit that in the five-year period prior 16292  
to the date of submission of the application has been suspended or 16293  
revoked or has had a coal mining or surface mining bond, 16294  
performance security, or similar security deposited in lieu of 16295  
bond forfeited and, if so, a brief explanation of the facts 16296  
involved. 16297

(f) A copy of the applicant's advertisement to be published 16298  
in a newspaper of general circulation in the locality of the 16299  
proposed site at least once a week for four successive weeks, 16300  
which shall include the ownership of the proposed mine, a 16301  
description of the exact location and boundaries of the proposed 16302  
site sufficient to make the proposed operation readily 16303  
identifiable by local residents, and the location where the 16304

application is available for public inspection; 16305

(g) A description of the type and method of coal mining 16306  
operation that exists or is proposed, the engineering techniques 16307  
proposed or used, and the equipment used or proposed to be used; 16308

(h) The anticipated or actual starting and termination dates 16309  
of each phase of the mining operation and number of acres of land 16310  
to be affected; 16311

(i) An accurate map or plan, to an appropriate scale, clearly 16312  
showing the land to be affected ~~and~~, the land upon which the 16313  
applicant has the legal right to enter and commence coal mining 16314  
operations, and the land for which the applicant will acquire the 16315  
legal right to enter and commence coal mining operations during 16316  
the term of the permit, copies of those documents upon which is 16317  
based the applicant's legal right to enter and commence coal 16318  
mining operations or a notarized statement describing the 16319  
applicant's legal right to enter and commence coal mining 16320  
operations, and a statement whether that right is the subject of 16321  
pending litigation. This chapter does not authorize the chief to 16322  
adjudicate property title disputes. 16323

(j) The name of the watershed and location of the surface 16324  
stream or tributary into which drainage from the operation will be 16325  
discharged; 16326

(k) A determination of the probable hydrologic consequences 16327  
of the mining and reclamation operations, both on and off the mine 16328  
site, with respect to the hydrologic regime, providing information 16329  
on the quantity and quality of water in surface and ground water 16330  
systems including the dissolved and suspended solids under 16331  
seasonal flow conditions and the collection of sufficient data for 16332  
the mine site and surrounding areas so that an assessment can be 16333  
made by the chief of the probable cumulative impacts of all 16334  
anticipated mining in the area upon the hydrology of the area and 16335

particularly upon water availability, but this determination shall 16336  
not be required until hydrologic information of the general area 16337  
prior to mining is made available from an appropriate federal or 16338  
state agency; however, the permit shall not be approved until the 16339  
information is available and is incorporated into the application; 16340

(l) When requested by the chief, the climatological factors 16341  
that are peculiar to the locality of the land to be affected, 16342  
including the average seasonal precipitation, the average 16343  
direction and velocity of prevailing winds, and the seasonal 16344  
temperature ranges; 16345

(m) Accurate maps prepared by or under the direction of and 16346  
certified by a qualified registered professional engineer, 16347  
registered surveyor, or licensed landscape architect to an 16348  
appropriate scale clearly showing all types of information set 16349  
forth on topographical maps of the United States geological survey 16350  
of a scale of not more than four hundred feet to the inch, 16351  
including all artificial features and significant known 16352  
archeological sites. The map, among other things specified by the 16353  
chief, shall show all boundaries of the land to be affected, the 16354  
boundary lines and names of present owners of record of all 16355  
surface areas abutting the permit area, and the location of all 16356  
buildings within one thousand feet of the permit area. 16357

(n)(i) Cross-section maps or plans of the land to be affected 16358  
including the actual area to be mined, prepared by or under the 16359  
direction of and certified by a qualified registered professional 16360  
engineer or certified professional geologist with assistance from 16361  
experts in related fields such as hydrology, hydrogeology, 16362  
geology, and landscape architecture, showing pertinent elevations 16363  
and locations of test borings or core samplings and depicting the 16364  
following information: the nature and depth of the various strata 16365  
of overburden; the nature and thickness of any coal or rider seam 16366  
above the coal seam to be mined; the nature of the stratum 16367

immediately beneath the coal seam to be mined; all mineral crop 16368  
lines and the strike and dip of the coal to be mined within the 16369  
area to be affected; existing or previous coal mining limits; the 16370  
location and extent of known workings of any underground mines, 16371  
including mine openings to the surface; the location of spoil, 16372  
waste, or refuse areas and topsoil preservation areas; the 16373  
location of all impoundments for waste or erosion control; any 16374  
settling or water treatment facility; constructed or natural 16375  
drainways and the location of any discharges to any surface body 16376  
of water on the land to be affected or adjacent thereto; profiles 16377  
at appropriate cross sections of the anticipated final surface 16378  
configuration that will be achieved pursuant to the operator's 16379  
proposed reclamation plan; the location of subsurface water, if 16380  
encountered; the location and quality of aquifers; and the 16381  
estimated elevation of the water table. Registered surveyors shall 16382  
be allowed to perform all plans, maps, and certifications under 16383  
this chapter as they are authorized under Chapter 4733. of the 16384  
Revised Code. 16385

(ii) A statement of the quality and locations of subsurface 16386  
water. The chief shall provide by rule the number of locations to 16387  
be sampled, frequency of collection, and parameters to be analyzed 16388  
to obtain the statement required. 16389

(o) A statement of the results of test borings or core 16390  
samplings from the permit area, including logs of the drill holes, 16391  
the thickness of the coal seam found, an analysis of the chemical 16392  
properties of the coal, the sulfur content of any coal seam, 16393  
chemical analysis of potentially acid or toxic forming sections of 16394  
the overburden, and chemical analysis of the stratum lying 16395  
immediately underneath the coal to be mined, except that this 16396  
division may be waived by the chief with respect to the specific 16397  
application by a written determination that its requirements are 16398  
unnecessary. If the test borings or core samplings from the permit 16399



area indicate the existence of potentially acid forming or toxic 16400  
forming quantities of sulfur in the coal or overburden to be 16401  
disturbed by mining, the application also shall include a 16402  
statement of the acid generating potential and the acid 16403  
neutralizing potential of the rock strata to be disturbed as 16404  
calculated in accordance with the calculation method established 16405  
under section 1513.075 of the Revised Code or with another 16406  
calculation method. 16407

(p) For those lands in the permit application that a 16408  
reconnaissance inspection suggests may be prime farmlands, a soil 16409  
survey shall be made or obtained according to standards 16410  
established by the secretary of the United States department of 16411  
agriculture in order to confirm the exact location of the prime 16412  
farmlands, if any; 16413

(q) A certificate issued by an insurance company authorized 16414  
to do business in this state certifying that the applicant has a 16415  
public liability insurance policy in force for the coal mining and 16416  
reclamation operations for which the permit is sought or evidence 16417  
that the applicant has satisfied other state self-insurance 16418  
requirements. The policy shall provide for personal injury and 16419  
property damage protection in an amount adequate to compensate any 16420  
persons damaged as a result of coal mining and reclamation 16421  
operations, including the use of explosives, and entitled to 16422  
compensation under the applicable provisions of state law. The 16423  
policy shall be maintained in effect during the term of the permit 16424  
or any renewal, including the length of all reclamation 16425  
operations. The insurance company shall give prompt notice to the 16426  
permittee and the chief if the public liability insurance policy 16427  
lapses for any reason including the nonpayment of insurance 16428  
premiums. Upon the lapse of the policy, the chief may suspend the 16429  
permit and all other outstanding permits until proper insurance 16430  
coverage is obtained. 16431

(r) The business telephone number of the applicant; 16432

(s) If the applicant seeks an authorization under division 16433  
(E)(7) of this section to conduct coal mining and reclamation 16434  
operations on areas to be covered by the permit that were affected 16435  
by coal mining operations before August 3, 1977, that have 16436  
resulted in continuing water pollution from or on the previously 16437  
mined areas, such additional information pertaining to those 16438  
previously mined areas as may be required by the chief, including, 16439  
without limitation, maps, plans, cross sections, data necessary to 16440  
determine existing water quality from or on those areas with 16441  
respect to pH, iron, and manganese, and a pollution abatement plan 16442  
that may improve water quality from or on those areas with respect 16443  
to pH, iron, and manganese. 16444

(2) Information pertaining to coal seams, test borings, core 16445  
samplings, or soil samples as required by this section shall be 16446  
made available by the chief to any person with an interest that is 16447  
or may be adversely affected, except that information that 16448  
pertains only to the analysis of the chemical and physical 16449  
properties of the coal, excluding information regarding mineral or 16450  
elemental content that is potentially toxic in the environment, 16451  
shall be kept confidential and not made a matter of public record. 16452

(3)(a) If the chief finds that the probable total annual 16453  
production at all locations of any operator will not exceed three 16454  
hundred thousand tons, the following activities, upon the written 16455  
request of the operator in connection with a permit application, 16456  
shall be performed by a qualified public or private laboratory or 16457  
another public or private qualified entity designated by the 16458  
chief, and the cost of the activities shall be assumed by the 16459  
chief, provided that sufficient moneys for such assistance are 16460  
available: 16461

(i) The determination of probable hydrologic consequences 16462  
required under division (B)(1)(k) of this section; 16463

(ii) The development of cross-section maps and plans required under division (B)(1)(n)(i) of this section;	16464 16465
(iii) The geologic drilling and statement of results of test borings and core samplings required under division (B)(1)(o) of this section;	16466 16467 16468
(iv) The collection of archaeological information required under division (B)(1)(m) of this section and any other archaeological and historical information required by the chief, and the preparation of plans necessitated thereby;	16469 16470 16471 16472
(v) Pre-blast surveys required under division (E) of section 1513.161 of the Revised Code;	16473 16474
(vi) The collection of site-specific resource information and production of protection and enhancement plans for fish and wildlife habitats and other environmental values required by the chief under this chapter.	16475 16476 16477 16478
(b) A coal operator that has received assistance under division (B)(3)(a) of this section shall reimburse the chief for the cost of the services rendered if the chief finds that the operator's actual and attributed annual production of coal for all locations exceeds three hundred thousand tons during the twelve months immediately following the date on which the operator was issued a coal mining and reclamation permit.	16479 16480 16481 16482 16483 16484 16485
(4) Each applicant for a permit shall submit to the chief as part of the permit application a reclamation plan that meets the requirements of this chapter.	16486 16487 16488
(5) Each applicant for a coal mining and reclamation permit shall file a copy of the application for a permit, excluding that information pertaining to the coal seam itself, for public inspection with the county recorder or an appropriate public office approved by the chief in the county where the mining is proposed to occur.	16489 16490 16491 16492 16493 16494

(6) Each applicant for a coal mining and reclamation permit shall submit to the chief as part of the permit application a blasting plan that describes the procedures and standards by which the operator will comply with section 1513.161 of the Revised Code.

(C) Each reclamation plan submitted as part of a permit application shall include, in the detail necessary to demonstrate that reclamation required by this chapter can be accomplished and in the detail necessary for the chief to determine the estimated cost of reclamation if the reclamation has to be performed by the division of mineral resources management in the event of forfeiture of the performance security by the applicant, a statement of:

(1) The identification of the lands subject to coal mining operations over the estimated life of those operations and the size, sequence, and timing of the subareas for which it is anticipated that individual permits for mining will be sought;

(2) The condition of the land to be covered by the permit prior to any mining, including all of the following:

(a) The uses existing at the time of the application and, if the land has a history of previous mining, the uses that preceded any mining;

(b) The capability of the land prior to any mining to support a variety of uses, giving consideration to soil and foundation characteristics, topography, and vegetative cover and, if applicable, a soil survey prepared pursuant to division (B)(1)(p) of this section;

(c) The productivity of the land prior to mining, including appropriate classification as prime farmlands as well as the average yield of food, fiber, forage, or wood products obtained from the land under high levels of management.

(3) The use that is proposed to be made of the land following reclamation, including information regarding the utility and capacity of the reclaimed land to support a variety of alternative uses, the relationship of the proposed use to existing land use policies and plans, and the comments of any owner of the land and state and local governments or agencies thereof that would have to initiate, implement, approve, or authorize the proposed use of the land following reclamation;

(4) A detailed description of how the proposed postmining land use is to be achieved and the necessary support activities that may be needed to achieve the proposed land use;

(5) The engineering techniques proposed to be used in mining and reclamation and a description of the major equipment; a plan for the control of surface water drainage and of water accumulation; a plan, where appropriate, for backfilling, soil stabilization, and compacting, grading, and appropriate revegetation; a plan for soil reconstruction, replacement, and stabilization, pursuant to the performance standards in section 1513.16 of the Revised Code, for those food, forage, and forest lands identified in that section; and a statement as to how the permittee plans to comply with each of the requirements set out in section 1513.16 of the Revised Code;

(6) A description of the means by which the utilization and conservation of the solid fuel resource being recovered will be maximized so that re-affecting the land in the future can be minimized;

(7) A detailed estimated timetable for the accomplishment of each major step in the reclamation plan;

(8) A description of the degree to which the coal mining and reclamation operations are consistent with surface owner plans and applicable state and local land use plans and programs;

(9) The steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards;

(10) A description of the degree to which the reclamation plan is consistent with local physical, environmental, and climatological conditions;

(11) A description of all lands, interests in lands, or options on such interests held by the applicant or pending bids on interests in lands by the applicant, which lands are contiguous to the area to be covered by the permit;

(12) The results of test borings that the applicant has made at the area to be covered by the permit, or other equivalent information and data in a form satisfactory to the chief, including the location of subsurface water, and an analysis of the chemical properties, including acid forming properties of the mineral and overburden; except that information that pertains only to the analysis of the chemical and physical properties of the coal, excluding information regarding mineral or elemental contents that are potentially toxic in the environment, shall be kept confidential and not made a matter of public record;

(13) A detailed description of the measures to be taken during the mining and reclamation process to ensure the protection of all of the following:

(a) The quality of surface and ground water systems, both on- and off-site, from adverse effects of the mining and reclamation process;

(b) The rights of present users to such water;

(c) The quantity of surface and ground water systems, both on- and off-site, from adverse effects of the mining and reclamation process or, where such protection of quantity cannot be assured, provision of alternative sources of water.

(14) Any other requirements the chief prescribes by rule. 16588

(D)(1) Any information required by division (C) of this 16589  
section that is not on public file pursuant to this chapter shall 16590  
be held in confidence by the chief. 16591

(2) With regard to requests for an exemption from the 16592  
requirements of this chapter for coal extraction incidental to the 16593  
extraction of other minerals, as described in division (H)(1)(a) 16594  
of section 1513.01 of the Revised Code, confidential information 16595  
includes and is limited to information concerning trade secrets or 16596  
privileged commercial or financial information relating to the 16597  
competitive rights of the persons intending to conduct the 16598  
extraction of minerals. 16599

(E)(1) Upon the basis of a complete mining application and 16600  
reclamation plan or a revision or renewal thereof, as required by 16601  
this chapter, and information obtained as a result of public 16602  
notification and public hearing, if any, as provided by section 16603  
1513.071 of the Revised Code, the chief shall grant, require 16604  
modification of, or deny the application for a permit and notify 16605  
the applicant in writing in accordance with division (I)(3) of 16606  
this section. An application is deemed to be complete as submitted 16607  
to the chief unless the chief, within fourteen days of the 16608  
submission, identifies deficiencies in the application in writing 16609  
and subsequently submits a copy of a written list of deficiencies 16610  
to the applicant. An application shall not be considered 16611  
incomplete or denied by reason of right of entry documentation, 16612  
provided that the applicant documents the applicant's legal right 16613  
to enter and mine at least sixty-seven per cent of the total area 16614  
for which coal mining operations are proposed. 16615

A decision of the chief denying a permit shall state in 16616  
writing the specific reasons for the denial. 16617

The applicant for a permit or revision of a permit has the 16618

burden of establishing that the application is in compliance with 16619  
all the requirements of this chapter. Within ten days after the 16620  
granting of a permit, the chief shall notify the boards of 16621  
township trustees and county commissioners, the mayor, and the 16622  
legislative authority in the township, county, and municipal 16623  
corporation in which the area of land to be affected is located 16624  
that a permit has been issued and shall describe the location of 16625  
the land. However, failure of the chief to notify the local 16626  
officials shall not affect the status of the permit. 16627

(2) No permit application or application for revision of an 16628  
existing permit shall be approved unless the application 16629  
affirmatively demonstrates and the chief finds in writing on the 16630  
basis of the information set forth in the application or from 16631  
information otherwise available, which shall be documented in the 16632  
approval and made available to the applicant, all of the 16633  
following: 16634

(a) The application is accurate and complete and all the 16635  
requirements of this chapter have been complied with. 16636

(b) The applicant has demonstrated that the reclamation 16637  
required by this chapter can be accomplished under the reclamation 16638  
plan contained in the application. 16639

(c)(i) Assessment of the probable cumulative impact of all 16640  
anticipated mining in the general and adjacent area on the 16641  
hydrologic balance specified in division (B)(1)(k) of this section 16642  
has been made by the chief, and the proposed operation has been 16643  
designed to prevent material damage to hydrologic balance outside 16644  
the permit area. 16645

(ii) There shall be an ongoing process conducted by the chief 16646  
in cooperation with other state and federal agencies to review all 16647  
assessments of probable cumulative impact of coal mining in light 16648  
of post-mining data and any other hydrologic information as it 16649



becomes available to determine if the assessments were realistic. 16650  
The chief shall take appropriate action as indicated in the review 16651  
process. 16652

(d) The area proposed to be mined is not included within an 16653  
area designated unsuitable for coal mining pursuant to section 16654  
1513.073 of the Revised Code or is not within an area under study 16655  
for such designation in an administrative proceeding commenced 16656  
pursuant to division (A)(3)(c) or (B) of section 1513.073 of the 16657  
Revised Code unless in an area as to which an administrative 16658  
proceeding has commenced pursuant to division (A)(3)(c) or (B) of 16659  
section 1513.073 of the Revised Code, the operator making the 16660  
permit application demonstrates that, prior to January 1, 1977, 16661  
the operator made substantial legal and financial commitments in 16662  
relation to the operation for which a permit is sought. 16663

(e) In cases where the private mineral estate has been 16664  
severed from the private surface estate and surface disturbance 16665  
will result from the applicant's proposed use of a strip mining 16666  
method, the applicant has submitted to the chief one of the 16667  
following: 16668

(i) The written consent of the surface owner to the surface 16669  
disturbance that will result from the extraction of coal by the 16670  
applicant's proposed strip mining method; 16671

(ii) A conveyance that expressly grants or reserves the right 16672  
to extract the coal by strip mining methods that cause surface 16673  
disturbance; 16674

(iii) If the conveyance does not expressly grant the right to 16675  
extract coal by strip mining methods that cause surface 16676  
disturbance, the surface-subsurface legal relationship concerning 16677  
surface disturbance shall be determined under the law of this 16678  
state. This chapter does not authorize the chief to adjudicate 16679  
property rights disputes. 16680

(3)(a) The applicant shall file with the permit application a schedule listing all notices of violations of any law, rule, or regulation of the United States or of any department or agency thereof or of any state pertaining to air or water environmental protection incurred by the applicant in connection with any coal mining operation during the three-year period prior to the date of application. The schedule also shall indicate the final resolution of such a notice of violation. Upon receipt of an application, the chief shall provide a schedule listing all notices of violations of this chapter pertaining to air or water environmental protection incurred by the applicant during the three-year period prior to receipt of the application and the final resolution of all such notices of violation. The chief shall provide this schedule to the applicant for filing by the applicant with the application filed for public review, as required by division (B)(5) of this section. When the schedule or other information available to the chief indicates that any coal mining operation owned or controlled by the applicant is currently in violation of such laws, the permit shall not be issued until the applicant submits proof that the violation has been corrected or is in the process of being corrected to the satisfaction of the regulatory authority, department, or agency that has jurisdiction over the violation and that any civil penalties owed to the state for a violation and not the subject of an appeal have been paid. No permit shall be issued to an applicant after a finding by the chief that the applicant or the operator specified in the application controls or has controlled mining operations with a demonstrated pattern of willful violations of this chapter of a nature and duration to result in irreparable damage to the environment as to indicate an intent not to comply with or a disregard of this chapter.

(b) For the purposes of division (E)(3)(a) of this section, any violation resulting from an unanticipated event or condition

at a surface coal mining operation on lands eligible for remining 16714  
under a permit held by the person submitting an application for a 16715  
coal mining permit under this section shall not prevent issuance 16716  
of that permit. As used in this division, "unanticipated event or 16717  
condition" means an event or condition encountered in a remining 16718  
operation that was not contemplated by the applicable surface coal 16719  
mining and reclamation permit. 16720

(4)(a) In addition to finding the application in compliance 16721  
with division (E)(2) of this section, if the area proposed to be 16722  
mined contains prime farmland as determined pursuant to division 16723  
(B)(1)(p) of this section, the chief, after consultation with the 16724  
secretary of the United States department of agriculture and 16725  
pursuant to regulations issued by the secretary of the interior 16726  
with the concurrence of the secretary of agriculture, may grant a 16727  
permit to mine on prime farmland if the chief finds in writing 16728  
that the operator has the technological capability to restore the 16729  
mined area, within a reasonable time, to equivalent or higher 16730  
levels of yield as nonmined prime farmland in the surrounding area 16731  
under equivalent levels of management and can meet the soil 16732  
reconstruction standards in section 1513.16 of the Revised Code. 16733

(b) Division (E)(4)(a) of this section does not apply to a 16734  
permit issued prior to August 3, 1977, or revisions or renewals 16735  
thereof. 16736

(5) The chief shall issue an order denying a permit after 16737  
finding that the applicant has misrepresented or omitted any 16738  
material fact in the application for the permit. 16739

(6) The chief may issue an order denying a permit after 16740  
finding that the applicant, any partner, if the applicant is a 16741  
partnership, any officer, principal shareholder, or director, if 16742  
the applicant is a corporation, or any other person who has a 16743  
right to control or in fact controls the management of the 16744  
applicant or the selection of officers, directors, or managers of 16745

the applicant has been a sole proprietor or partner, officer, 16746  
director, principal shareholder, or person having the right to 16747  
control or has in fact controlled the management of or the 16748  
selection of officers, directors, or managers of a business entity 16749  
that ever has had a coal mining license or permit issued by this 16750  
or any other state or the United States suspended or revoked, ever 16751  
has forfeited a coal or surface mining bond, performance security, 16752  
or similar security deposited in lieu of bond in this or any other 16753  
state or with the United States, or ever has substantially or 16754  
materially failed to comply with this chapter. 16755

(7) When issuing a permit under this section, the chief may 16756  
authorize an applicant to conduct coal mining and reclamation 16757  
operations on areas to be covered by the permit that were affected 16758  
by coal mining operations before August 3, 1977, that have 16759  
resulted in continuing water pollution from or on the previously 16760  
mined areas for the purpose of potentially reducing the pollution 16761  
loadings of pH, iron, and manganese from discharges from or on the 16762  
previously mined areas. Following the chief's authorization to 16763  
conduct such operations on those areas, the areas shall be 16764  
designated as pollution abatement areas for the purposes of this 16765  
chapter. 16766

The chief shall not grant an authorization under division 16767  
(E)(7) of this section to conduct coal mining and reclamation 16768  
operations on any such previously mined areas unless the applicant 16769  
demonstrates to the chief's satisfaction that all of the following 16770  
conditions are met: 16771

(a) The applicant's pollution abatement plan for mining and 16772  
reclaiming the previously mined areas represents the best 16773  
available technology economically achievable. 16774

(b) Implementation of the plan will potentially reduce 16775  
pollutant loadings of pH, iron, and manganese resulting from 16776  
discharges of surface waters or ground water from or on the 16777

previously mined areas within the permit area. 16778

(c) Implementation of the plan will not cause any additional 16779  
degradation of surface water quality off the permit area with 16780  
respect to pH, iron, and manganese. 16781

(d) Implementation of the plan will not cause any additional 16782  
degradation of ground water. 16783

(e) The plan meets the requirements governing mining and 16784  
reclamation of such previously mined pollution abatement areas 16785  
established by the chief in rules adopted under section 1513.02 of 16786  
the Revised Code. 16787

(f) Neither the applicant; any partner, if the applicant is a 16788  
partnership; any officer, principal shareholder, or director, if 16789  
the applicant is a corporation; any other person who has a right 16790  
to control or in fact controls the management of the applicant or 16791  
the selection of officers, directors, or managers of the 16792  
applicant; nor any contractor or subcontractor of the applicant, 16793  
has any of the following: 16794

(i) Responsibility or liability under this chapter or rules 16795  
adopted under it as an operator for treating the discharges of 16796  
water pollutants from or on the previously mined areas for which 16797  
the authorization is sought; 16798

(ii) Any responsibility or liability under this chapter or 16799  
rules adopted under it for reclaiming the previously mined areas 16800  
for which the authorization is sought; 16801

(iii) During the eighteen months prior to submitting the 16802  
permit application requesting an authorization under division 16803  
(E)(7) of this section, had a coal mining and reclamation permit 16804  
suspended or revoked under division (D)(3) of section 1513.02 of 16805  
the Revised Code for violating this chapter or Chapter 6111. of 16806  
the Revised Code or rules adopted under them with respect to water 16807  
quality, effluent limitations, or surface or ground water 16808

monitoring; 16809

(iv) Ever forfeited a coal or surface mining bond, 16810  
performance security, or similar security deposited in lieu of a 16811  
bond in this or any other state or with the United States. 16812

(8) In the case of the issuance of a permit that involves a 16813  
conflict of results between various methods of calculating 16814  
potential acidity and neutralization potential for purposes of 16815  
assessing the potential for acid mine drainage to occur at a mine 16816  
site, the permit shall include provisions for monitoring and 16817  
record keeping to identify the creation of unanticipated acid 16818  
water at the mine site. If the monitoring detects the creation of 16819  
acid water at the site, the permit shall impose on the permittee 16820  
additional requirements regarding mining practices and site 16821  
reclamation to prevent the discharge of acid mine drainage from 16822  
the mine site. As used in division (E)(8) of this section, 16823  
"potential acidity" and "neutralization potential" have the same 16824  
meanings as in section 1513.075 of the Revised Code. 16825

(F)(1) During the term of the permit, the permittee may 16826  
submit an application for a revision of the permit, together with 16827  
a revised reclamation plan, to the chief. 16828

(2) An application for a revision of a permit shall not be 16829  
approved unless the chief finds that reclamation required by this 16830  
chapter can be accomplished under the revised reclamation plan. 16831  
The revision shall be approved or disapproved within ninety days 16832  
after receipt of a complete revision application. The chief shall 16833  
establish, by rule, criteria for determining the extent to which 16834  
all permit application information requirements and procedures, 16835  
including notice and hearings, shall apply to the revision 16836  
request, except that any revisions that propose significant 16837  
alterations in the reclamation plan, at a minimum, shall be 16838  
subject to notice and hearing requirements. 16839

(3) Any extensions to the area covered by the permit except 16840  
incidental boundary revisions shall be made by application for a 16841  
permit. 16842

(4) Documents or a notarized statement that form the basis of 16843  
the applicant's legal right to enter and commence coal mining 16844  
operations on land that is located within an area covered by the 16845  
permit and that was legally acquired subsequent to the issuance of 16846  
the permit for the area shall be submitted with an application for 16847  
a revision of the permit. 16848

(G) No transfer, assignment, or sale of the rights granted 16849  
under a permit issued pursuant to this chapter shall be made 16850  
without the written approval of the chief. 16851

(H) The chief, within a time limit prescribed in the chief's 16852  
rules, shall review outstanding permits and may require reasonable 16853  
revision or modification of a permit. A revision or modification 16854  
shall be based upon a written finding and subject to notice and 16855  
hearing requirements established by rule of the chief. 16856

(I)(1) If an informal conference has been held pursuant to 16857  
section 1513.071 of the Revised Code, the chief shall issue and 16858  
furnish the applicant for a permit, persons who participated in 16859  
the informal conference, and persons who filed written objections 16860  
pursuant to division (B) of section 1513.071 of the Revised Code, 16861  
with the written finding of the chief granting or denying the 16862  
permit in whole or in part and stating the reasons therefor within 16863  
sixty days of the conference, provided that the chief shall comply 16864  
with the time frames established in division (I)(3) of this 16865  
section. 16866

(2) If there has been no informal conference held pursuant to 16867  
section 1513.071 of the Revised Code, the chief shall submit to 16868  
the applicant for a permit the written finding of the chief 16869  
granting or denying the permit in whole or in part and stating the 16870

reasons therefor within the time frames established in division 16871  
(I)(3) of this section. 16872

(3) The chief shall grant or deny a permit not later than two 16873  
hundred forty days after the submission of a complete application 16874  
for the permit. Any time during which the applicant is making 16875  
revisions to an application or providing additional information 16876  
requested by the chief regarding an application shall not be 16877  
included in the two hundred forty days. If the chief determines 16878  
that a permit cannot be granted or denied within the 16879  
two-hundred-forty-day time frame, the chief, not later than two 16880  
hundred ten days after the submission of a complete application 16881  
for the permit, shall provide the applicant with written notice of 16882  
the expected delay. 16883

(4) If the application is approved, the permit shall be 16884  
issued. However, the permit shall prohibit the commencement of 16885  
coal mining operations on any land that is located within an area 16886  
covered by the permit if the permittee has not provided to the 16887  
chief documents that form the basis of the permittee's legal right 16888  
to enter and conduct coal mining operations on that land. If the 16889  
application is disapproved, specific reasons therefor shall be set 16890  
forth in the notification. Within thirty days after the applicant 16891  
is notified of the final decision of the chief on the permit 16892  
application, the applicant or any person with an interest that is 16893  
or may be adversely affected may appeal the decision to the 16894  
reclamation commission pursuant to section 1513.13 of the Revised 16895  
Code. 16896

(5) Any applicant or any person with an interest that is or 16897  
may be adversely affected who has participated in the 16898  
administrative proceedings as an objector and is aggrieved by the 16899  
decision of the reclamation commission, or if the commission fails 16900  
to act within the time limits specified in this chapter, may 16901  
appeal in accordance with section 1513.14 of the Revised Code. 16902



Sec. 1513.16. (A) Any permit issued under this chapter to 16903  
conduct coal mining operations shall require that the operations 16904  
meet all applicable performance standards of this chapter and such 16905  
other requirements as the chief of the division of mineral 16906  
resources management shall adopt by rule. General performance 16907  
standards shall apply to all coal mining and reclamation 16908  
operations and shall require the operator at a minimum to do all 16909  
of the following: 16910

(1) Conduct coal mining operations so as to maximize the 16911  
utilization and conservation of the solid fuel resource being 16912  
recovered so that re-affecting the land in the future through coal 16913  
mining can be minimized; 16914

(2) Restore the land affected to a condition capable of 16915  
supporting the uses that it was capable of supporting prior to any 16916  
mining, or higher or better uses of which there is reasonable 16917  
likelihood, so long as the uses do not present any actual or 16918  
probable hazard to public health or safety or pose any actual or 16919  
probable threat of diminution or pollution of the waters of the 16920  
state, and the permit applicants' declared proposed land uses 16921  
following reclamation are not considered to be impractical or 16922  
unreasonable, to be inconsistent with applicable land use policies 16923  
and plans, to involve unreasonable delay in implementation, or to 16924  
violate federal, state, or local law; 16925

(3) Except as provided in division (B) of this section, with 16926  
respect to all coal mining operations, backfill, compact where 16927  
advisable to ensure stability or to prevent leaching of toxic 16928  
materials, and grade in order to restore the approximate original 16929  
contour of the land with all highwalls, spoil piles, and 16930  
depressions eliminated unless small depressions are needed in 16931  
order to retain moisture to assist revegetation or as otherwise 16932  
authorized pursuant to this chapter, provided that if the operator 16933

demonstrates that due to volumetric expansion the amount of 16934  
overburden and the spoil and waste materials removed in the course 16935  
of the mining operation are more than sufficient to restore the 16936  
approximate original contour, the operator shall backfill, grade, 16937  
and compact the excess overburden and other spoil and waste 16938  
materials to attain the lowest grade, but not more than the angle 16939  
of repose, and to cover all acid-forming and other toxic materials 16940  
in order to achieve an ecologically sound land use compatible with 16941  
the surrounding region in accordance with the approved mining 16942  
plan. The overburden or spoil shall be shaped and graded in such a 16943  
way as to prevent slides, erosion, and water pollution and shall 16944  
be revegetated in accordance with this chapter. 16945

(4) Stabilize and protect all surface areas, including spoil 16946  
piles affected by the coal mining and reclamation operation, to 16947  
control erosion and attendant air and water pollution effectively; 16948

(5) Remove the topsoil from the land in a separate layer, 16949  
replace it on the backfill area, or, if not utilized immediately, 16950  
segregate it in a separate pile from the spoil, and when the 16951  
topsoil is not replaced on a backfill area within a time short 16952  
enough to avoid deterioration of the topsoil, maintain a 16953  
successful cover by quick-growing plants or other means thereafter 16954  
so that the topsoil is preserved from wind and water erosion, 16955  
remains free of any contamination by acid or other toxic material, 16956  
and is in a usable condition for sustaining vegetation when 16957  
restored during reclamation. If the topsoil is of insufficient 16958  
quantity or of poor quality for sustaining vegetation or if other 16959  
strata can be shown to be more suitable for vegetation 16960  
requirements, the operator shall remove, segregate, and preserve 16961  
in a like manner such other strata as are best able to support 16962  
vegetation. 16963

(6) Restore the topsoil or the best available subsoil that is 16964  
best able to support vegetation; 16965

(7) For all prime farmlands as identified in division 16966  
(B)(1)(p) of section 1513.07 of the Revised Code to be mined and 16967  
reclaimed, perform soil removal, storage, replacement, and 16968  
reconstruction in accordance with specifications established by 16969  
the secretary of the United States department of agriculture under 16970  
the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 16971  
445, 30 U.S.C.A. 1201. The operator, at a minimum, shall be 16972  
required to do all of the following: 16973

(a) Segregate the A horizon of the natural soil, except where 16974  
it can be shown that other available soil materials will create a 16975  
final soil having a greater productive capacity, and, if not 16976  
utilized immediately, stockpile this material separately from the 16977  
spoil and provide needed protection from wind and water erosion or 16978  
contamination by acid or other toxic material; 16979

(b) Segregate the B horizon of the natural soil, or 16980  
underlying C horizons or other strata, or a combination of such 16981  
horizons or other strata that are shown to be both texturally and 16982  
chemically suitable for plant growth and that can be shown to be 16983  
equally or more favorable for plant growth than the B horizon, in 16984  
sufficient quantities to create in the regraded final soil a root 16985  
zone of comparable depth and quality to that which existed in the 16986  
natural soil, and, if not utilized immediately, stockpile this 16987  
material separately from the spoil and provide needed protection 16988  
from wind and water erosion or contamination by acid or other 16989  
toxic material; 16990

(c) Replace and regrade the root zone material described in 16991  
division (A)(7)(b) of this section with proper compaction and 16992  
uniform depth over the regraded spoil material; 16993

(d) Redistribute and grade in a uniform manner the surface 16994  
soil horizon described in division (A)(7)(a) of this section. 16995

(8) Create, if authorized in the approved mining and 16996

reclamation plan and permit, permanent impoundments of water on 16997  
mining sites as part of reclamation activities only when it is 16998  
adequately demonstrated by the operator that all of the following 16999  
conditions will be met: 17000

(a) The size of the impoundment is adequate for its intended 17001  
purposes. 17002

(b) The impoundment dam construction will be so designed as 17003  
to achieve necessary stability with an adequate margin of safety 17004  
compatible with that of structures constructed under the 17005  
"Watershed Protection and Flood Prevention Act," 68 Stat. 666 17006  
(1954), 16 U.S.C. 1001, as amended. 17007

(c) The quality of impounded water will be suitable on a 17008  
permanent basis for its intended use and discharges from the 17009  
impoundment will not degrade the water quality below water quality 17010  
standards established pursuant to applicable federal and state law 17011  
in the receiving stream. 17012

(d) The level of water will be reasonably stable. 17013

(e) Final grading will provide adequate safety and access for 17014  
proposed water users. 17015

(f) The water impoundments will not result in the diminution 17016  
of the quality or quantity of water utilized by adjacent or 17017  
surrounding landowners for agricultural, industrial, recreational, 17018  
or domestic uses. 17019

(9) Conduct any augering operation associated with strip 17020  
mining in a manner to maximize recoverability of mineral reserves 17021  
remaining after the operation and reclamation are complete and 17022  
seal all auger holes with an impervious and noncombustible 17023  
material in order to prevent drainage, except where the chief 17024  
determines that the resulting impoundment of water in such auger 17025  
holes may create a hazard to the environment or the public health 17026  
or safety. The chief may prohibit augering if necessary to 17027

maximize the utilization, recoverability, or conservation of the 17028  
solid fuel resources or to protect against adverse water quality 17029  
impacts. 17030

(10) Minimize the disturbances to the prevailing hydrologic 17031  
balance at the mine site and in associated offsite areas and to 17032  
the quality and quantity of water in surface and ground water 17033  
systems both during and after coal mining operations and during 17034  
reclamation by doing all of the following: 17035

(a) Avoiding acid or other toxic mine drainage by such 17036  
measures as, but not limited to: 17037

(i) Preventing or removing water from contact with toxic 17038  
producing deposits; 17039

(ii) Treating drainage to reduce toxic content that adversely 17040  
affects downstream water upon being released to water courses in 17041  
accordance with rules adopted by the chief in accordance with 17042  
section 1513.02 of the Revised Code; 17043

(iii) Casing, sealing, or otherwise managing boreholes, 17044  
shafts, and wells, and keeping acid or other toxic drainage from 17045  
entering ground and surface waters. 17046

(b)(i) Conducting coal mining operations so as to prevent, to 17047  
the extent possible using the best technology currently available, 17048  
additional contributions of suspended solids to streamflow or 17049  
runoff outside the permit area, but in no event shall 17050  
contributions be in excess of requirements set by applicable state 17051  
or federal laws; 17052

(ii) Constructing any siltation structures pursuant to 17053  
division (A)(10)(b)(i) of this section prior to commencement of 17054  
coal mining operations. The structures shall be certified by 17055  
persons approved by the chief to be constructed as designed and as 17056  
approved in the reclamation plan. 17057

(c) Cleaning out and removing temporary or large settling ponds or other siltation structures from drainways after disturbed areas are revegetated and stabilized, and depositing the silt and debris at a site and in a manner approved by the chief;

(d) Restoring recharge capacity of the mined area to approximate premining conditions;

(e) Avoiding channel deepening or enlargement in operations requiring the discharge of water from mines;

(f) Such other actions as the chief may prescribe.

(11) With respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine working areas or excavations, stabilize all waste piles in designated areas through construction in compacted layers, including the use of noncombustible and impervious materials if necessary, and ensure that the final contour of the waste pile will be compatible with natural surroundings and that the site can and will be stabilized and revegetated according to this chapter;

(12) Refrain from coal mining within five hundred feet of active and abandoned underground mines in order to prevent breakthroughs and to protect the health or safety of miners. The chief shall permit an operator to mine near, through, or partially through an abandoned underground mine or closer than five hundred feet to an active underground mine if both of the following conditions are met:

(a) The nature, timing, and sequencing of the approximate coincidence of specific strip mine activities with specific underground mine activities are approved by the chief.

(b) The operations will result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public.

(13) Design, locate, construct, operate, maintain, enlarge, 17089  
modify, and remove or abandon, in accordance with the standards 17090  
and criteria developed pursuant to rules adopted by the chief, all 17091  
existing and new coal mine waste piles consisting of mine wastes, 17092  
tailings, coal processing wastes, or other liquid and solid 17093  
wastes, and used either temporarily or permanently as dams or 17094  
embankments; 17095

(14) Ensure that all debris, acid-forming materials, toxic 17096  
materials, or materials constituting a fire hazard are treated or 17097  
buried and compacted or otherwise disposed of in a manner designed 17098  
to prevent contamination of ground or surface waters and that 17099  
contingency plans are developed to prevent sustained combustion; 17100

(15) Ensure that all reclamation efforts proceed in an 17101  
environmentally sound manner and as contemporaneously as 17102  
practicable with the coal mining operations, except that where the 17103  
applicant proposes to combine strip mining operations with 17104  
underground mining operations to ensure maximum practical recovery 17105  
of the mineral resources, the chief may grant a variance for 17106  
specific areas within the reclamation plan from the requirement 17107  
that reclamation efforts proceed as contemporaneously as 17108  
practicable to permit underground mining operations prior to 17109  
reclamation if: 17110

(a) The chief finds in writing that: 17111

(i) The applicant has presented, as part of the permit 17112  
application, specific, feasible plans for the proposed underground 17113  
mining operations. 17114

(ii) The proposed underground mining operations are necessary 17115  
or desirable to ensure maximum practical recovery of the mineral 17116  
resource and will avoid multiple disturbance of the surface. 17117

(iii) The applicant has satisfactorily demonstrated that the 17118  
plan for the underground mining operations conforms to 17119

requirements for underground mining in this state and that permits 17120  
necessary for the underground mining operations have been issued 17121  
by the appropriate authority. 17122

(iv) The areas proposed for the variance have been shown by 17123  
the applicant to be necessary for the implementing of the proposed 17124  
underground mining operations. 17125

(v) No substantial adverse environmental damage, either 17126  
on-site or off-site, will result from the delay in completion of 17127  
reclamation as required by this chapter. 17128

(vi) Provisions for the off-site storage of spoil will comply 17129  
with division (A)(21) of this section. 17130

(b) The chief has adopted specific rules to govern the 17131  
granting of such variances in accordance with this division and 17132  
has imposed such additional requirements as the chief considers 17133  
necessary. 17134

(c) Variances granted under this division shall be reviewed 17135  
by the chief not more than three years from the date of issuance 17136  
of the permit. 17137

(d) Liability under the performance security filed by the 17138  
applicant with the chief pursuant to section 1513.08 of the 17139  
Revised Code shall be for the duration of the underground mining 17140  
operations and until the requirements of this section and section 17141  
1513.08 of the Revised Code have been fully complied with. 17142

(16) Ensure that the construction, maintenance, and 17143  
postmining conditions of access roads into and across the site of 17144  
operations will control or prevent erosion and siltation, 17145  
pollution of water, and damage to fish or wildlife or their 17146  
habitat, or to public or private property; 17147

(17) Refrain from the construction of roads or other access 17148  
ways up a stream bed or drainage channel or in such proximity to 17149



the channel as to seriously alter the normal flow of water; 17150

(18) Establish, on the regraded areas and all other lands 17151  
affected, a diverse, effective, and permanent vegetative cover of 17152  
the same seasonal variety native to the area of land to be 17153  
affected and capable of self-regeneration and plant succession at 17154  
least equal in extent of cover to the natural vegetation of the 17155  
area, except that introduced species may be used in the 17156  
revegetation process where desirable and necessary to achieve the 17157  
approved postmining land use plan; 17158

(19)(a) Assume the responsibility for successful 17159  
revegetation, as required by division (A)(18) of this section, for 17160  
a period of five full years after the last year of augmented 17161  
seeding, fertilizing, irrigation, or other work in order to ensure 17162  
compliance with that division, except that when the chief approves 17163  
a long-term intensive agricultural postmining land use, the 17164  
applicable five-year period of responsibility for revegetation 17165  
shall commence at the date of initial planting for that long-term 17166  
intensive agricultural postmining land use, and except that when 17167  
the chief issues a written finding approving a long-term intensive 17168  
agricultural postmining land use as part of the mining and 17169  
reclamation plan, the chief may grant an exception to division 17170  
(A)(18) of this section; 17171

(b) On lands eligible for remining, assume the responsibility 17172  
for successful revegetation, as required by division (A)(18) of 17173  
this section, for a period of two full years after the last year 17174  
of augmented seeding, fertilizing, irrigation, or other work in 17175  
order to ensure compliance with that division. 17176

(20) Protect off-site areas from slides or damage occurring 17177  
during the coal mining and reclamation operations and not deposit 17178  
spoil material or locate any part of the operations or waste 17179  
accumulations outside the permit area; 17180

(21) Place all excess spoil material resulting from coal 17181  
mining and reclamation operations in such a manner that all of the 17182  
following apply: 17183

(a) Spoil is transported and placed in a controlled manner in 17184  
position for concurrent compaction and in such a way as to ensure 17185  
mass stability and to prevent mass movement. 17186

(b) The areas of disposal are within the permit areas for 17187  
which performance security has been provided. All organic matter 17188  
shall be removed immediately prior to spoil placement except in 17189  
the zoned concept method. 17190

(c) Appropriate surface and internal drainage systems and 17191  
diversion ditches are used so as to prevent spoil erosion and mass 17192  
movement. 17193

(d) The disposal area does not contain springs, natural 17194  
watercourses, or wet weather seeps unless lateral drains are 17195  
constructed from the wet areas to the main underdrains in such a 17196  
manner that filtration of the water into the spoil pile will be 17197  
prevented unless the zoned concept method is used. 17198

(e) If placed on a slope, the spoil is placed upon the most 17199  
moderate slope among those slopes upon which, in the judgment of 17200  
the chief, the spoil could be placed in compliance with all the 17201  
requirements of this chapter and is placed, where possible, upon, 17202  
or above, a natural terrace, bench, or berm if that placement 17203  
provides additional stability and prevents mass movement. 17204

(f) Where the toe of the spoil rests on a downslope, a rock 17205  
toe buttress of sufficient size to prevent mass movement is 17206  
constructed. 17207

(g) The final configuration is compatible with the natural 17208  
drainage pattern and surroundings and suitable for intended uses. 17209

(h) Design of the spoil disposal area is certified by a 17210

qualified registered professional engineer in conformance with 17211  
professional standards. 17212

(i) All other provisions of this chapter are met. 17213

(22) Meet such other criteria as are necessary to achieve 17214  
reclamation in accordance with the purpose of this chapter, taking 17215  
into consideration the physical, climatological, and other 17216  
characteristics of the site; 17217

(23) To the extent possible, using the best technology 17218  
currently available, minimize disturbances and adverse impacts of 17219  
the operation on fish, wildlife, and related environmental values, 17220  
and achieve enhancement of such resources where practicable; 17221

(24) Provide for an undisturbed natural barrier beginning at 17222  
the elevation of the lowest coal seam to be mined and extending 17223  
from the outslope for such distance as the chief shall determine 17224  
to be retained in place as a barrier to slides and erosion; 17225

(25) Restore on the permit area streams and wetlands affected 17226  
by mining operations unless the chief approves restoration off the 17227  
permit area without a permit required by section 1513.07 or 17228  
1513.074 of the Revised Code, instead of restoration on the permit 17229  
area, of a stream or wetland or a portion of a stream or wetland, 17230  
provided that the chief first makes all of the following written 17231  
determinations: 17232

(a) A hydrologic and engineering assessment of the affected 17233  
lands, submitted by the operator, demonstrates that restoration on 17234  
the permit area is not possible. 17235

(b) The proposed mitigation plan under which mitigation 17236  
activities described in division (A)(25)(c) of this section will 17237  
be conducted is limited to a stream or wetland, or a portion of a 17238  
stream or wetland, for which restoration on the permit area is not 17239  
possible. 17240

(c) Mitigation activities off the permit area, including mitigation banking and payment of in-lieu mitigation fees, will be performed pursuant to a permit issued under sections 401 and 404 of the "Federal Water Pollution Control Act" as defined in section 6111.01 of the Revised Code or an isolated wetland permit issued under Chapter 6111. of the Revised Code or pursuant to a no-cost reclamation contract for the restoration of water resources affected by past mining activities pursuant to section 1513.37 of the Revised Code. 17241  
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(d) The proposed mitigation plan and mitigation activities comply with the standards established in this section. 17250  
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If the chief approves restoration off the permit area in accordance with this division, the operator shall complete all mitigation construction or other activities required by the mitigation plan. 17252  
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Performance security for reclamation activities on the permit area shall be released pursuant to division (F) of this section, except that the release of the remaining portion of performance security under division (F)(3)(c) of this section shall not be approved prior to the construction of required mitigation activities off the permit area. 17256  
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(B)(1) The chief may permit mining operations for the purposes set forth in division (B)(3) of this section. 17262  
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(2) When an applicant meets the requirements of divisions (B)(3) and (4) of this section, a permit without regard to the requirement to restore to approximate original contour known as mountain top removal set forth in divisions (A)(3) or (C)(2) and (3) of this section may be granted for the mining of coal where the mining operation will remove an entire coal seam or seams running through the upper fraction of a mountain, ridge, or hill, except as provided in division (B)(4)(a) of this section, by 17264  
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removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining, and capable of supporting postmining uses in accordance with this division.

(3) In cases where an industrial, commercial, agricultural, residential, or public facility use, including recreational facilities, is proposed for the postmining use of the affected land, the chief may grant a permit for a mining operation of the nature described in division (B)(2) of this section when all of the following apply:

(a) After consultation with the appropriate land use planning agencies, if any, the proposed postmining land use is considered to constitute an equal or better economic or public use of the affected land, as compared with premining use.

(b) The applicant presents specific plans for the proposed postmining land use and appropriate assurances that the use will be all of the following:

(i) Compatible with adjacent land uses;

(ii) Obtainable according to data regarding expected need and market;

(iii) Assured of investment in necessary public facilities;

(iv) Supported by commitments from public agencies where appropriate;

(v) Practicable with respect to private financial capability for completion of the proposed use;

(vi) Planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use;

(vii) Designed by a registered engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the

site. 17302

(c) The proposed use is consistent with adjacent land uses 17303  
and existing state and local land use plans and programs. 17304

(d) The chief provides the governing body of the unit of 17305  
general-purpose local government in which the land is located, and 17306  
any state or federal agency that the chief, in the chief's 17307  
discretion, determines to have an interest in the proposed use, an 17308  
opportunity of not more than sixty days to review and comment on 17309  
the proposed use. 17310

(e) All other requirements of this chapter will be met. 17311

(4) In granting a permit pursuant to this division, the chief 17312  
shall require that each of the following is met: 17313

(a) The toe of the lowest coal seam and the overburden 17314  
associated with it are retained in place as a barrier to slides 17315  
and erosion. 17316

(b) The reclaimed area is stable. 17317

(c) The resulting plateau or rolling contour drains inward 17318  
from the outslopes except at specified points. 17319

(d) No damage will be done to natural watercourses. 17320

(e) Spoil will be placed on the mountaintop bench as is 17321  
necessary to achieve the planned postmining land use, except that 17322  
all excess spoil material not retained on the mountaintop bench 17323  
shall be placed in accordance with division (A)(21) of this 17324  
section. 17325

(f) Stability of the spoil retained on the mountaintop bench 17326  
is ensured and the other requirements of this chapter are met. 17327

(5) The chief shall adopt specific rules to govern the 17328  
granting of permits in accordance with divisions (B)(1) to (4) of 17329  
this section and may impose such additional requirements as the 17330  
chief considers necessary. 17331

(6) All permits granted under divisions (B)(1) to (4) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.

(C) All of the following performance standards apply to steep-slope coal mining and are in addition to those general performance standards required by this section, except that this division does not apply to those situations in which an operator is mining on flat or gently rolling terrain on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area, or where an operator is in compliance with division (B) of this section:

(1) The operator shall ensure that when performing coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter is placed on the downslope below the bench or mining cut. Spoil material in excess of that required for the reconstruction of the approximate original contour under division (A)(3) or (C)(2) of this section shall be permanently stored pursuant to division (A)(21) of this section.

(2) The operator shall complete backfilling with spoil material to cover completely the highwall and return the site to the approximate original contour, which material will maintain stability following mining and reclamation.

(3) The operator shall not disturb land above the top of the highwall unless the chief finds that the disturbance will facilitate compliance with the environmental protection standards of this section, except that any such disturbance involving land above the highwall shall be limited to that amount of land necessary to facilitate compliance.

(D)(1) The chief may permit variances for the purposes set forth in division (D)(3) of this section, provided that the watershed control of the area is improved and that complete backfilling with spoil material shall be required to cover completely the highwall, which material will maintain stability following mining and reclamation.

(2) Where an applicant meets the requirements of divisions (D)(3) and (4) of this section, a variance from the requirement to restore to approximate original contour set forth in division (C)(2) of this section may be granted for the mining of coal when the owner of the surface knowingly requests in writing, as a part of the permit application, that such a variance be granted so as to render the land, after reclamation, suitable for an industrial, commercial, residential, or public use, including recreational facilities, in accordance with divisions (D)(3) and (4) of this section.

(3) A variance pursuant to division (D)(2) of this section may be granted if:

(a) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land is considered to constitute an equal or better economic or public use.

(b) The postmining land condition is designed and certified by a registered professional engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the site.

(c) After approval of the appropriate state environmental agencies, the watershed of the affected land is considered to be improved.

(4) In granting a variance pursuant to division (D) of this



section, the chief shall require that only such amount of spoil 17395  
will be placed off the mine bench as is necessary to achieve the 17396  
planned postmining land use, ensure stability of the spoil 17397  
retained on the bench, and meet all other requirements of this 17398  
chapter. All spoil placement off the mine bench shall comply with 17399  
division (A)(21) of this section. 17400

(5) The chief shall adopt specific rules to govern the 17401  
granting of variances under division (D) of this section and may 17402  
impose such additional requirements as the chief considers 17403  
necessary. 17404

(6) All variances granted under division (D) of this section 17405  
shall be reviewed not more than three years from the date of 17406  
issuance of the permit unless the permittee affirmatively 17407  
demonstrates that the proposed development is proceeding in 17408  
accordance with the terms of the reclamation plan. 17409

(E) The chief shall establish standards and criteria 17410  
regulating the design, location, construction, operation, 17411  
maintenance, enlargement, modification, removal, and abandonment 17412  
of new and existing coal mine waste piles referred to in division 17413  
(A)(13) of this section and division (A)(5) of section 1513.35 of 17414  
the Revised Code. The standards and criteria shall conform to the 17415  
standards and criteria used by the chief of the United States army 17416  
corps of engineers to ensure that flood control structures are 17417  
safe and effectively perform their intended function. In addition 17418  
to engineering and other technical specifications, the standards 17419  
and criteria developed pursuant to this division shall include 17420  
provisions for review and approval of plans and specifications 17421  
prior to construction, enlargement, modification, removal, or 17422  
abandonment; performance of periodic inspections during 17423  
construction; issuance of certificates of approval upon completion 17424  
of construction; performance of periodic safety inspections; and 17425  
issuance of notices for required remedial or maintenance work. 17426

(F)(1) The permittee may file a request with the chief for 17427  
release of a part of a performance security under division (F)(3) 17428  
of this section. Within thirty days after any request for 17429  
performance security release under this section has been filed 17430  
with the chief, the operator shall submit a copy of an 17431  
advertisement placed at least once a week for four successive 17432  
weeks in a newspaper of general circulation in the locality of the 17433  
coal mining operation. The advertisement shall be considered part 17434  
of any performance security release application and shall contain 17435  
a notification of the precise location of the land affected, the 17436  
number of acres, the permit number and the date approved, the 17437  
amount of the performance security filed and the portion sought to 17438  
be released, the type and appropriate dates of reclamation work 17439  
performed, and a description of the results achieved as they 17440  
relate to the operator's approved reclamation plan and, if 17441  
applicable, the operator's pollution abatement plan. In addition, 17442  
as part of any performance security release application, the 17443  
applicant shall submit copies of the letters sent to adjoining 17444  
property owners, local governmental bodies, planning agencies, and 17445  
sewage and water treatment authorities or water companies in the 17446  
locality in which the coal mining and reclamation activities took 17447  
place, notifying them of the applicant's intention to seek release 17448  
from the performance security. 17449

(2) Upon receipt of a copy of the advertisement and request 17450  
for release of a performance security under division (F)(3)(c) of 17451  
this section, the chief, within thirty days, shall conduct an 17452  
inspection and evaluation of the reclamation work involved. The 17453  
evaluation shall consider, among other things, the degree of 17454  
difficulty to complete any remaining reclamation, whether 17455  
pollution of surface and subsurface water is occurring, the 17456  
probability of continuation or future occurrence of the pollution, 17457  
and the estimated cost of abating the pollution. The chief shall 17458  
notify the permittee in writing of the decision to release or not 17459

to release all or part of the performance security within sixty 17460  
days after the filing of the request if no public hearing is held 17461  
pursuant to division (F)(6) of this section or, if there has been 17462  
a public hearing held pursuant to division (F)(6) of this section, 17463  
within thirty days thereafter. 17464

(3) The chief may release the performance security if the 17465  
reclamation covered by the performance security or portion thereof 17466  
has been accomplished as required by this chapter and rules 17467  
adopted under it according to the following schedule: 17468

(a) When the operator completes the backfilling, regrading, 17469  
and drainage control of an area for which performance security has 17470  
been provided in accordance with the approved reclamation plan, 17471  
and, if the area covered by the performance security is one for 17472  
which an authorization was made under division (E)(7) of section 17473  
1513.07 of the Revised Code, the operator has complied with the 17474  
approved pollution abatement plan and all additional requirements 17475  
established by the chief in rules adopted under section 1513.02 of 17476  
the Revised Code governing coal mining and reclamation operations 17477  
on pollution abatement areas, the chief shall grant a release of 17478  
fifty per cent of the performance security for the applicable 17479  
permit area. 17480

(b) After resoiling and revegetation have been established on 17481  
the regraded mined lands in accordance with the approved 17482  
reclamation plan, the chief shall grant a release in an amount not 17483  
exceeding thirty-five per cent of the original performance 17484  
security for all or part of the affected area under the permit. 17485  
When determining the amount of performance security to be released 17486  
after successful revegetation has been established, the chief 17487  
shall retain that amount of performance security for the 17488  
revegetated area that would be sufficient for a third party to 17489  
cover the cost of reestablishing revegetation for the period 17490  
specified for operator responsibility in this section for 17491

reestablishing revegetation. No part of the performance security 17492  
shall be released under this division so long as the lands to 17493  
which the release would be applicable are contributing suspended 17494  
solids to streamflow or runoff outside the permit area in excess 17495  
of the requirements of this section or until soil productivity for 17496  
prime farmlands has returned to equivalent levels of yield as 17497  
nonmined land of the same soil type in the surrounding area under 17498  
equivalent management practices as determined from the soil survey 17499  
performed pursuant to section 1513.07 of the Revised Code. If the 17500  
area covered by the performance security is one for which an 17501  
authorization was made under division (E)(7) of section 1513.07 of 17502  
the Revised Code, no part of the performance security shall be 17503  
released under this division until the operator has complied with 17504  
the approved pollution abatement plan and all additional 17505  
requirements established by the chief in rules adopted under 17506  
section 1513.02 of the Revised Code governing coal mining and 17507  
reclamation operations on pollution abatement areas. Where a silt 17508  
dam is to be retained as a permanent impoundment pursuant to 17509  
division (A)(10) of this section, the portion of performance 17510  
security may be released under this division so long as provisions 17511  
for sound future maintenance by the operator or the landowner have 17512  
been made with the chief. 17513

(c) When the operator has completed successfully all coal 17514  
mining and reclamation activities, including, if applicable, all 17515  
additional requirements established in the pollution abatement 17516  
plan approved under division (E)(7) of section 1513.07 of the 17517  
Revised Code and all additional requirements established by the 17518  
chief in rules adopted under section 1513.02 of the Revised Code 17519  
governing coal mining and reclamation operations on pollution 17520  
abatement areas, the chief shall release all or any of the 17521  
remaining portion of the performance security for all or part of 17522  
the affected area under a permit, but not before the expiration of 17523  
the period specified for operator responsibility in this section, 17524

except that the chief may adopt rules for a variance to the 17525  
operator period of responsibility considering vegetation success 17526  
and probability of continued growth and consent of the landowner, 17527  
provided that no performance security shall be fully released 17528  
until all reclamation requirements of this chapter are fully met. 17529

(4) If the chief disapproves the application for release of 17530  
the performance security or portion thereof, the chief shall 17531  
notify the permittee, in writing, stating the reasons for 17532  
disapproval and recommending corrective actions necessary to 17533  
secure the release, and allowing the opportunity for a public 17534  
adjudicatory hearing. 17535

(5) When any application for total or partial performance 17536  
security release is filed with the chief under this section, the 17537  
chief shall notify the municipal corporation in which the coal 17538  
mining operation is located by certified mail at least thirty days 17539  
prior to the release of all or a portion of the performance 17540  
security. 17541

(6) A person with a valid legal interest that might be 17542  
adversely affected by release of a performance security under this 17543  
section or the responsible officer or head of any federal, state, 17544  
or local government agency that has jurisdiction by law or special 17545  
expertise with respect to any environmental, social, or economic 17546  
impact involved in the operation or is authorized to develop and 17547  
enforce environmental standards with respect to such operations 17548  
may file written objections to the proposed release from the 17549  
performance security with the chief within thirty days after the 17550  
last publication of the notice required by division (F)(1) of this 17551  
section. If written objections are filed and an informal 17552  
conference is requested, the chief shall inform all interested 17553  
parties of the time and place of the conference. The date, time, 17554  
and location of the informal conference shall be advertised by the 17555  
chief in a newspaper of general circulation in the locality of the 17556

coal mining operation proposed for performance security release 17557  
for at least once a week for two consecutive weeks. The informal 17558  
conference shall be held in the locality of the coal mining 17559  
operation proposed for performance security release or in Franklin 17560  
county, at the option of the objector, within thirty days after 17561  
the request for the conference. An electronic or stenographic 17562  
record shall be made of the conference proceeding unless waived by 17563  
all parties. The record shall be maintained and shall be 17564  
accessible to the parties until final release of the performance 17565  
security at issue. In the event all parties requesting the 17566  
informal conference stipulate agreement prior to the requested 17567  
informal conference and withdraw their request, the informal 17568  
conference need not be held. 17569

(7) If an informal conference has been held pursuant to 17570  
division (F)(6) of this section, the chief shall issue and furnish 17571  
the applicant and persons who participated in the conference with 17572  
the written decision regarding the release within sixty days after 17573  
the conference. Within thirty days after notification of the final 17574  
decision of the chief regarding the performance security release, 17575  
the applicant or any person with an interest that is or may be 17576  
adversely affected by the decision may appeal the decision to the 17577  
reclamation commission pursuant to section 1513.13 of the Revised 17578  
Code. 17579

(8)(a) If the chief determines that a permittee is 17580  
responsible for mine drainage that requires water treatment after 17581  
reclamation is completed under the terms of the permit or that a 17582  
permittee must provide an alternative water supply after 17583  
reclamation is completed under the terms of the permit, the 17584  
permittee shall provide alternative financial security in an 17585  
amount determined by the chief prior to the release of the 17586  
remaining portion of performance security under division (F)(3)(c) 17587  
of this section. The alternative financial security shall be in an 17588

amount that is equal to or greater than the present value of the 17589  
estimated cost over time to develop and implement mine drainage 17590  
plans and provide water treatment or in an amount that is 17591  
necessary to provide and maintain an alternative water supply, as 17592  
applicable. The alternative financial security shall include a 17593  
contract, trust, or other agreement or mechanism that is 17594  
enforceable under law to provide long-term water treatment or a 17595  
long-term alternative water supply, or both. The contract, trust, 17596  
or other agreement or mechanism included with the alternative 17597  
financial security may provide for the funding of the alternative 17598  
financial security incrementally over a period of time, not to 17599  
exceed five years, with reliance on guarantees or other collateral 17600  
provided by the permittee and approved by the chief for the 17601  
balance of the alternative financial security required until the 17602  
alternative financial security has been fully funded by the 17603  
permittee. 17604

(b) The chief shall adopt rules in accordance with Chapter 17605  
119. of the Revised Code that are necessary for the administration 17606  
of division (F)(8)(a) of this section. 17607

(c) If the chief determines that a permittee must provide 17608  
alternative financial security under division (F)(8)(a) of this 17609  
section and the performance security for the permit was provided 17610  
under division (C)(2) of section 1513.08 of the Revised Code, the 17611  
permittee may fund the alternative financial security 17612  
incrementally over a period of time, not to exceed five years, 17613  
with reliance on the reclamation forfeiture fund created in 17614  
section 1513.18 of the Revised Code for the balance of the 17615  
alternative financial security required until the alternative 17616  
financial security has been fully funded by the permittee. The 17617  
permittee semiannually shall pay to the division of mineral 17618  
resources management a fee that is equal to seven and one-half per 17619  
cent of the average balance of the alternative financial security 17620

that is being provided by reliance on the reclamation forfeiture 17621  
fund over the previous six months. All money received from the fee 17622  
shall be credited to the reclamation forfeiture fund. 17623

(9) Final release of the performance security in accordance 17624  
with division (F)(3)(c) of this section terminates the 17625  
jurisdiction of the chief under this chapter over the reclaimed 17626  
site of a surface coal mining and reclamation operation or 17627  
applicable portion of an operation. However, the chief shall 17628  
reassert jurisdiction over such a site if the release was based on 17629  
fraud, collusion, or misrepresentation of a material fact and the 17630  
chief, in writing, demonstrates evidence of the fraud, collusion, 17631  
or misrepresentation. Any person with an interest that is or may 17632  
be adversely affected by the chief's determination may appeal the 17633  
determination to the reclamation commission in accordance with 17634  
section 1513.13 of the Revised Code. 17635

(G) The chief shall adopt rules governing the criteria for 17636  
forfeiture of performance security, the method of determining the 17637  
forfeited amount, and the procedures to be followed in the event 17638  
of forfeiture. Cash received as the result of such forfeiture is 17639  
the property of the state. 17640

**Sec. 1531.35.** The wildlife boater angler fund is hereby 17641  
created in the state treasury. The fund shall consist of money 17642  
credited to the fund pursuant to section 5735.051 of the Revised 17643  
Code and other money contributed to the division of wildlife for 17644  
the purposes of the fund. The fund shall be used for boating 17645  
access construction, improvements, ~~and~~ maintenance and repair of 17646  
dams and impoundments, and acquisitions, including lands and 17647  
facilities for boating access, and to pay for equipment and 17648  
personnel costs involved with those activities, on ~~lakes~~ waters on 17649  
which the operation of gasoline-powered watercraft is permissible. 17650  
However, not more than ~~two~~ five hundred thousand dollars of the 17651



annual expenditures from the fund may be used to pay for the 17652  
equipment and personnel costs. 17653

**Sec. 1533.10.** Except as provided in this section or division 17654  
(A)(2) of section 1533.12 or section 1533.73 or 1533.731 of the 17655  
Revised Code, no person shall hunt any wild bird or wild quadruped 17656  
without a hunting license. Each day that any person hunts within 17657  
the state without procuring such a license constitutes a separate 17658  
offense. Except as otherwise provided in this section, every 17659  
applicant for a hunting license who is a resident of the state and 17660  
eighteen years of age or more shall procure a resident hunting 17661  
license or an apprentice resident hunting license, the fee for 17662  
which shall be eighteen dollars unless the rules adopted under 17663  
division (B) of section 1533.12 of the Revised Code provide for 17664  
issuance of a resident hunting license to the applicant free of 17665  
charge. Except as provided in rules adopted under division (B)(2) 17666  
of that section, each applicant who is a resident of this state 17667  
and who at the time of application is sixty-six years of age or 17668  
older shall procure a special senior hunting license, the fee for 17669  
which shall be one-half of the regular hunting license fee. Every 17670  
applicant who is under the age of eighteen years shall procure a 17671  
special youth hunting license or an apprentice youth hunting 17672  
license, the fee for which shall be one-half of the regular 17673  
hunting license fee. 17674

A resident of this state who owns lands in the state and the 17675  
owner's children of any age and grandchildren under eighteen years 17676  
of age may hunt on the lands without a hunting license. A resident 17677  
of any other state who owns real property in this state, and the 17678  
spouse and children living with the property owner, may hunt on 17679  
that property without a license, provided that the state of 17680  
residence of the real property owner allows residents of this 17681  
state owning real property in that state, and the spouse and 17682  
children living with the property owner, to hunt without a 17683

license. If the owner of land in this state is a limited liability 17684  
company or a limited liability partnership that consists of three 17685  
or fewer individual members or partners, as applicable, an 17686  
individual member or partner who is a resident of this state and 17687  
the member's or partner's children of any age and grandchildren 17688  
under eighteen years of age may hunt on the land owned by the 17689  
limited liability company or limited liability partnership without 17690  
a hunting license. In addition, if the owner of land in this state 17691  
is a trust that has a total of three or fewer trustees and 17692  
beneficiaries, an individual who is a trustee or beneficiary and 17693  
who is a resident of this state and the individual's children of 17694  
any age and grandchildren under eighteen years of age may hunt on 17695  
the land owned by the trust without a hunting license. The tenant 17696  
and children of the tenant, residing on lands in the state, may 17697  
hunt on them without a hunting license. 17698

Except as otherwise provided in division (A)(1) of section 17699  
1533.12 of the Revised Code, every applicant for a hunting license 17700  
who is a nonresident of the state and who is eighteen years of age 17701  
or older shall procure a nonresident hunting license or an 17702  
apprentice nonresident hunting license, the fee for which shall be 17703  
one hundred ~~twenty-four~~ forty-nine dollars unless the applicant is 17704  
a resident of a state that is a party to an agreement under 17705  
section 1533.91 of the Revised Code, in which case the fee shall 17706  
be eighteen dollars. Apprentice resident hunting licenses, 17707  
apprentice youth hunting licenses, and apprentice nonresident 17708  
hunting licenses are subject to the requirements established under 17709  
section 1533.102 of the Revised Code and rules adopted pursuant to 17710  
it. 17711

The chief of the division of wildlife may issue a small game 17712  
hunting license expiring three days from the effective date of the 17713  
license to a nonresident of the state, the fee for which shall be 17714  
thirty-nine dollars. No person shall take or possess deer, wild 17715

turkeys, fur-bearing animals, ducks, geese, brant, or any nongame 17716  
animal while possessing only a small game hunting license. A small 17717  
game hunting license or an apprentice nonresident hunting license 17718  
does not authorize the taking or possessing of ducks, geese, or 17719  
brant without having obtained, in addition to the small game 17720  
hunting license or the apprentice nonresident hunting license, a 17721  
wetlands habitat stamp as provided in section 1533.112 of the 17722  
Revised Code. A small game hunting license or an apprentice 17723  
nonresident hunting license does not authorize the taking or 17724  
possessing of deer, wild turkeys, or fur-bearing animals. A 17725  
nonresident of the state who wishes to take or possess deer, wild 17726  
turkeys, or fur-bearing animals in this state shall procure, 17727  
respectively, a deer or wild turkey permit as provided in section 17728  
1533.11 of the Revised Code or a fur taker permit as provided in 17729  
section 1533.111 of the Revised Code in addition to a nonresident 17730  
hunting license, an apprentice nonresident hunting license, a 17731  
special youth hunting license, or an apprentice youth hunting 17732  
license, as applicable, as provided in this section. 17733

No person shall procure or attempt to procure a hunting 17734  
license by fraud, deceit, misrepresentation, or any false 17735  
statement. 17736

This section does not authorize the taking and possessing of 17737  
deer or wild turkeys without first having obtained, in addition to 17738  
the hunting license required by this section, a deer or wild 17739  
turkey permit as provided in section 1533.11 of the Revised Code 17740  
or the taking and possessing of ducks, geese, or brant without 17741  
first having obtained, in addition to the hunting license required 17742  
by this section, a wetlands habitat stamp as provided in section 17743  
1533.112 of the Revised Code. 17744

This section does not authorize the hunting or trapping of 17745  
fur-bearing animals without first having obtained, in addition to 17746  
a hunting license required by this section, a fur taker permit as 17747

provided in section 1533.111 of the Revised Code. 17748

No hunting license shall be issued unless it is accompanied 17749  
by a written explanation of the law in section 1533.17 of the 17750  
Revised Code and the penalty for its violation, including a 17751  
description of terms of imprisonment and fines that may be 17752  
imposed. 17753

No hunting license, other than an apprentice hunting license, 17754  
shall be issued unless the applicant presents to the agent 17755  
authorized to issue the license a previously held hunting license 17756  
or evidence of having held such a license in content and manner 17757  
approved by the chief, a certificate of completion issued upon 17758  
completion of a hunter education and conservation course approved 17759  
by the chief, or evidence of equivalent training in content and 17760  
manner approved by the chief. A previously held apprentice hunting 17761  
license does not satisfy the requirement concerning the 17762  
presentation of a previously held hunting license or evidence of 17763  
it. 17764

No person shall issue a hunting license, except an apprentice 17765  
hunting license, to any person who fails to present the evidence 17766  
required by this section. No person shall purchase or obtain a 17767  
hunting license, other than an apprentice hunting license, without 17768  
presenting to the issuing agent the evidence required by this 17769  
section. Issuance of a hunting license in violation of the 17770  
requirements of this section is an offense by both the purchaser 17771  
of the illegally obtained hunting license and the clerk or agent 17772  
who issued the hunting license. Any hunting license issued in 17773  
violation of this section is void. 17774

The chief, with approval of the wildlife council, shall adopt 17775  
rules prescribing a hunter education and conservation course for 17776  
first-time hunting license buyers, other than buyers of apprentice 17777  
hunting licenses, and for volunteer instructors. The course shall 17778  
consist of subjects including, but not limited to, hunter safety 17779

and health, use of hunting implements, hunting tradition and 17780  
ethics, the hunter and conservation, the law in section 1533.17 of 17781  
the Revised Code along with the penalty for its violation, 17782  
including a description of terms of imprisonment and fines that 17783  
may be imposed, and other law relating to hunting. Authorized 17784  
personnel of the division or volunteer instructors approved by the 17785  
chief shall conduct such courses with such frequency and at such 17786  
locations throughout the state as to reasonably meet the needs of 17787  
license applicants. The chief shall issue a certificate of 17788  
completion to each person who successfully completes the course 17789  
and passes an examination prescribed by the chief. 17790

**Sec. 1533.11.** (A)(1) Except as provided in this section or 17791  
section 1533.731 of the Revised Code, no person shall hunt deer on 17792  
lands of another without first obtaining an annual deer permit. 17793  
Except as provided in this section, no person shall hunt wild 17794  
turkeys on lands of another without first obtaining an annual wild 17795  
turkey permit. ~~Each~~ 17796

(2) ~~Each~~ applicant for a ~~deer or~~ wild turkey permit shall pay 17797  
an annual fee of twenty-three dollars for ~~each~~ the permit unless 17798  
the rules adopted under division (B) of section 1533.12 of the 17799  
Revised Code provide for issuance of a ~~deer or~~ wild turkey permit 17800  
to the applicant free of charge. Except as provided in rules 17801  
adopted under division (B)(2) of that section, each applicant who 17802  
is a resident of this state and who at the time of application is 17803  
sixty-six years of age or older shall procure a senior ~~deer or~~ 17804  
wild turkey permit, the fee for which shall be one-half of the 17805  
regular ~~deer or~~ wild turkey permit fee. Each applicant who is 17806  
under the age of eighteen years shall procure a youth ~~deer or~~ wild 17807  
turkey permit, the fee for which shall be one-half of the regular 17808  
~~deer or~~ wild turkey permit fee. ~~Except~~ 17809

(3) Each applicant for a deer permit who is a resident of 17810

this state shall procure a resident deer permit, the fee for which 17811  
is twenty-three dollars unless the rules adopted under division 17812  
(B) of section 1533.12 of the Revised Code provide for issuance of 17813  
a deer permit to the applicant free of charge. Each applicant for 17814  
a deer permit who is a nonresident of this state shall procure a 17815  
nonresident deer permit, the fee for which is ninety-nine dollars 17816  
unless the rules adopted under that division provide for issuance 17817  
of a deer permit to the applicant free of charge. Except as 17818  
provided in rules adopted under division (B)(2) of section 1533.12 17819  
of the Revised Code, each applicant who is a resident of this 17820  
state and who at the time of application is sixty-six years of age 17821  
or older shall procure a senior resident deer permit, the fee for 17822  
which is one-half of the regular resident deer permit fee. Each 17823  
applicant who is under the age of eighteen years, regardless of 17824  
residency, shall procure a youth deer permit, the fee for which is 17825  
one-half of the regular resident deer permit fee. 17826

(4) As used in this chapter, "deer permit" includes a 17827  
resident deer permit and a nonresident deer permit unless the 17828  
context indicates otherwise. 17829

(5) Except as provided in division (A)(2) of section 1533.12 17830  
of the Revised Code, a deer or wild turkey permit shall run 17831  
concurrently with the hunting license. The money received shall be 17832  
paid into the state treasury to the credit of the wildlife fund, 17833  
created in section 1531.17 of the Revised Code, exclusively for 17834  
the use of the division of wildlife in the acquisition and 17835  
development of land for deer or wild turkey management, for 17836  
investigating deer or wild turkey problems, and for the stocking, 17837  
management, and protection of deer or wild turkey. Every person, 17838  
while hunting deer or wild turkey on lands of another, shall carry 17839  
the person's deer or wild turkey permit and exhibit it to any 17840  
enforcement officer so requesting. Failure to so carry and exhibit 17841  
such a permit constitutes an offense under this section. The chief 17842

of the division of wildlife shall adopt any additional rules the 17843  
chief considers necessary to carry out this section and section 17844  
1533.10 of the Revised Code. 17845

An owner who is a resident of this state or an owner who is 17846  
exempt from obtaining a hunting license under section 1533.10 of 17847  
the Revised Code and the children of the owner of lands in this 17848  
state may hunt deer or wild turkey thereon without a deer or wild 17849  
turkey permit. If the owner of land in this state is a limited 17850  
liability company or a limited liability partnership that consists 17851  
of three or fewer individual members or partners, as applicable, 17852  
an individual member or partner who is a resident of this state 17853  
and the member's or partner's children of any age may hunt deer or 17854  
wild turkey on the land owned by the limited liability company or 17855  
limited liability partnership without a deer or wild turkey 17856  
permit. In addition, if the owner of land in this state is a trust 17857  
that has a total of three or fewer trustees and beneficiaries, an 17858  
individual who is a trustee or beneficiary and who is a resident 17859  
of this state and the individual's children of any age may hunt 17860  
deer or wild turkey on the land owned by the trust without a deer 17861  
or wild turkey permit. The tenant and children of the tenant may 17862  
hunt deer or wild turkey on lands where they reside without a deer 17863  
or wild turkey permit. 17864

(B) A deer or wild turkey permit is not transferable. No 17865  
person shall carry a deer or wild turkey permit issued in the name 17866  
of another person. 17867

(C) The wildlife refunds fund is hereby created in the state 17868  
treasury. The fund shall consist of money received from 17869  
application fees for deer permits that are not issued. Money in 17870  
the fund shall be used to make refunds of such application fees. 17871

(D) If the division establishes a system for the electronic 17872  
submission of information regarding deer or wild turkey that are 17873  
taken, the division shall allow the owner and the children of the 17874

owner of lands in this state to use the owner's name or address 17875  
for purposes of submitting that information electronically via 17876  
that system. 17877

**Sec. 1533.12.** (A)(1) Except as otherwise provided in division 17878  
(A)(2) of this section, every person on active duty in the armed 17879  
forces of the United States who is stationed in this state and who 17880  
wishes to engage in an activity for which a license, permit, or 17881  
stamp is required under this chapter first shall obtain the 17882  
requisite license, permit, or stamp. Such a person is eligible to 17883  
obtain a resident hunting or fishing license regardless of whether 17884  
the person qualifies as a resident of this state. To obtain a 17885  
resident hunting or fishing license, the person shall present a 17886  
card or other evidence identifying the person as being on active 17887  
duty in the armed forces of the United States and as being 17888  
stationed in this state. 17889

(2) Every person on active duty in the armed forces of the 17890  
United States, while on leave or furlough, may take or catch fish 17891  
of the kind lawfully permitted to be taken or caught within the 17892  
state, may hunt any wild bird or wild quadruped lawfully permitted 17893  
to be hunted within the state, and may trap fur-bearing animals 17894  
lawfully permitted to be trapped within the state, without 17895  
procuring a fishing license, a hunting license, a fur taker 17896  
permit, or a wetlands habitat stamp required by this chapter, 17897  
provided that the person shall carry on the person when fishing, 17898  
hunting, or trapping, a card or other evidence identifying the 17899  
person as being on active duty in the armed forces of the United 17900  
States, and provided that the person is not otherwise violating 17901  
any of the hunting, fishing, and trapping laws of this state. 17902

In order to hunt deer or wild turkey, any such person shall 17903  
obtain a resident deer or wild turkey permit, as applicable, under 17904  
section 1533.11 of the Revised Code. Such a person is eligible to 17905



obtain a resident deer permit regardless of whether the person is 17906  
a resident of this state. However, the person need not obtain a 17907  
hunting license in order to obtain ~~such a~~ either permit. 17908

(B) The chief of the division of wildlife shall provide by 17909  
rule adopted under section 1531.10 of the Revised Code all of the 17910  
following: 17911

(1) Every resident of this state with a disability that has 17912  
been determined by the veterans administration to be permanently 17913  
and totally disabling, who receives a pension or compensation from 17914  
the veterans administration, and who received an honorable 17915  
discharge from the armed forces of the United States, and every 17916  
veteran to whom the registrar of motor vehicles has issued a set 17917  
of license plates under section 4503.41 of the Revised Code, shall 17918  
be issued a fishing license, hunting license, fur taker permit, 17919  
deer or wild turkey permit, or wetlands habitat stamp, or any 17920  
combination of those licenses, permits, and stamp, free of charge 17921  
on an annual, multi-year, or lifetime basis as determined 17922  
appropriate by the chief when application is made to the chief in 17923  
the manner prescribed by and on forms provided by the chief. 17924

(2) Every resident of the state who was born on or before 17925  
December 31, 1937, shall be issued an annual fishing license, 17926  
hunting license, fur taker permit, deer or wild turkey permit, or 17927  
wetlands habitat stamp, or any combination of those licenses, 17928  
permits, and stamp, free of charge when application is made to the 17929  
chief in the manner prescribed by and on forms provided by the 17930  
chief. 17931

(3) Every resident of state or county institutions, 17932  
charitable institutions, and military homes in this state shall be 17933  
issued an annual fishing license free of charge when application 17934  
is made to the chief in the manner prescribed by and on forms 17935  
provided by the chief. 17936

(4) Any mobility impaired or blind person, as defined in section 955.011 of the Revised Code, who is a resident of this state and who is unable to engage in fishing without the assistance of another person shall be issued an annual fishing license free of charge when application is made to the chief in the manner prescribed by and on forms provided by the chief. The person who is assisting the mobility impaired or blind person may assist in taking or catching fish of the kind permitted to be taken or caught without procuring the license required under section 1533.32 of the Revised Code, provided that only one line is used by both persons.

(5) As used in division (B)(5) of this section, "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States.

Any person who has been a prisoner of war, was honorably discharged from the military forces, and is a resident of this state shall be issued a fishing license, hunting license, fur taker permit, or wetlands habitat stamp, or any combination of those licenses, permits, and stamp, free of charge on an annual, multi-year, or lifetime basis as determined appropriate by the chief when application is made to the chief in the manner prescribed by and on forms provided by the chief.

(C) The chief shall adopt rules pursuant to section 1531.08 of the Revised Code designating not more than two days, which need not be consecutive, in each year as "free sport fishing days" on which any resident may exercise the privileges accorded the holder of a fishing license issued under section 1533.32 of the Revised Code without procuring such a license, provided that the person is not otherwise violating any of the fishing laws of this state.

**Sec. 1548.11.** (A) In the event of the transfer of ownership 17968  
of a watercraft or outboard motor by operation of law, as upon 17969  
inheritance, devise, bequest, order in bankruptcy, insolvency, 17970  
replevin, or execution of sale, or whenever the engine of a 17971  
watercraft is replaced by another engine, a watercraft or outboard 17972  
motor is sold to satisfy storage or repair charges, or 17973  
repossession is had upon default in performance of the terms of a 17974  
security agreement as provided in Chapter 1309. of the Revised 17975  
Code, a clerk of a court of common pleas, upon the surrender of 17976  
the prior certificate of title or the manufacturer's or importer's 17977  
certificate, or, when that is not possible, upon presentation of 17978  
satisfactory proof to the clerk of ownership and rights of 17979  
possession to the watercraft or outboard motor, and upon payment 17980  
of the fee prescribed in section 1548.10 of the Revised Code and 17981  
presentation of an application for certificate of title, may issue 17982  
to the applicant a certificate of title to the watercraft or 17983  
outboard motor. Only an affidavit by the person or agent of the 17984  
person to whom possession of the watercraft or outboard motor has 17985  
passed, setting forth the facts entitling the person to possession 17986  
and ownership, together with a copy of the journal entry, court 17987  
order, or instrument upon which the claim of possession and 17988  
ownership is founded, is satisfactory proof of ownership and right 17989  
of possession. If the applicant cannot produce such proof of 17990  
ownership, the applicant may apply directly to the chief of the 17991  
division of watercraft and submit such evidence as the applicant 17992  
has, and the chief, if the chief finds the evidence sufficient, 17993  
may authorize the clerk to issue a certificate of title. If the 17994  
chief finds the evidence insufficient, the applicant may petition 17995  
the court of common pleas for a court order ordering the clerk to 17996  
issue a certificate of title. The court shall grant or deny the 17997  
petition based on the sufficiency of the evidence presented to the 17998  
court. If, from the records in the office of the clerk, there 17999

appears to be any lien on the watercraft or outboard motor, the 18000  
certificate of title shall contain a statement of the lien unless 18001  
the application is accompanied by proper evidence of its 18002  
extinction. 18003

(B) Upon the death of one of the persons who have established 18004  
joint ownership with right of survivorship under section 2131.12 18005  
of the Revised Code in a watercraft or outboard motor and the 18006  
presentation to the clerk of the title and the certificate of 18007  
death of the deceased person, the clerk shall enter into the 18008  
records the transfer of the watercraft or outboard motor to the 18009  
surviving person, and the title to the watercraft or outboard 18010  
motor immediately passes to the surviving person. The transfer 18011  
does not affect any liens on the watercraft or outboard motor. 18012

(C) The clerk shall transfer a decedent's interest in one 18013  
watercraft, one watercraft trailer, one outboard motor, or one of 18014  
each to the decedent's surviving spouse as provided in section 18015  
2106.19 of the Revised Code. 18016

(D) Upon the death of an owner of a watercraft or outboard 18017  
motor designated in beneficiary form under section 2131.13 of the 18018  
Revised Code, upon application of the transfer-on-death 18019  
beneficiary or beneficiaries designated pursuant to that section, 18020  
and upon presentation to the clerk of the certificate of title and 18021  
the certificate of death of the deceased owner, the clerk shall 18022  
transfer the watercraft or outboard motor and issue a certificate 18023  
of title to the transfer-on-death beneficiary or beneficiaries. 18024  
The transfer does not affect any liens upon any watercraft or 18025  
outboard motor so transferred. 18026

**Sec. 1561.04.** ~~The chief of the division of mineral resources~~ 18027  
~~management~~ director of natural resources or the director's 18028  
designee shall annually make a report to the governor, which shall 18029  
include: 18030

(A) A summary of the activities and of the reports of the 18031  
deputy mine inspectors; 18032

(B) A statement of the condition and the operation of the 18033  
mines of the state; 18034

(C) A statement of the number of accidents in and about the 18035  
mines, the manner in which they occurred, and any other data and 18036  
facts bearing upon the prevention of accidents and the 18037  
preservation of life, health, and property, and any suggestions 18038  
relative to the better preservation of the life, health, and 18039  
property of those engaged in the mining industry. 18040

The records of the bureau of workers' compensation shall be 18041  
available to the ~~chief~~ director or the director's designee for 18042  
information concerning such a report. The ~~chief~~ director or the 18043  
director's designee shall send by mail to each coal operator in 18044  
the state, to a duly designated representative of the miners at 18045  
each mine, and to such other persons as the ~~chief~~ director or the 18046  
director's designee deems proper, a copy of such report. The ~~chief~~ 18047  
director or the director's designee may have as many copies of 18048  
such report printed as are needed to make the distribution thereof 18049  
as provided in this section. 18050

The ~~chief~~ director or the director's designee shall also 18051  
prepare and publish for public distribution quarterly reports, 18052  
including therein information relative to the items enumerated in 18053  
this section that is pertinent or available at such times. 18054

**Sec. 1707.01.** As used in this chapter: 18055

(A) Whenever the context requires it, "division" or "division 18056  
of securities" may be read as "director of commerce" or as 18057  
"commissioner of securities." 18058

(B) "Security" means any certificate or instrument, or any 18059  
oral, written, or electronic agreement, understanding, or 18060

opportunity, that represents title to or interest in, or is 18061  
secured by any lien or charge upon, the capital, assets, profits, 18062  
property, or credit of any person or of any public or governmental 18063  
body, subdivision, or agency. It includes shares of stock, 18064  
certificates for shares of stock, an uncertificated security, 18065  
membership interests in limited liability companies, voting-trust 18066  
certificates, warrants and options to purchase securities, 18067  
subscription rights, interim receipts, interim certificates, 18068  
promissory notes, all forms of commercial paper, evidences of 18069  
indebtedness, bonds, debentures, land trust certificates, fee 18070  
certificates, leasehold certificates, syndicate certificates, 18071  
endowment certificates, interests in or under profit-sharing or 18072  
participation agreements, interests in or under oil, gas, or 18073  
mining leases, preorganization or reorganization subscriptions, 18074  
preorganization certificates, reorganization certificates, 18075  
interests in any trust or pretended trust, any investment 18076  
contract, any life settlement interest, any instrument evidencing 18077  
a promise or an agreement to pay money, warehouse receipts for 18078  
intoxicating liquor, and the currency of any government other than 18079  
those of the United States and Canada, but sections 1707.01 to 18080  
1707.45 of the Revised Code do not apply to the sale of real 18081  
estate. 18082

(C)(1) "Sale" has the full meaning of "sale" as applied by or 18083  
accepted in courts of law or equity, and includes every 18084  
disposition, or attempt to dispose, of a security or of an 18085  
interest in a security. "Sale" also includes a contract to sell, 18086  
an exchange, an attempt to sell, an option of sale, a solicitation 18087  
of a sale, a solicitation of an offer to buy, a subscription, or 18088  
an offer to sell, directly or indirectly, by agent, circular, 18089  
pamphlet, advertisement, or otherwise. 18090

(2) "Sell" means any act by which a sale is made. 18091

(3) The use of advertisements, circulars, or pamphlets in 18092

connection with the sale of securities in this state exclusively 18093  
to the purchasers specified in division (D) of section 1707.03 of 18094  
the Revised Code is not a sale when the advertisements, circulars, 18095  
and pamphlets describing and offering those securities bear a 18096  
readily legible legend in substance as follows: "This offer is 18097  
made on behalf of dealers licensed under sections 1707.01 to 18098  
1707.45 of the Revised Code, and is confined in this state 18099  
exclusively to institutional investors and licensed dealers." 18100

(4) The offering of securities by any person in conjunction 18101  
with a licensed dealer by use of advertisement, circular, or 18102  
pamphlet is not a sale if that person does not otherwise attempt 18103  
to sell securities in this state. 18104

(5) Any security given with, or as a bonus on account of, any 18105  
purchase of securities is conclusively presumed to constitute a 18106  
part of the subject of that purchase and has been "sold." 18107

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person 18108  
acting in a representative capacity, includes sale on behalf of 18109  
such party by an agent, including a licensed dealer or 18110  
salesperson. 18111

(D) "Person," except as otherwise provided in this chapter, 18112  
means a natural person, firm, partnership, limited partnership, 18113  
partnership association, syndicate, joint-stock company, 18114  
unincorporated association, trust or trustee except where the 18115  
trust was created or the trustee designated by law or judicial 18116  
authority or by a will, and a corporation or limited liability 18117  
company organized under the laws of any state, any foreign 18118  
government, or any political subdivision of a state or foreign 18119  
government. 18120

(E)(1) "Dealer," except as otherwise provided in this 18121  
chapter, means every person, other than a salesperson, who engages 18122  
or professes to engage, in this state, for either all or part of 18123

the person's time, directly or indirectly, either in the business 18124  
of the sale of securities for the person's own account, or in the 18125  
business of the purchase or sale of securities for the account of 18126  
others in the reasonable expectation of receiving a commission, 18127  
fee, or other remuneration as a result of engaging in the purchase 18128  
and sale of securities. "Dealer" does not mean any of the 18129  
following: 18130

(a) Any issuer, including any officer, director, employee, or 18131  
trustee of, or member or manager of, or partner in, or any general 18132  
partner of, any issuer, that sells, offers for sale, or does any 18133  
act in furtherance of the sale of a security that represents an 18134  
economic interest in that issuer, provided no commission, fee, or 18135  
other similar remuneration is paid to or received by the issuer 18136  
for the sale; 18137

(b) Any licensed attorney, public accountant, or firm of such 18138  
attorneys or accountants, whose activities are incidental to the 18139  
practice of the attorney's, accountant's, or firm's profession; 18140

(c) Any person that, for the account of others, engages in 18141  
the purchase or sale of securities that are issued and outstanding 18142  
before such purchase and sale, if a majority or more of the equity 18143  
interest of an issuer is sold in that transaction, and if, in the 18144  
case of a corporation, the securities sold in that transaction 18145  
represent a majority or more of the voting power of the 18146  
corporation in the election of directors; 18147

(d) Any person that brings an issuer together with a 18148  
potential investor and whose compensation is not directly or 18149  
indirectly based on the sale of any securities by the issuer to 18150  
the investor; 18151

(e) Any bank; 18152

(f) Any person that the division of securities by rule 18153  
exempts from the definition of "dealer" under division (E)(1) of 18154



this section.	18155
(2) "Licensed dealer" means a dealer licensed under this chapter.	18156 18157
(F)(1) "Salesman" or "salesperson" means every natural person, other than a dealer, who is employed, authorized, or appointed by a dealer to sell securities within this state.	18158 18159 18160
(2) The general partners of a partnership, and the executive officers of a corporation or unincorporated association, licensed as a dealer are not salespersons within the meaning of this definition, nor are clerical or other employees of an issuer or dealer that are employed for work to which the sale of securities is secondary and incidental; but the division of securities may require a license from any such partner, executive officer, or employee if it determines that protection of the public necessitates the licensing.	18161 18162 18163 18164 18165 18166 18167 18168 18169
(3) "Licensed salesperson" means a salesperson licensed under this chapter.	18170 18171
(G) "Issuer" means every person who has issued, proposes to issue, or issues any security.	18172 18173
(H) "Director" means each director or trustee of a corporation, each trustee of a trust, each general partner of a partnership, except a partnership association, each manager of a partnership association, and any person vested with managerial or directory power over an issuer not having a board of directors or trustees.	18174 18175 18176 18177 18178 18179
(I) "Incorporator" means any incorporator of a corporation and any organizer of, or any person participating, other than in a representative or professional capacity, in the organization of an unincorporated issuer.	18180 18181 18182 18183
(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent	18184

practices," or "fraudulent transactions" means anything recognized 18185  
on or after July 22, 1929, as such in courts of law or equity; any 18186  
device, scheme, or artifice to defraud or to obtain money or 18187  
property by means of any false pretense, representation, or 18188  
promise; any fictitious or pretended purchase or sale of 18189  
securities; and any act, practice, transaction, or course of 18190  
business relating to the purchase or sale of securities that is 18191  
fraudulent or that has operated or would operate as a fraud upon 18192  
the seller or purchaser. 18193

(K) Except as otherwise specifically provided, whenever any 18194  
classification or computation is based upon "par value," as 18195  
applied to securities without par value, the average of the 18196  
aggregate consideration received or to be received by the issuer 18197  
for each class of those securities shall be used as the basis for 18198  
that classification or computation. 18199

(L)(1) "Intangible property" means patents, copyrights, 18200  
secret processes, formulas, services, good will, promotion and 18201  
organization fees and expenses, trademarks, trade brands, trade 18202  
names, licenses, franchises, any other assets treated as 18203  
intangible according to generally accepted accounting principles, 18204  
and securities, accounts receivable, or contract rights having no 18205  
readily determinable value. 18206

(2) "Tangible property" means all property other than 18207  
intangible property and includes securities, accounts receivable, 18208  
and contract rights, when the securities, accounts receivable, or 18209  
contract rights have a readily determinable value. 18210

(M) "Public utilities" means those utilities defined in 18211  
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 18212  
Code; in the case of a foreign corporation, it means those 18213  
utilities defined as public utilities by the laws of its domicile; 18214  
and in the case of any other foreign issuer, it means those 18215  
utilities defined as public utilities by the laws of the situs of 18216

its principal place of business. The term always includes 18217  
railroads whether or not they are so defined as public utilities. 18218

(N) "State" means any state of the United States, any 18219  
territory or possession of the United States, the District of 18220  
Columbia, and any province of Canada. 18221

(O) "Bank" means any bank, trust company, savings and loan 18222  
association, savings bank, or credit union that is incorporated or 18223  
organized under the laws of the United States, any state of the 18224  
United States, Canada, or any province of Canada and that is 18225  
subject to regulation or supervision by that country, state, or 18226  
province. 18227

(P) "Include," when used in a definition, does not exclude 18228  
other things or persons otherwise within the meaning of the term 18229  
defined. 18230

(Q)(1) "Registration by description" means that the 18231  
requirements of section 1707.08 of the Revised Code have been 18232  
complied with. 18233

(2) "Registration by qualification" means that the 18234  
requirements of sections 1707.09 and 1707.11 of the Revised Code 18235  
have been complied with. 18236

(3) "Registration by coordination" means that there has been 18237  
compliance with section 1707.091 of the Revised Code. Reference in 18238  
this chapter to registration by qualification also includes 18239  
registration by coordination unless the context otherwise 18240  
indicates. 18241

(R) "Intoxicating liquor" includes all liquids and compounds 18242  
that contain more than three and two-tenths per cent of alcohol by 18243  
weight and are fit for use for beverage purposes. 18244

(S) "Institutional investor" means ~~any corporation, bank,~~ 18245  
~~insurance company, pension fund or pension fund trust, employees'~~ 18246

~~profit sharing fund or employees' profit sharing trust, any~~ 18247  
~~association engaged, as a substantial part of its business or~~ 18248  
~~operations, in purchasing or holding securities, or any trust in~~ 18249  
~~respect of which a bank is trustee or cotrustee. "Institutional~~ 18250  
~~investor" does not include any business entity formed for the~~ 18251  
~~primary purpose of evading sections 1707.01 to 1707.45 of the~~ 18252  
~~Revised Code any of the following, whether acting for itself or~~ 18253  
~~for others in a fiduciary capacity:~~ 18254

(1) A bank or international banking institution; 18255

(2) An insurance company; 18256

(3) A separate account of an insurance company; 18257

(4) An investment company as defined in the "Investment 18258  
Company Act of 1940," 15 U.S.C. 80a-3; 18259

(5) A broker-dealer registered under the "Securities Exchange 18260  
Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the 18261  
division of securities as a dealer; 18262

(6) An employee pension, profit-sharing, or benefit plan if 18263  
the plan has total assets in excess of ten million dollars or its 18264  
investment decisions are made by a named fiduciary, as defined in 18265  
the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 18266  
1001, that is one of the following: 18267

(a) A broker-dealer registered under the "Securities Exchange 18268  
Act of 1934," 15 U.S.C. 78o, as amended; 18269

(b) An investment adviser registered or exempt from 18270  
registration under the "Investment Advisers Act of 1940," 15 18271  
U.S.C. 80b-3; 18272

(c) An investment adviser registered under this chapter, a 18273  
bank, or an insurance company. 18274

(7) A plan established and maintained by a state, a political 18275  
subdivision of a state, or an agency or instrumentality of a state 18276

or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars or its investment decisions are made by a duly designated public official or by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:

(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;

(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;

(c) An investment adviser registered under this chapter, a bank, or an insurance company.

(8) A trust, if it has total assets in excess of ten million dollars, its trustee is a bank, and its participants are exclusively plans of the types identified in division (S)(6) or (7) of this section, regardless of the size of their assets, except a trust that includes as participants self-directed individual retirement accounts or similar self-directed plans;

(9) An organization described in section 501(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, corporation, Massachusetts trust or similar business trust, limited liability company, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of ten million dollars;

(10) A small business investment company licensed by the small business administration under section 301(c) of the "Small Business Investment Act of 1958," 15 U.S.C. 681(c), with total assets in excess of ten million dollars;

(11) A private business development company as defined in section 202(a)(22) of the "Investment Advisers Act of 1940," 15

<u>U.S.C. 80b-2(a)(22), with total assets in excess of ten million</u>	18308
<u>dollars;</u>	18309
<u>(12) A federal covered investment adviser acting for its own</u>	18310
<u>account;</u>	18311
<u>(13) A "qualified institutional buyer" as defined in 17</u>	18312
<u>C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H);</u>	18313
<u>(14) A "major U.S. institutional investor" as defined in 17</u>	18314
<u>C.F.R. 240.15a-6(b)(4)(i);</u>	18315
<u>(15) Any other person, other than an individual, of</u>	18316
<u>institutional character with total assets in excess of ten million</u>	18317
<u>dollars not organized for the specific purpose of evading this</u>	18318
<u>chapter;</u>	18319
<u>(16) Any other person specified by rule adopted or order</u>	18320
<u>issued under this chapter.</u>	18321
(T) A reference to a statute of the United States or to a	18322
rule, regulation, or form promulgated by the securities and	18323
exchange commission or by another federal agency means the	18324
statute, rule, regulation, or form as it exists at the time of the	18325
act, omission, event, or transaction to which it is applied under	18326
this chapter.	18327
(U) "Securities and exchange commission" means the securities	18328
and exchange commission established by the Securities Exchange Act	18329
of 1934.	18330
(V)(1) "Control bid" means the purchase of or offer to	18331
purchase any equity security of a subject company from a resident	18332
of this state if either of the following applies:	18333
(a) After the purchase of that security, the offeror would be	18334
directly or indirectly the beneficial owner of more than ten per	18335
cent of any class of the issued and outstanding equity securities	18336
of the issuer.	18337

(b) The offeror is the subject company, there is a pending control bid by a person other than the issuer, and the number of the issued and outstanding shares of the subject company would be reduced by more than ten per cent.

(2) For purposes of division (V)(1) of this section, "control bid" does not include any of the following:

(a) A bid made by a dealer for the dealer's own account in the ordinary course of business of buying and selling securities;

(b) An offer to acquire any equity security solely in exchange for any other security, or the acquisition of any equity security pursuant to an offer, for the sole account of the offeror, in good faith and not for the purpose of avoiding the provisions of this chapter, and not involving any public offering of the other security within the meaning of Section 4 of Title I of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), as amended;

(c) Any other offer to acquire any equity security, or the acquisition of any equity security pursuant to an offer, for the sole account of the offeror, from not more than fifty persons, in good faith and not for the purpose of avoiding the provisions of this chapter.

(W) "Offeror" means a person who makes, or in any way participates or aids in making, a control bid and includes persons acting jointly or in concert, or who intend to exercise jointly or in concert any voting rights attached to the securities for which the control bid is made and also includes any subject company making a control bid for its own securities.

(X)(1) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing,

or selling securities, or who, for compensation and as a part of 18369  
regular business, issues or promulgates analyses or reports 18370  
concerning securities. 18371

(2) "Investment adviser" does not mean any of the following: 18372

(a) Any attorney, accountant, engineer, or teacher, whose 18373  
performance of investment advisory services described in division 18374  
(X)(1) of this section is solely incidental to the practice of the 18375  
attorney's, accountant's, engineer's, or teacher's profession; 18376

(b) A publisher of any bona fide newspaper, news magazine, or 18377  
business or financial publication of general and regular 18378  
circulation; 18379

(c) A person who acts solely as an investment adviser 18380  
representative; 18381

(d) A bank holding company, as defined in the "Bank Holding 18382  
Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an 18383  
investment company; 18384

(e) A bank, or any receiver, conservator, or other 18385  
liquidating agent of a bank; 18386

(f) Any licensed dealer or licensed salesperson whose 18387  
performance of investment advisory services described in division 18388  
(X)(1) of this section is solely incidental to the conduct of the 18389  
dealer's or salesperson's business as a licensed dealer or 18390  
licensed salesperson and who receives no special compensation for 18391  
the services; 18392

(g) Any person, the advice, analyses, or reports of which do 18393  
not relate to securities other than securities that are direct 18394  
obligations of, or obligations guaranteed as to principal or 18395  
interest by, the United States, or securities issued or guaranteed 18396  
by corporations in which the United States has a direct or 18397  
indirect interest, and that have been designated by the secretary 18398



of the treasury as exempt securities as defined in the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c; 18399  
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(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not within the intent of section 202(a)(11) of the Investment Advisers Act of 1940. 18401  
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(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief investment officer; 18409  
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(j) Any other person that the division designates by rule, if the division finds that the designation is necessary or appropriate in the public interest or for the protection of investors or clients and consistent with the purposes fairly intended by the policy and provisions of this chapter. 18412  
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(Y)(1) "Subject company" means an issuer that satisfies both of the following: 18417  
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(a) Its principal place of business or its principal executive office is located in this state, or it owns or controls assets located within this state that have a fair market value of at least one million dollars. 18419  
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(b) More than ten per cent of its beneficial or record equity security holders are resident in this state, more than ten per cent of its equity securities are owned beneficially or of record by residents in this state, or more than one thousand of its beneficial or record equity security holders are resident in this state. 18423  
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(2) The division of securities may adopt rules to establish 18429

more specific application of the provisions set forth in division 18430  
(Y)(1) of this section. Notwithstanding the provisions set forth 18431  
in division (Y)(1) of this section and any rules adopted under 18432  
this division, the division, by rule or in an adjudicatory 18433  
proceeding, may make a determination that an issuer does not 18434  
constitute a "subject company" under division (Y)(1) of this 18435  
section if appropriate review of control bids involving the issuer 18436  
is to be made by any regulatory authority of another jurisdiction. 18437

(Z) "Beneficial owner" includes any person who directly or 18438  
indirectly through any contract, arrangement, understanding, or 18439  
relationship has or shares, or otherwise has or shares, the power 18440  
to vote or direct the voting of a security or the power to dispose 18441  
of, or direct the disposition of, the security. "Beneficial 18442  
ownership" includes the right, exercisable within sixty days, to 18443  
acquire any security through the exercise of any option, warrant, 18444  
or right, the conversion of any convertible security, or 18445  
otherwise. Any security subject to any such option, warrant, 18446  
right, or conversion privilege held by any person shall be deemed 18447  
to be outstanding for the purpose of computing the percentage of 18448  
outstanding securities of the class owned by that person, but 18449  
shall not be deemed to be outstanding for the purpose of computing 18450  
the percentage of the class owned by any other person. A person 18451  
shall be deemed the beneficial owner of any security beneficially 18452  
owned by any relative or spouse or relative of the spouse residing 18453  
in the home of that person, any trust or estate in which that 18454  
person owns ten per cent or more of the total beneficial interest 18455  
or serves as trustee or executor, any corporation or entity in 18456  
which that person owns ten per cent or more of the equity, and any 18457  
affiliate or associate of that person. 18458

(AA) "Offeree" means the beneficial or record owner of any 18459  
security that an offeror acquires or offers to acquire in 18460  
connection with a control bid. 18461

(BB) "Equity security" means any share or similar security, 18462  
or any security convertible into any such security, or carrying 18463  
any warrant or right to subscribe to or purchase any such 18464  
security, or any such warrant or right, or any other security 18465  
that, for the protection of security holders, is treated as an 18466  
equity security pursuant to rules of the division of securities. 18467

(CC)(1) "Investment adviser representative" means a 18468  
supervised person of an investment adviser, provided that the 18469  
supervised person has more than five clients who are natural 18470  
persons other than excepted persons defined in division (EE) of 18471  
this section, and that more than ten per cent of the supervised 18472  
person's clients are natural persons other than excepted persons 18473  
defined in division (EE) of this section. "Investment adviser 18474  
representative" does not mean any of the following: 18475

(a) A supervised person that does not on a regular basis 18476  
solicit, meet with, or otherwise communicate with clients of the 18477  
investment adviser; 18478

(b) A supervised person that provides only investment 18479  
advisory services described in division (X)(1) of this section by 18480  
means of written materials or oral statements that do not purport 18481  
to meet the objectives or needs of specific individuals or 18482  
accounts; 18483

(c) Any other person that the division designates by rule, if 18484  
the division finds that the designation is necessary or 18485  
appropriate in the public interest or for the protection of 18486  
investors or clients and is consistent with the provisions fairly 18487  
intended by the policy and provisions of this chapter. 18488

(2) For the purpose of the calculation of clients in division 18489  
(CC)(1) of this section, a natural person and the following 18490  
persons are deemed a single client: Any minor child of the natural 18491  
person; any relative, spouse, or relative of the spouse of the 18492

natural person who has the same principal residence as the natural 18493  
person; all accounts of which the natural person or the persons 18494  
referred to in division (CC)(2) of this section are the only 18495  
primary beneficiaries; and all trusts of which the natural person 18496  
or persons referred to in division (CC)(2) of this section are the 18497  
only primary beneficiaries. Persons who are not residents of the 18498  
United States need not be included in the calculation of clients 18499  
under division (CC)(1) of this section. 18500

(3) If subsequent to March 18, 1999, amendments are enacted 18501  
or adopted defining "investment adviser representative" for 18502  
purposes of the Investment Advisers Act of 1940 or additional 18503  
rules or regulations are promulgated by the securities and 18504  
exchange commission regarding the definition of "investment 18505  
adviser representative" for purposes of the Investment Advisers 18506  
Act of 1940, the division of securities shall, by rule, adopt the 18507  
substance of the amendments, rules, or regulations, unless the 18508  
division finds that the amendments, rules, or regulations are not 18509  
necessary for the protection of investors or in the public 18510  
interest. 18511

(DD) "Supervised person" means a natural person who is any of 18512  
the following: 18513

(1) A partner, officer, or director of an investment adviser, 18514  
or other person occupying a similar status or performing similar 18515  
functions with respect to an investment adviser; 18516

(2) An employee of an investment adviser; 18517

(3) A person who provides investment advisory services 18518  
described in division (X)(1) of this section on behalf of the 18519  
investment adviser and is subject to the supervision and control 18520  
of the investment adviser. 18521

(EE) "Excepted person" means a natural person to whom any of 18522  
the following applies: 18523

(1) Immediately after entering into the investment advisory contract with the investment adviser, the person has at least seven hundred fifty thousand dollars under the management of the investment adviser.

(2) The investment adviser reasonably believes either of the following at the time the investment advisory contract is entered into with the person:

(a) The person has a net worth, together with assets held jointly with a spouse, of more than one million five hundred thousand dollars.

(b) The person is a qualified purchaser as defined in division (FF) of this section.

(3) Immediately prior to entering into an investment advisory contract with the investment adviser, the person is either of the following:

(a) An executive officer, director, trustee, general partner, or person serving in a similar capacity, of the investment adviser;

(b) An employee of the investment adviser, other than an employee performing solely clerical, secretarial, or administrative functions or duties for the investment adviser, which employee, in connection with the employee's regular functions or duties, participates in the investment activities of the investment adviser, provided that, for at least twelve months, the employee has been performing such nonclerical, nonsecretarial, or nonadministrative functions or duties for or on behalf of the investment adviser or performing substantially similar functions or duties for or on behalf of another company.

If subsequent to March 18, 1999, amendments are enacted or adopted defining "excepted person" for purposes of the Investment Advisers Act of 1940 or additional rules or regulations are

promulgated by the securities and exchange commission regarding 18555  
the definition of "excepted person" for purposes of the Investment 18556  
Advisers Act of 1940, the division of securities shall, by rule, 18557  
adopt the substance of the amendments, rules, or regulations, 18558  
unless the division finds that the amendments, rules, or 18559  
regulations are not necessary for the protection of investors or 18560  
in the public interest. 18561

(FF)(1) "Qualified purchaser" means either of the following: 18562

(a) A natural person who owns not less than five million 18563  
dollars in investments as defined by rule by the division of 18564  
securities; 18565

(b) A natural person, acting for the person's own account or 18566  
accounts of other qualified purchasers, who in the aggregate owns 18567  
and invests on a discretionary basis, not less than twenty-five 18568  
million dollars in investments as defined by rule by the division 18569  
of securities. 18570

(2) If subsequent to March 18, 1999, amendments are enacted 18571  
or adopted defining "qualified purchaser" for purposes of the 18572  
Investment Advisers Act of 1940 or additional rules or regulations 18573  
are promulgated by the securities and exchange commission 18574  
regarding the definition of "qualified purchaser" for purposes of 18575  
the Investment Advisers Act of 1940, the division of securities 18576  
shall, by rule, adopt the amendments, rules, or regulations, 18577  
unless the division finds that the amendments, rules, or 18578  
regulations are not necessary for the protection of investors or 18579  
in the public interest. 18580

(GG)(1) "Purchase" has the full meaning of "purchase" as 18581  
applied by or accepted in courts of law or equity and includes 18582  
every acquisition of, or attempt to acquire, a security or an 18583  
interest in a security. "Purchase" also includes a contract to 18584  
purchase, an exchange, an attempt to purchase, an option to 18585

purchase, a solicitation of a purchase, a solicitation of an offer to sell, a subscription, or an offer to purchase, directly or indirectly, by agent, circular, pamphlet, advertisement, or otherwise.

(2) "Purchase" means any act by which a purchase is made.

(3) Any security given with, or as a bonus on account of, any purchase of securities is conclusively presumed to constitute a part of the subject of that purchase.

(HH) "Life settlement interest" means the entire interest or any fractional interest in an insurance policy or certificate of insurance, or in an insurance benefit under such a policy or certificate, that is the subject of a life settlement contract.

For purposes of this division, "life settlement contract" means an agreement for the purchase, sale, assignment, transfer, devise, or bequest of any portion of the death benefit or ownership of any life insurance policy or contract, in return for consideration or any other thing of value that is less than the expected death benefit of the life insurance policy or contract. "Life settlement contract" includes a viatical settlement contract as defined in section 3916.01 of the Revised Code, but does not include any of the following:

(1) A loan by an insurer under the terms of a life insurance policy, including, but not limited to, a loan secured by the cash value of the policy;

(2) An agreement with a bank that takes an assignment of a life insurance policy as collateral for a loan;

(3) The provision of accelerated benefits as defined in section 3915.21 of the Revised Code;

(4) Any agreement between an insurer and a reinsurer;

(5) An agreement by an individual to purchase an existing

life insurance policy or contract from the original owner of the 18616  
policy or contract, if the individual does not enter into more 18617  
than one life settlement contract per calendar year; 18618

(6) The initial purchase of an insurance policy or 18619  
certificate of insurance from its owner by a viatical settlement 18620  
provider, as defined in section 3916.01 of the Revised Code, that 18621  
is licensed under Chapter 3916. of the Revised Code. 18622

(II) "State retirement system" means the public employees 18623  
retirement system, Ohio police and fire pension fund, state 18624  
teachers retirement system, school employees retirement system, 18625  
and state highway patrol retirement system. 18626

(JJ) "State retirement system investment officer" means an 18627  
individual employed by a state retirement system as a chief 18628  
investment officer, assistant investment officer, or the person in 18629  
charge of a class of assets or in a position that is substantially 18630  
equivalent to chief investment officer, assistant investment 18631  
officer, or person in charge of a class of assets. 18632

(KK) "Bureau of workers' compensation chief investment 18633  
officer" means an individual employed by the administrator of 18634  
workers' compensation as a chief investment officer or in a 18635  
position that is substantially equivalent to a chief investment 18636  
officer. 18637

**Sec. 1707.14.** (A)~~(1)~~ No person shall act as a dealer, unless 18638  
the person is licensed as a dealer by the division of securities, 18639  
except ~~in~~ when at least one of the following cases applies: 18640

~~(a)~~(1) When the person is transacting business through or 18641  
with a licensed dealer; 18642

~~(b)~~(2) When the securities are the subject matter of one or 18643  
more transactions enumerated in divisions (B) to (L), (O) to (R), 18644  
and (U) to (Y) of section 1707.03, or in section 1707.06 of the 18645



Revised Code, except when a commission, discount, or other 18646  
remuneration is paid or given in consideration with transactions 18647  
enumerated in divisions (O), (Q), (W), (X), and (Y) of section 18648  
1707.03, or in section 1707.06 of the Revised Code; 18649

~~(e)~~(3) When the person is an issuer selling securities issued 18650  
by it or by its subsidiary, if such securities are specified under 18651  
division (G) or (I) of section 1707.02, or under section 1707.04 18652  
of the Revised Code; 18653

~~(d)~~(4) When the person is participating in transactions 18654  
exempt, under section 1707.34 of the Revised Code, from this 18655  
chapter; 18656

(5) When the person has no place of business in this state, 18657  
is registered with the securities and exchange commission, and the 18658  
only transactions effected in this state are with institutional 18659  
investors. 18660

~~(2) Notwithstanding the exceptions to licensure set forth in 18661  
divisions (A)(1)(a) to (d) of this section, no person other than 18662  
an issuer selling its own securities shall engage in the business 18663  
of selling securities to an institutional investor unless the 18664  
person is licensed as a dealer or the division, by rule, finds 18665  
that such licensure is not necessary for the protection of 18666  
investors or in the public interest.~~ 18667

(B) Each dealer that in any twelve-month or shorter period, 18668  
alone or with any other dealer with which it is affiliated, has 18669  
total revenues of one hundred fifty thousand dollars or more 18670  
derived from the business of buying, selling, or otherwise dealing 18671  
in securities, and that at any time during such period has one 18672  
hundred or more retail securities customers, shall be registered 18673  
as a broker or dealer with the securities and exchange commission 18674  
under the Securities Exchange Act of 1934, except the following 18675  
entities: 18676

(1) A bank;	18677
(2) A dealer that enters into and is in compliance with an undertaking accepted by the division, in which the dealer agrees that it will not engage in any transaction involving the buying, selling, or otherwise dealing in securities with any natural person in this state, except for transactions involving either of the following:	18678 18679 18680 18681 18682 18683
(a) Securities of corporations or associations that have qualified for treatment as nonprofit organizations pursuant to section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended;	18684 18685 18686 18687
(b) Securities or transactions that are described in divisions (A)(1) <del>(a)</del> to <del>(d)</del> <u>(4)</u> of this section.	18688 18689
(C) Every dealer that must be registered as a broker or dealer with the securities and exchange commission pursuant to division (B) of this section shall become so registered no later than ninety days after the date on which the dealer meets the requirements for such registration.	18690 18691 18692 18693 18694
(D) The division by rule may exempt any dealer from complying with the licensing or registration requirements of this section, if the division finds that such licensing or registration is not necessary for the protection of investors or in the public interest.	18695 18696 18697 18698 18699
(E) As used in division (B) of this section, "retail securities customer" means a person that purchases from or through or sells securities to or through a dealer, and that is not an officer, a director, a principal, a general partner, or an employee of, the dealer. Each of the following is deemed to be a single retail securities customer:	18700 18701 18702 18703 18704 18705
(1) A husband and wife;	18706

(2) A minor child and the minor child's parent or legal guardian; 18707  
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(3) A corporation, a partnership, an association or other unincorporated entity, a joint stock company, or a trust. 18709  
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**Sec. 1711.15.** In any county in which there is a duly organized county agricultural society, the board of county commissioners or the county agricultural society itself may purchase or lease, for a term of not less than twenty years, real estate on which to hold fairs under the management and control of the county agricultural society, and may erect suitable buildings on the real estate and otherwise improve it. 18711  
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In counties in which there is a county agricultural society that has purchased, or leased, for a term of not less than twenty years, real estate as a site on which to hold fairs, ~~or in which~~ if the title to the site is vested in fee in the county, the board of county commissioners may erect or repair buildings or otherwise improve the site and pay the rental of it, or contribute to or pay any other form of indebtedness of the society, if the director of agriculture has certified to the board that the county agricultural society is complying with all laws and rules governing the operation of county agricultural societies. The board may appropriate from the county's general fund or permanent improvement fund, and may appropriate revenue from a tax levied under division (L) of section 5739.09 of the Revised Code, any amount that it considers necessary for any of those purposes, provided that an appropriation of revenue from that tax may be expended only for the purposes provided in the resolution levying that tax. 18718  
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**Sec. 1711.16.** When the control and management of a fairground is in a county agricultural society, and the board of county 18735  
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commissioners has appropriated an amount for the aid of the 18737  
society as provided in section 1711.15 of the Revised Code, the 18738  
society, with the consent of the board, may contract for the 18739  
erection or repair of buildings or otherwise improve the 18740  
fairground, to the extent that the payment for the improvement is 18741  
provided by the board. 18742

When the appropriation is made by the board, the county 18743  
auditor shall place the proceeds in a special fund, designated the 18744  
"county agricultural society fund," indicating the purpose for 18745  
which it is available, provided that an appropriation of revenue 18746  
from a tax levied by the board under division (L) of section 18747  
5739.09 of the Revised Code may be expended only for the purposes 18748  
provided in the resolution levying that tax. On application of the 18749  
treasurer of the society, the auditor shall issue an order for the 18750  
amount of the appropriation to the treasurer of the society, if 18751  
the society has secured the certificate required under section 18752  
1711.05 of the Revised Code, on the treasurer's filing with the 18753  
auditor a bond in double the amount collected, with good and 18754  
sufficient sureties approved by the auditor, conditioned for the 18755  
satisfactory paying over and accounting of the funds for the 18756  
purposes for which they were provided. The funds shall remain in 18757  
the special fund in which they are placed by the auditor until 18758  
they are applied ~~or~~ for by the treasurer of the society and the 18759  
bond is given, or until they are expended by the board for the 18760  
purposes for which the fund was created. If the society ceases to 18761  
exist or releases the fund as not required for the purposes for 18762  
which the fund was created, the board may by resolution transfer 18763  
the fund to the general fund of the county. 18764

**Sec. 1713.02.** (A) Any institution described in division (A) 18765  
of section 1713.01 of the Revised Code may become incorporated 18766  
under sections 1702.01 to 1702.58 of the Revised Code. 18767

(B) Except as provided in division (E) of this section, no 18768  
nonprofit institution or corporation of the type described in 18769  
division (A) of section 1713.01 of the Revised Code that is 18770  
established after October 13, 1967, may confer degrees, diplomas, 18771  
or other written evidences of proficiency or achievement, until it 18772  
has received a certificate of authorization issued by the ~~Ohio~~ 18773  
~~board of regents~~ director of higher education, nor shall any such 18774  
institution or corporation identify itself as a "college" or 18775  
"university" unless it has received a certificate of authorization 18776  
from the ~~board~~ director. 18777

(C) Except as provided in division (E) of this section, no 18778  
institution of the type described in division (A)(3) or (B) of 18779  
section 1713.01 of the Revised Code that intends to offer or 18780  
offers a course or courses within this state, but that did not 18781  
offer a course or courses within this state on or before October 18782  
13, 1967, may confer degrees, diplomas, or other written evidences 18783  
of proficiency or achievement or offer any course or courses 18784  
within this state until it has received a certificate of 18785  
authorization from the ~~Ohio board of regents~~ director, nor shall 18786  
the institution identify itself as a "college" or "university" 18787  
unless it has received such a certificate from the ~~board~~ director. 18788

(D) Each certificate of authorization shall specify the 18789  
diplomas or degrees authorized to be given, courses authorized to 18790  
be offered, and the sites at which courses are to be conducted. A 18791  
copy of such certificate shall be filed with the secretary of 18792  
state if the institution is incorporated. Any institution or 18793  
corporation established or that offered a course or courses of 18794  
instruction in this state prior to October 13, 1967, may apply to 18795  
the ~~board~~ director for a certificate of authorization, and the 18796  
~~board~~ director shall issue a certificate if it finds that such 18797  
institution or corporation meets the requirements established 18798  
pursuant to sections 1713.01, 1713.02, 1713.03, 1713.04, 1713.06, 18799

1713.09, and 1713.25 of the Revised Code. 18800

(E) An institution that clearly identifies itself in its name 18801  
with the phrase "bible college" or "bible institute" and has not 18802  
received a certificate of authorization may confer diplomas and 18803  
other written evidences of proficiency or achievement other than 18804  
associate, baccalaureate, master's, and doctoral degrees or any 18805  
other type of degree and may identify itself as a "bible college" 18806  
if such institution: 18807

(1) Prominently discloses on any transcripts, diplomas, or 18808  
other written evidences of proficiency or achievement, and 18809  
includes with any promotional material or other literature 18810  
intended for the public, the statement: "this institution is not 18811  
certified by the ~~board of regents~~ department of higher education 18812  
or the state of Ohio." 18813

(2) Limits its course of instruction to religion, theology, 18814  
or preparation for a religious vocation, or is operated by a 18815  
church or religious organization and limits its instruction to 18816  
preparation for service to churches or other religious 18817  
organizations. 18818

(3) Confers only diplomas and other written evidences of 18819  
proficiency or achievement that bear titles clearly signifying the 18820  
religious nature of the instruction offered by the institution. 18821

(F) Except as otherwise provided in section 3333.046 of the 18822  
Revised Code, no school of the type described in division (E) of 18823  
section 3332.01 of the Revised Code that intends to offer or 18824  
offers a degree program within this state or solicits students 18825  
within this state may confer a baccalaureate, master's, or 18826  
doctoral degree or solicit students for such degree programs until 18827  
it has received both a certificate of authorization from the ~~board~~ 18828  
~~of regents~~ director of higher education under this chapter and 18829  
program authorization from the state board of career colleges and 18830

schools for such degree program under section 3332.05 of the 18831  
Revised Code. 18832

**Sec. 1713.03.** The ~~Ohio board of regents~~ director of higher 18833  
education shall establish standards for certificates of 18834  
authorization to be issued to institutions as defined in section 18835  
1713.01 of the Revised Code, to private institutions exempt from 18836  
regulation under Chapter 3332. of the Revised Code as prescribed 18837  
in section 3333.046 of the Revised Code, and to schools holding 18838  
certificates of registration issued by the state board of career 18839  
colleges and schools pursuant to division (C) of section 3332.05 18840  
of the Revised Code. A certificate of authorization may permit an 18841  
institution or school to award one or more types of degrees. 18842

The standards for a certificate of authorization may include, 18843  
for various types of institutions, schools, or degrees, minimum 18844  
qualifications for faculty, library, laboratories, and other 18845  
facilities as adopted and published by the ~~Ohio board of regents~~ 18846  
director. The standards shall be adopted by the ~~board~~ director 18847  
pursuant to Chapter 119. of the Revised Code. 18848

An institution or school shall apply to the ~~board~~ director 18849  
for a certificate of authorization on forms containing such 18850  
information as is prescribed by the ~~board~~ director. Each 18851  
institution or school with a certificate of authorization shall 18852  
file an annual report with the ~~board~~ director in such form and 18853  
containing such information as the ~~board~~ director prescribes. 18854

The ~~board~~ director shall adopt a rule under Chapter 119. of 18855  
the Revised Code establishing fees to pay the cost of reviewing an 18856  
application for a certificate of authorization, which the 18857  
institution or school shall pay when it applies for a certificate 18858  
of authorization, and establishing fees, which an institution or 18859  
school shall pay, for any further reviews the ~~board~~ director 18860  
determines necessary upon examining an institution's or school's 18861

annual report. 18862

**Sec. 1713.031.** The ~~Ohio board of regents~~ director of higher 18863  
education shall review an application for a certificate of 18864  
authorization from a school described in division (E) of section 18865  
3332.01 of the Revised Code within twenty-two weeks. 18866

**Sec. 1713.04.** A certificate of authorization provided for in 18867  
section 1713.02 of the Revised Code is subject to revocation by 18868  
the ~~Ohio board of regents~~ director of higher education for cause 18869  
pursuant to Chapter 119. of the Revised Code. 18870

**Sec. 1713.05.** (A) As used in this section: 18871

(1) "College or university" means a nonprofit educational 18872  
institution qualifying under division (A)(2) of section 1713.01 18873  
and holding a certificate of authorization issued under section 18874  
1713.02 of the Revised Code. 18875

(2) "Controlled entity" means a wholly owned subsidiary of a 18876  
college or a university or a partnership in which a college or a 18877  
university, or its wholly owned subsidiary, is the sole general 18878  
partner. 18879

(3) "Student" means a person attending a college or 18880  
university who borrows money or obtains credit from such college 18881  
or university, or from a controlled entity of such college or 18882  
university, to finance the costs of attending such college or 18883  
university, and includes the parents, guardians, and spouse of the 18884  
student. 18885

(B) Notwithstanding section 1343.01 of the Revised Code, a 18886  
college or university, or a controlled entity of such college or 18887  
university, may charge interest or finance charges on loans made 18888  
or credit granted to a student for the student's costs of 18889  
attending such college or university at any rate or rates agreed 18890



upon or consented to by the student in any open accounts 18891  
receivable, loan agreement, or promissory note, but not to exceed 18892  
the maximum interest rate applicable to the federal Stafford loan 18893  
program under 34 C.F.R. 682.202(a)(1). The ~~Ohio board of regents~~ 18894  
director of higher education shall adopt rules specifying a 18895  
schedule for the certification of such maximum interest rate. 18896

(C) A college or university, or a controlled entity of such 18897  
college or university, may charge students for the late payment of 18898  
any costs of attending such college or university, including any 18899  
payment under an agreement or note pursuant to division (B) of 18900  
this section, at a rate not exceeding five per cent of any unpaid 18901  
amount due and not paid per month for two months and not exceeding 18902  
two per cent of such amount for subsequent months. A charge for a 18903  
full month may be made for payments more than ten days late. 18904

**Sec. 1713.06.** If any institution, school, or person confers 18905  
degrees, diplomas, or other written evidences of proficiency or 18906  
achievement or offers or intends to offer a course or courses in 18907  
this state applicable to requirements for a diploma or degree 18908  
without the certificate of authorization required by section 18909  
1713.02 of the Revised Code, the ~~Ohio board of regents~~ director of 18910  
higher education may, through the office of the attorney general, 18911  
apply to the court of common pleas in the county in which such 18912  
institution, school, or person is operating to restrain such 18913  
institution, school, or person from the exercise of its franchise, 18914  
if the institution, school, or person is a corporation, from the 18915  
awarding of the degrees or diplomas the institution, school, or 18916  
person is not authorized to award, and from offering any course or 18917  
courses or enrolling any student in any course or courses it is 18918  
not authorized to conduct. 18919

The ~~board~~ director may, through the office of the attorney 18920  
general, petition the court of common pleas in the county in which 18921

the institution, school, or person is operating for an order 18922  
enjoining the awarding of diplomas or degrees, the offering of 18923  
courses, and the enrolling of students. The court may grant such 18924  
injunctive relief upon a showing that the institution, school, or 18925  
person named in the petition is awarding degrees or diplomas, 18926  
offering courses applicable to requirements for such degrees or 18927  
diplomas, or enrolling students in such courses to be offered in 18928  
the state without receiving the appropriate certificate of 18929  
authorization issued by the ~~board of regents~~ director. 18930

**Sec. 1713.09.** A college, university, or other institution of 18931  
learning, existing by virtue of an act of incorporation, or that 18932  
becomes incorporated for any of the purposes specified in sections 18933  
1713.01 to 1713.39, inclusive, of the Revised Code, if 18934  
three-fourths of the trustees or directors thereof deem it proper, 18935  
or if the institution is owned in shares, or by stock subscribed 18936  
or taken, by a vote of the holders of three-fourths of the stock 18937  
or shares, may change the location of such institution, convey its 18938  
real estate, and transfer the effects thereof, and invest them at 18939  
the place to which such institution is removed. Any institution 18940  
which has a certificate of authorization from the ~~Ohio board of~~ 18941  
~~regents~~ director of higher education shall give written notice to 18942  
the ~~board~~ director before such institution changes its location. 18943  
No such removal shall be ordered, and no vote taken thereon, until 18944  
after publication in the manner provided by law in case of a sale 18945  
and distribution of the property of such an institution. Such 18946  
publication shall fully set forth the place to which it is 18947  
proposed to remove the institution. In case of removal, a copy of 18948  
the proceedings of such meeting shall be filed with the secretary 18949  
of state. 18950

**Sec. 1713.25.** The board of trustees of an institution of 18951  
learning incorporated under the authority of this state for the 18952

sole purpose of promoting education, religion and morality, or the fine arts, at a regular or special meeting of such board called for that purpose, after thirty days' actual notice to each trustee, may change the name and enlarge the purposes and objects of such institution of learning, by amendment to its charter, approved by a majority of the board.

No institution as defined in section 1713.01 of the Revised Code or school that holds a certificate of registration issued by the state board of career colleges and schools pursuant to division (C) of section 3332.05 of the Revised Code, that has been issued a certificate of authorization by the ~~Ohio board of regents~~ director of higher education shall change the purposes of the institution without giving written notice to the ~~Ohio board of regents, which~~ director, who shall issue an amended certificate of authorization to the institution or school upon receipt of such notice.

**Sec. 1724.04.** A county ~~having a population of more than sixty thousand as of the most recent decennial census~~ that elects under section 5722.02 of the Revised Code to adopt and implement the procedures set forth in sections 5722.02 to 5722.15 of the Revised Code may organize a county land reutilization corporation under this chapter and Chapter 1702. of the Revised Code for the purpose of exercising the powers granted to a county under Chapter 5722. of the Revised Code. The county treasurer of the county for the benefit of which the corporation is being organized shall be the incorporator of the county land reutilization corporation. The form of the articles of incorporation of the corporation shall be approved by resolution of the board of county commissioners of the county.

When the articles of incorporation of any community improvement corporation, or any amendment, amended articles,

merger, or consolidation which provides for the creation of such a corporation, are deposited for filing and recording in the office of the secretary of state, the secretary of state shall submit them to the attorney general for examination. If such articles, amendment, amended articles, merger, or consolidation, are found by the attorney general to be in accordance with Chapter 1724. of the Revised Code, and not inconsistent with the constitution and laws of the United States and of this state, the attorney general shall endorse thereon the attorney general's approval and deliver them to the secretary of state, who shall file and record them pursuant to section 1702.07 of the Revised Code.

**Sec. 1739.02.** (A) ~~A trade association, industry association, or professional association~~ The following groups that has have been organized and maintained in good faith for a continuous period of ~~one year~~ five years or more for purposes other than obtaining insurance may establish, maintain, or operate a group self-insurance program under a multiple employer welfare arrangement that is chartered and created in this state under sections 1739.01 to 1739.22 of the Revised Code:

(1) A chamber of commerce; 19003

(2) A trade association; 19004

(3) An industry association; 19005

(4) A professional association; 19006

(5) A voluntary employee beneficiary association that is exempt from taxation by the internal revenue service under section 501(c)(9) of the Internal Revenue Code of 1986, as amended; 19007  
19008  
19009

(6) A business league that is exempt from taxation by the internal revenue service under section 501(c)(6) of the Internal Revenue Code of 1986, as amended; 19010  
19011  
19012

(7) Any other association that the superintendent of 19013

insurance may define by rule. 19014

(B) Except as provided in section 9.833 and sections 1739.01 19015  
to 1739.22 of the Revised Code, no multiple employer welfare 19016  
arrangement or other entity by which two or more employers jointly 19017  
participate in a common employee welfare benefit plan shall 19018  
operate a group self-insurance program in this state after four 19019  
months after ~~the effective date of this section~~ April 9, 1993. 19020

(C) Sections 1739.01 to 1739.22 of the Revised Code do not 19021  
apply to any entity that establishes, maintains, or operates a 19022  
~~fully insured~~ fully insured program. 19023

(D) No person shall establish, operate, or maintain a 19024  
multiple employer welfare arrangement providing benefits through a 19025  
group self-insurance program in this state unless the multiple 19026  
employer welfare arrangement has a valid certificate of authority 19027  
from the superintendent of insurance. 19028

**Sec. 1739.03.** (A) No employer shall enter into an agreement 19029  
to participate in a group self-insurance program unless the 19030  
multiple employer welfare arrangement has been issued a 19031  
certificate of authority by the superintendent of insurance. 19032  
Employers or other organizers that propose to create an 19033  
arrangement or arrangements and provide benefits through a group 19034  
self-insurance program or group self-insurance programs shall 19035  
apply to the superintendent for a certificate of authority. 19036

If a ~~trade association, industry association, or professional~~ 19037  
~~association~~ group listed under division (A) of section 1739.02 of 19038  
the Revised Code establishes, maintains, or operates more than one 19039  
multiple employer welfare arrangement subject to sections 1739.01 19040  
to 1739.22 of the Revised Code, the ~~trade association, industry~~ 19041  
~~association, or professional association~~ group shall apply to the 19042  
superintendent for only one certificate of authority which shall 19043  
cover all such arrangements. 19044

- (B) When applying for a certificate of authority, a proposed multiple employer welfare arrangement or arrangements shall file with the superintendent a nonrefundable filing fee of one thousand dollars and an application setting forth all of the following:
- (1) The name of each arrangement;
  - (2) The address of each arrangement's principal place of business;
  - (3) The name and address of a resident of this state designated and appointed as the registered agent of each proposed arrangement for service of process in this state in accordance with division ~~(B)~~(C) of section 1739.15 of the Revised Code. The person so designated and appointed shall be an officer of the arrangement.
  - (4) The names and addresses of the officers, directors, and trustees of each proposed arrangement and a statement of whether any of such officers, directors, and trustees have been convicted of any felony or misdemeanor within ten years prior to the date of the application;
  - (5) The powers of the officers, directors, and trustees;
  - (6) The term of office of each officer, director, and trustee;
  - (7) A brief outline of the method by which the administrative obligations of each arrangement will be met;
  - (8) A business plan describing the arrangement's anticipated method of operations for two years from its commencement of activities.
  - (9) A copy of the articles and bylaws of each arrangement;
  - (10) A copy of the agreement;
  - (11) The name and address of all third-party administrators;

(12) A copy of each agreement between each arrangement and all third-party administrators;	19074 19075
(13) A statement certified by an independent certified public accountant regarding the financial condition of each arrangement listing, on a form as may be prescribed by the superintendent, all of its assets and liabilities for the last month ending forty-five days prior to the application date;	19076 19077 19078 19079 19080
(14) A copy of each contract, certificate, endorsement, and application form each proposed arrangement intends to issue or use;	19081 19082 19083
(15) The names of any co-sponsors, promoters, trustees, or other facilitators involved with the establishment of each arrangement;	19084 19085 19086
(16) Other information, documents, or statements as the superintendent requires.	19087 19088
(C) All fees collected under division (B) of this section shall be paid into the state treasury to the credit of the department of insurance operating fund created under section 3901.021 of the Revised Code.	19089 19090 19091 19092
<b>Sec. 1739.05.</b> (A) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program may be established only if any of the following applies:	19093 19094 19095 19096
(1) The arrangement has and maintains a minimum enrollment of three hundred employees of two or more employers.	19097 19098
(2) The arrangement has and maintains a minimum enrollment of three hundred self-employed individuals.	19099 19100
(3) The arrangement has and maintains a minimum enrollment of three hundred employees or self-employed individuals in any combination of divisions (A)(1) and (2) of this section.	19101 19102 19103

(B) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program shall comply with all laws applicable to self-funded programs in this state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 3902.01 to 3902.14, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38, 3923.581, 3923.63, 3923.66, 3923.80, 3923.85, 3924.031, 3924.032, and 3924.27 of the Revised Code.

(C) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall solicit enrollments only through agents or solicitors licensed pursuant to Chapter 3905. of the Revised Code to sell or solicit sickness and accident insurance.

(D) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall provide benefits only to individuals who are members, employees of members, or the dependents of members or employees, or are eligible for continuation of coverage under section 1751.53 or 3923.38 of the Revised Code or under Title X of the "Consolidated Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 U.S.C.A. 1161, as amended.

(E) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code is subject to, and shall comply with, sections 3903.81 to 3903.93 of the Revised Code in the same manner as other life or health insurers, as defined in section 3903.81 of the Revised Code.

**Sec. 1739.07.** (A)(1) ~~Except as provided in division (B) of section 1739.15 of the Revised Code, unless~~ Unless otherwise stated in the agreement, a member may elect to terminate voluntarily its participation in a multiple employer welfare



arrangement operating a group self-insurance program by giving no 19135  
less than thirty days' written notice to the arrangement. Except 19136  
as provided in division (A)(2) of this section, the voluntary 19137  
termination shall be approved by the board of the arrangement upon 19138  
a finding that the member is in good standing, that both the 19139  
member and the arrangement have met all the requirements of 19140  
sections 1739.01 to 1739.22 of the Revised Code and any rules 19141  
adopted by the superintendent of insurance pursuant to such 19142  
sections, and that the member has complied with all the 19143  
requirements of the agreement as of the proposed effective date of 19144  
termination. 19145

(2) If a member voluntarily terminates its participation in a 19146  
multiple employer welfare arrangement at a time when the total 19147  
number of covered employees employed by the member represents less 19148  
than five per cent of the total number of covered employees 19149  
employed by all members of the arrangement, the member's voluntary 19150  
termination of its participation, unless otherwise stated in the 19151  
agreement, does not require approval by the board of the 19152  
arrangement. 19153

(B)(1) A multiple employer welfare arrangement operating a 19154  
group self-insurance program may involuntarily terminate a member 19155  
upon a finding by the board of the arrangement, after notice is 19156  
given in accordance with division (B)(2) of this section, that the 19157  
member has done any of the following: 19158

(a) Failed to comply with the requirements of sections 19159  
1739.01 to 1739.22 of the Revised Code; 19160

(b) Failed to comply with the articles and bylaws of the 19161  
arrangement or the applicable agreement; 19162

(c) Failed to pay its proportionate share of any premiums or 19163  
installments thereof due the arrangement; 19164

(d) Otherwise failed to discharge its obligations to the 19165

arrangement when due. 19166

(2) A multiple employer welfare arrangement operating a group 19167  
self-insurance program shall give the member written notice 19168  
stating the time when the termination is effective, which time 19169  
shall not be less than fifteen days from the date of the notice or 19170  
any longer period as may be specified by rule of the 19171  
superintendent or the agreement. Notice may be delivered in 19172  
person, or sent by ~~certified mail to the last address of record of~~ 19173  
~~the member~~ any manner permitted in the agreement. The notice may 19174  
or may not be accompanied by a tender of the unearned premium paid 19175  
by the member, calculated on a pro rata basis. If the tender is 19176  
not made simultaneously with the notice, it shall be made within 19177  
fifteen days after notice of termination unless an audit or rate 19178  
investigation is required, in which case the tender shall be made 19179  
as soon as practicable after completion of the audit or 19180  
investigation. 19181

(C) Any member that terminates its membership or is 19182  
involuntarily terminated from membership in a multiple employer 19183  
welfare arrangement pursuant to division (A) or (B) of this 19184  
section shall remain liable for all obligations of the arrangement 19185  
incurred during its membership in proportion to the ratio of the 19186  
total number of covered employees employed by the member at the 19187  
time of termination to the total number of covered employees 19188  
employed by all members of the arrangement at the time of 19189  
termination. 19190

**Sec. 1739.12.** (A) The excess loss funding program of a 19191  
multiple employer welfare arrangement operating a group 19192  
self-insurance program shall be filed with the superintendent of 19193  
insurance. 19194

(B) As a condition to the issuance and maintenance of a 19195  
certificate of authority, a multiple employer welfare arrangement 19196

operating a group self-insurance program shall purchase individual 19197  
stop-loss insurance from insurers authorized to transact business 19198  
in this state with a deductible retention of no more than five per 19199  
cent of the arrangement's annual aggregate premium up to one 19200  
million dollars and no more than two and one-half per cent of the 19201  
arrangement's annual aggregate premium above that amount. ~~If the~~ 19202  
~~superintendent determines that aggregate stop-loss insurance is~~ 19203  
~~available for arrangements, the~~ The arrangement also shall 19204  
purchase, as a condition to the issuance and maintenance of a 19205  
certificate of authority, aggregate stop-loss insurance from 19206  
insurers authorized to transact business in this state with a 19207  
deductible retention of no more than one hundredtwenty-five per 19208  
cent of its projected claims for the succeeding fiscal year. 19209

(C) Any excess or stop-loss insurance policy purchased by a 19210  
multiple employer welfare arrangement shall provide that the 19211  
superintendent must be notified by the arrangement of the 19212  
cancellation of the policy for any reason, including the failure 19213  
of the arrangement to pay any applicable premium. 19214

(D) No excess or stop-loss insurance policy purchased by a 19215  
multiple employer welfare arrangement shall do any of the 19216  
following on the basis of actual or expected claims for an 19217  
individual or an individual's given diagnosis: 19218

(1) Assign a different attachment point for that individual; 19219

(2) Assign a deductible to that individual that must be met 19220  
before excess or stop-loss insurance applies; 19221

(3) Deny excess or stop-loss insurance coverage to that 19222  
individual. 19223

**Sec. 1739.13.** (A) A multiple employer welfare arrangement 19224  
operating a group self-insurance program shall maintain a minimum 19225  
surplus of not less than ~~one~~ five hundred ~~fifty~~ thousand dollars 19226

or such higher amounts of surplus as the superintendent of 19227  
insurance may establish by rule for the protection of the members 19228  
and their employees. 19229

(B) Except as otherwise provided for in sections 1739.01 to 19230  
1739.21 of the Revised Code, the assets of a multiple employer 19231  
welfare arrangement operating a group self-insurance program shall 19232  
be invested only in securities or other investments permitted by 19233  
the laws of this state for the investment of assets of domestic 19234  
insurance companies other than life. 19235

(C) A multiple employer welfare arrangement operating a group 19236  
self-insurance program shall maintain assets in cash, receivables, 19237  
or securities authorized by the laws of this state for the 19238  
investment of assets of domestic insurance companies other than 19239  
life in an amount that is equivalent to or higher than the 19240  
unearned premiums and minimum surplus required under sections 19241  
1739.01 to 1739.22 of the Revised Code, the reserves for losses 19242  
outstanding and unpaid, and any other liabilities of the 19243  
arrangement. 19244

Sec. 1739.141. (A) Each multiple employer welfare arrangement 19245  
operating a group self-insurance program shall file annually with 19246  
the superintendent of insurance an actuarial certification 19247  
including a statement that the underwriting and rating methods of 19248  
the carrier do all of the following: 19249

(1) Comply with accepted actuarial practices; 19250

(2) Are uniformly applied to arrangement members, employees 19251  
of members, and the dependents of members or employees; 19252

(3) Comply with the provisions of section 1739.06 of the 19253  
Revised Code. 19254

(B) The certification shall be filed with the superintendent 19255  
not later than the thirty-first day of March. 19256

Sec. 1739.20. (A) No multiple employer welfare arrangement 19257  
operating a group self-insurance program shall do any of the 19258  
following: 19259

(1) Refuse, without just cause, to pay proper claims arising 19260  
under coverage provided by the arrangement; 19261

(2) Compel, without just cause, employee claimants of members 19262  
or other persons entitled to the proceeds of the coverage to 19263  
accept less than the amount due them; 19264

(3) Compel, without just cause, employee claimants of members 19265  
or other persons entitled to the proceeds of the coverage to bring 19266  
an action against the arrangement to secure full payment or 19267  
settlement thereof; 19268

(4) Enroll a member into the group self-insurance program 19269  
until the arrangement has provided to the member written 19270  
notification stating that the member may be required to make 19271  
additional payments in the event the program has insufficient 19272  
funds to cover its liabilities. The arrangement shall maintain a 19273  
copy of the notification in its program files to evidence 19274  
compliance with this requirement. 19275

(B) No officer, director, trustee, third-party administrator, 19276  
member of any board or committee, or employee of a multiple 19277  
employer welfare arrangement operating a group self-insurance 19278  
program who is charged with the duty of investing or handling the 19279  
arrangement's assets shall do any of the following: 19280

(1) Deposit or invest the assets except in the name of the 19281  
arrangement; 19282

(2) Borrow the assets of the arrangement; 19283

(3) Have a pecuniary interest in any loan, pledge of deposit, 19284  
security, investment, sale, purchase, exchange, reinsurance, or 19285  
other similar transaction or property of the arrangement; 19286

(4) Take or receive for ~~his own~~ personal use any fee, 19287  
brokerage, commission, gift, or other consideration for, or use 19288  
any fee, brokerage, commission, gift, or other consideration for, 19289  
or on account of any transaction made by or on behalf of the 19290  
arrangement. Division (B)(4) of this section does not prevent 19291  
either of the following: 19292

(a) The reimbursement of a third-party administrator for 19293  
administrative services related to the adjustment and settlement 19294  
of claims pursuant to a contract with an arrangement; 19295

(b) The payment of reasonable compensation to a corporation 19296  
or firm, which is affiliated with ~~a trade association, industry~~ 19297  
~~association, or professional association~~ any of the groups listed 19298  
in division (A) of section 1739.02 of the Revised Code that 19299  
establishes, maintains, or operates the arrangement, for necessary 19300  
services performed or sales or purchases made to or for the 19301  
arrangement in the ordinary course of the arrangement's business. 19302

(C) No multiple employer welfare arrangement operating a 19303  
group self-insurance program shall guarantee any financial 19304  
obligation of any of its officers, directors, trustees, board or 19305  
committee members, or third-party administrators. 19306

(D) This section does not prohibit a trustee, officer, 19307  
director, member of a board or committee, or employee of a 19308  
multiple employer welfare arrangement operating a group 19309  
self-insurance program from being covered by the arrangement as a 19310  
member or an employee of a member. 19311

(E) The superintendent of insurance may allow, by rule, 19312  
exceptions to division (B) of this section to allow the payment of 19313  
reasonable compensation to a trustee or third-party administrator 19314  
who is not an officer or employee of the multiple employer welfare 19315  
arrangement operating a group self-insurance program or to a 19316  
corporation or firm with which a trustee or third-party 19317

administrator is affiliated, for necessary services performed or 19318  
sales or purchases made to or for the arrangement in the ordinary 19319  
course of the arrangement's business and in the usual, private, 19320  
professional or business capacity of the trustee, third-party 19321  
administrator, corporation, or firm. 19322

**Sec. 1739.21.** (A) The superintendent of insurance, after 19323  
notice and opportunity for hearing in accordance with Chapter 119. 19324  
of the Revised Code, may impose a fine upon a multiple employer 19325  
welfare arrangement operating a group self-insurance program, a 19326  
third-party administrator, or other entity ~~if he finds~~ after 19327  
finding either of the following: 19328

(1) The arrangement, third-party administrator, or other 19329  
entity, through the acts of its officers, directors, board or 19330  
committee members, employees, agents, or representatives, has 19331  
engaged in an act in violation of any applicable provision of 19332  
division (B) of section 1739.02, division (F) of section 1739.09, 19333  
or division (A), (B), or (C) of section 1739.20 of the Revised 19334  
Code or of any rule or order adopted or issued by the 19335  
superintendent to enforce or carry out the purposes of such 19336  
sections; 19337

(2) Division (C)(2), (3), or (4), ~~or (6)~~ of section 1739.04 19338  
of the Revised Code, or any rule or order adopted or issued by the 19339  
superintendent to enforce or carry out the purposes of such 19340  
section, applies to the arrangement, third-party administrator, or 19341  
other entity. 19342

(B) The fine imposed for any violation described in division 19343  
(A) of this section shall not exceed one thousand dollars for each 19344  
violation, except that a fine of not more than five thousand 19345  
dollars may be imposed for each act of willful misconduct 19346  
constituting a violation described in division (A) of this 19347  
section. 19348

(C) In addition to any penalty provided under this section, the superintendent, in lieu of an order of suspension or revocation under section 1739.04 of the Revised Code, may place any multiple employer welfare arrangement on probation for a period not to exceed one year for each violation described in division (A) of this section, and may subject the arrangement to a fine of up to one thousand dollars for each such violation. If the arrangement or its third-party administrator knew or reasonably should have known that the arrangement was engaged in a violation described in division (A) of this section, the fine provided in this division may be increased to an amount up to five thousand dollars for each such violation.

(D)(1) If the superintendent places an arrangement on probation under division (C) of this section, the superintendent may appoint a supervisor to supervise the arrangement and may prohibit the arrangement from doing any of the following, during the period of probation, without the prior approval of the ~~superintendent~~ superintendent or the supervisor:

(a) Dispose of, convey, or encumber any of its assets or its business in force;

(b) Withdraw from any of its bank accounts;

(c) Lend any of its funds;

(d) Invest any of its funds;

(e) Transfer any of its property;

(f) Incur any debt, obligation, or liability;

(g) Merge or consolidate with another company;

(h) Enter into any new reinsurance contract or treaty.

(2) All expenses incurred as a result of probation shall be borne by the arrangement.

(E) All fines collected under this section shall be paid into



the state treasury to the credit of the department of insurance 19379  
operating fund created under section 3901.021 of the Revised Code. 19380

**Sec. 1751.18.** (A)(1) No health insuring corporation shall 19381  
cancel or fail to renew the coverage of a subscriber or enrollee 19382  
because of any health status-related factor in relation to the 19383  
subscriber or enrollee, the subscriber's or enrollee's 19384  
requirements for health care services, or for any other reason 19385  
designated under rules adopted by the superintendent of insurance. 19386

(2) Unless otherwise required by state or federal law, no 19387  
health insuring corporation, or health care facility or provider 19388  
through which the health insuring corporation has made 19389  
arrangements to provide health care services, shall discriminate 19390  
against any individual with regard to enrollment, disenrollment, 19391  
or the quality of health care services rendered, on the basis of 19392  
the individual's race, color, sex, age, religion, military status 19393  
as defined in section 4112.01 of the Revised Code, or status as a 19394  
recipient of medicare or medicaid, or any health status-related 19395  
factor in relation to the individual. However, a health insuring 19396  
corporation shall not be required to accept a recipient of 19397  
medicare or medical assistance, if an agreement has not been 19398  
reached on appropriate payment mechanisms between the health 19399  
insuring corporation and the governmental agency administering 19400  
these programs. Further, except for open enrollment coverage under 19401  
sections 3923.58 and 3923.581 of the Revised Code and except as 19402  
provided in section 1751.65 of the Revised Code, a health insuring 19403  
corporation may reject an applicant for nongroup enrollment on the 19404  
basis of any health status-related factor in relation to the 19405  
applicant. 19406

(B) A health insuring corporation may cancel or decide not to 19407  
renew the coverage of an enrollee if the enrollee has performed an 19408  
act or practice that constitutes fraud or intentional 19409

misrepresentation of material fact under the terms of the coverage 19410  
and if the cancellation or nonrenewal is not based, either 19411  
directly or indirectly, on any health status-related factor in 19412  
relation to the enrollee. 19413

(C) An enrollee may appeal any action or decision of a health 19414  
insuring corporation taken pursuant to section 2742(b) to (e) of 19415  
the "Health Insurance Portability and Accountability Act of 1996," 19416  
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-42, as 19417  
amended. To appeal, the enrollee may submit a written complaint to 19418  
the health insuring corporation pursuant to section 1751.19 of the 19419  
Revised Code. The enrollee may, within thirty days after receiving 19420  
a written response from the health insuring corporation, appeal 19421  
the health insuring corporation's action or decision to the 19422  
superintendent. 19423

(D) As used in this section, "health status-related factor" 19424  
means any of the following: 19425

(1) Health status; 19426

(2) Medical condition, including both physical and mental 19427  
illnesses; 19428

(3) Claims experience; 19429

(4) Receipt of health care; 19430

(5) Medical history; 19431

(6) Genetic information; 19432

(7) Evidence of insurability, including conditions arising 19433  
out of acts of domestic violence; 19434

(8) Disability. 19435

**Sec. 1751.65.** (A) As used in this section, "genetic screening 19436  
or testing" means a laboratory test of a person's genes or 19437  
chromosomes for abnormalities, defects, or deficiencies, including 19438

carrier status, that are linked to physical or mental disorders or 19439  
impairments, or that indicate a susceptibility to illness, 19440  
disease, or other disorders, whether physical or mental, which 19441  
test is a direct test for abnormalities, defects, or deficiencies, 19442  
and not an indirect manifestation of genetic disorders. 19443  
19444

(B) ~~Upon the repeal of section 1751.64 of the Revised Code,~~ 19445  
~~no~~ No health insuring corporation shall do either of the 19446  
following: 19447

(1) Consider any information obtained from genetic screening 19448  
or testing in processing an application for coverage for health 19449  
care services under an individual or group policy, contract, or 19450  
agreement or in determining insurability under such a policy, 19451  
contract, or agreement; 19452

(2) Inquire, directly or indirectly, into the results of 19453  
genetic screening or testing or use such information, in whole or 19454  
in part, to cancel, refuse to issue or renew, ~~or~~ limit benefits 19455  
under, or set premiums for, an individual or group policy, 19456  
contract, or agreement. 19457

(C) Any health insuring corporation that has engaged in, is 19458  
engaged in, or is about to engage in a violation of division (B) 19459  
of this section is subject to the jurisdiction of the 19460  
superintendent of insurance under section 3901.04 of the Revised 19461  
Code. 19462

**Sec. 2106.19.** (A) Upon the death of a married resident who 19463  
owned at least one watercraft, one watercraft trailer, one 19464  
outboard motor, or one of each at the time of death, the interest 19465  
of the deceased spouse in one watercraft, one watercraft trailer, 19466  
one outboard motor, or one of each that is not otherwise 19467  
specifically disposed of by testamentary disposition and that is 19468  
selected by the surviving spouse immediately shall pass to the 19469

surviving spouse upon receipt by the clerk of the court of common 19470  
pleas, or in the case of an untitled but registered watercraft 19471  
trailer, upon receipt by the bureau of motor vehicles, of both of 19472  
the following: 19473

(1) The title executed by the surviving spouse, if titled; 19474

(2) An affidavit sworn by the surviving spouse stating the 19475  
date of the decedent's death, a description of the watercraft, 19476  
watercraft trailer, or outboard motor, ~~or both, its or their the~~ 19477  
approximate value, and that the watercraft, watercraft trailer, or 19478  
outboard motor, ~~or both are~~ is not disposed of by testamentary 19479  
disposition. 19480

The watercraft, watercraft trailer, or outboard motor, ~~or~~ 19481  
~~both~~ shall not be considered an estate asset and shall not be 19482  
included and stated in the estate inventory. 19483

Transfer of a decedent's interest under this division does 19484  
not affect the existence of any lien against a watercraft, 19485  
watercraft trailer, or outboard motor so transferred. 19486

(B) Except for a watercraft, watercraft trailer, or outboard 19487  
motor, ~~or both~~ transferred as provided in division (A) of this 19488  
section, the executor or administrator may transfer title to a 19489  
watercraft, watercraft trailer, or outboard motor in the manner 19490  
provided for transfer of an automobile under divisions (B) and (C) 19491  
of section 2106.18 of the Revised Code. 19492

(C) A watercraft trailer under this section only refers to 19493  
one trailer used to transport the watercraft transferred under 19494  
this section. 19495

**Sec. 2113.35.** (A) Executors and administrators shall be 19496  
allowed fees upon the amount of all the personal property, 19497  
including the income from the personal property, that is received 19498  
and accounted for by them and upon the proceeds of real property 19499

that is sold, as follows: 19500

(1) For the first one hundred thousand dollars, at the rate 19501  
of four per cent; 19502

(2) All above one hundred thousand dollars and not exceeding 19503  
four hundred thousand dollars, at the rate of three per cent; 19504

(3) All above four hundred thousand dollars, at the rate of 19505  
two per cent. 19506

(B) Executors and administrators shall be allowed a fee of 19507  
one per cent on the value of real property that is not sold. 19508  
Executors and administrators also shall be allowed a fee of one 19509  
per cent on all property that is not subject to administration and 19510  
that ~~is~~ would have been includable for purposes of computing the 19511  
Ohio estate tax, except joint and survivorship property, had the 19512  
decedent died on December 31, 2012. 19513

(C) The basis of valuation for the allowance of the fees on 19514  
real property sold shall be the gross proceeds of sale, and for 19515  
all other property the fair market value of the other property as 19516  
of the date of death of the decedent. The fees allowed to 19517  
executors and administrators in this section shall be received in 19518  
full compensation for all their ordinary services. 19519

(D) If the probate court finds, after a hearing, that an 19520  
executor or administrator, in any respect, has not faithfully 19521  
discharged the duties as executor or administrator, the court may 19522  
deny the executor or administrator any compensation whatsoever or 19523  
may allow the executor or administrator the reduced compensation 19524  
that the court thinks proper. 19525

**Sec. 2151.011.** (A) As used in the Revised Code: 19526

(1) "Juvenile court" means whichever of the following is 19527  
applicable that has jurisdiction under this chapter and Chapter 19528  
2152. of the Revised Code: 19529

(a) The division of the court of common pleas specified in 19530  
section 2101.022 or 2301.03 of the Revised Code as having 19531  
jurisdiction under this chapter and Chapter 2152. of the Revised 19532  
Code or as being the juvenile division or the juvenile division 19533  
combined with one or more other divisions; 19534

(b) The juvenile court of Cuyahoga county or Hamilton county 19535  
that is separately and independently created by section 2151.08 or 19536  
Chapter 2153. of the Revised Code and that has jurisdiction under 19537  
this chapter and Chapter 2152. of the Revised Code; 19538

(c) If division (A)(1)(a) or (b) of this section does not 19539  
apply, the probate division of the court of common pleas. 19540

(2) "Juvenile judge" means a judge of a court having 19541  
jurisdiction under this chapter. 19542

(3) "Private child placing agency" means any association, as 19543  
defined in section 5103.02 of the Revised Code, that is certified 19544  
under section 5103.03 of the Revised Code to accept temporary, 19545  
permanent, or legal custody of children and place the children for 19546  
either foster care or adoption. 19547

(4) "Private noncustodial agency" means any person, 19548  
organization, association, or society certified by the department 19549  
of job and family services that does not accept temporary or 19550  
permanent legal custody of children, that is privately operated in 19551  
this state, and that does one or more of the following: 19552

(a) Receives and cares for children for two or more 19553  
consecutive weeks; 19554

(b) Participates in the placement of children in certified 19555  
foster homes; 19556

(c) Provides adoption services in conjunction with a public 19557  
children services agency or private child placing agency. 19558

(B) As used in this chapter: 19559

(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.

(2) "Adult" means an individual who is eighteen years of age or older.

(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.

(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.

(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.

(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.

(7) "Child day camp," "child care," "child day-care center," "part-time child day-care center," "type A family day-care home,"

"licensed type B family day-care home," "type B family day-care home," "administrator of a child day-care center," "administrator of a type A family day-care home," and "in-home aide" have the same meanings as in section 5104.01 of the Revised Code.

(8) "Child care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family services, department of developmental disabilities, or the early childhood programs of the department of education.

(9) "Chronic truant" has the same meaning as in section 2152.02 of the Revised Code.

(10) "Commit" means to vest custody as ordered by the court.

(11) "Counseling" includes both of the following:

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.

(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.

(12) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.



- (13) "Delinquent child" has the same meaning as in section 19622  
2152.02 of the Revised Code. 19623
- (14) "Detention" means the temporary care of children pending 19624  
court adjudication or disposition, or execution of a court order, 19625  
in a public or private facility designed to physically restrict 19626  
the movement and activities of children. 19627
- (15) "Developmental disability" has the same meaning as in 19628  
section 5123.01 of the Revised Code. 19629
- (16) "Differential response approach" means an approach that 19630  
a public children services agency may use to respond to accepted 19631  
reports of child abuse or neglect with either an alternative 19632  
response or a traditional response. 19633
- (17) "Foster caregiver" has the same meaning as in section 19634  
5103.02 of the Revised Code. 19635
- (18) "Guardian" means a person, association, or corporation 19636  
that is granted authority by a probate court pursuant to Chapter 19637  
2111. of the Revised Code to exercise parental rights over a child 19638  
to the extent provided in the court's order and subject to the 19639  
residual parental rights of the child's parents. 19640
- (19) "Habitual truant" means any child of compulsory school 19641  
age who is absent without legitimate excuse for absence from the 19642  
public school the child is supposed to attend for five or more 19643  
consecutive school days, seven or more school days in one school 19644  
month, or twelve or more school days in a school year. 19645
- (20) "Juvenile traffic offender" has the same meaning as in 19646  
section 2152.02 of the Revised Code. 19647
- (21) "Legal custody" means a legal status that vests in the 19648  
custodian the right to have physical care and control of the child 19649  
and to determine where and with whom the child shall live, and the 19650  
right and duty to protect, train, and discipline the child and to 19651

provide the child with food, shelter, education, and medical care, 19652  
all subject to any residual parental rights, privileges, and 19653  
responsibilities. An individual granted legal custody shall 19654  
exercise the rights and responsibilities personally unless 19655  
otherwise authorized by any section of the Revised Code or by the 19656  
court. 19657

(22) A "legitimate excuse for absence from the public school 19658  
the child is supposed to attend" includes, but is not limited to, 19659  
any of the following: 19660

(a) The fact that the child in question has enrolled in and 19661  
is attending another public or nonpublic school in this or another 19662  
state; 19663

(b) The fact that the child in question is excused from 19664  
attendance at school for any of the reasons specified in section 19665  
3321.04 of the Revised Code; 19666

(c) The fact that the child in question has received an age 19667  
and schooling certificate in accordance with section 3331.01 of 19668  
the Revised Code. 19669

(23) "Mental illness" and "mentally ill person subject to 19670  
court order" have the same meanings as in section 5122.01 of the 19671  
Revised Code. 19672

(24) "Mental injury" means any behavioral, cognitive, 19673  
emotional, or mental disorder in a child caused by an act or 19674  
omission that is described in section 2919.22 of the Revised Code 19675  
and is committed by the parent or other person responsible for the 19676  
child's care. 19677

(25) "Mentally retarded person" has the same meaning as in 19678  
section 5123.01 of the Revised Code. 19679

(26) "Nonsecure care, supervision, or training" means care, 19680  
supervision, or training of a child in a facility that does not 19681

confine or prevent movement of the child within the facility or 19682  
from the facility. 19683

(27) "Of compulsory school age" has the same meaning as in 19684  
section 3321.01 of the Revised Code. 19685

(28) "Organization" means any institution, public, 19686  
semipublic, or private, and any private association, society, or 19687  
agency located or operating in the state, incorporated or 19688  
unincorporated, having among its functions the furnishing of 19689  
protective services or care for children, or the placement of 19690  
children in certified foster homes or elsewhere. 19691

(29) "Out-of-home care" means detention facilities, shelter 19692  
facilities, certified children's crisis care facilities, certified 19693  
foster homes, placement in a prospective adoptive home prior to 19694  
the issuance of a final decree of adoption, organizations, 19695  
certified organizations, child day-care centers, type A family 19696  
day-care homes, type B family day-care homes, child care provided 19697  
by in-home aides, group home providers, group homes, institutions, 19698  
state institutions, residential facilities, residential care 19699  
facilities, residential camps, day camps, private, nonprofit 19700  
therapeutic wilderness camps, public schools, chartered nonpublic 19701  
schools, educational service centers, hospitals, and medical 19702  
clinics that are responsible for the care, physical custody, or 19703  
control of children. 19704

(30) "Out-of-home care child abuse" means any of the 19705  
following when committed by a person responsible for the care of a 19706  
child in out-of-home care: 19707

(a) Engaging in sexual activity with a child in the person's 19708  
care; 19709

(b) Denial to a child, as a means of punishment, of proper or 19710  
necessary subsistence, education, medical care, or other care 19711  
necessary for a child's health; 19712

(c) Use of restraint procedures on a child that cause injury or pain;	19713 19714
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	19715 19716 19717
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.	19718 19719 19720 19721 19722
(31) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	19723 19724 19725
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	19726 19727 19728
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	19729 19730 19731 19732
(c) Failure to develop a process for all of the following:	19733
(i) Administration of prescription drugs or psychotropic drugs for the child;	19734 19735
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	19736 19737
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	19738 19739 19740
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary	19741 19742

for the health or well-being of the child; 19743

(e) Confinement of the child to a locked room without 19744  
monitoring by staff; 19745

(f) Failure to provide ongoing security for all prescription 19746  
and nonprescription medication; 19747

(g) Isolation of a child for a period of time when there is 19748  
substantial risk that the isolation, if continued, will impair or 19749  
retard the mental health or physical well-being of the child. 19750

(32) "Permanent custody" means a legal status that vests in a 19751  
public children services agency or a private child placing agency, 19752  
all parental rights, duties, and obligations, including the right 19753  
to consent to adoption, and divests the natural parents or 19754  
adoptive parents of all parental rights, privileges, and 19755  
obligations, including all residual rights and obligations. 19756

(33) "Permanent surrender" means the act of the parents or, 19757  
if a child has only one parent, of the parent of a child, by a 19758  
voluntary agreement authorized by section 5103.15 of the Revised 19759  
Code, to transfer the permanent custody of the child to a public 19760  
children services agency or a private child placing agency. 19761

(34) "Person" means an individual, association, corporation, 19762  
or partnership and the state or any of its political subdivisions, 19763  
departments, or agencies. 19764

(35) "Person responsible for a child's care in out-of-home 19765  
care" means any of the following: 19766

(a) Any foster caregiver, in-home aide, or provider; 19767

(b) Any administrator, employee, or agent of any of the 19768  
following: a public or private detention facility; shelter 19769  
facility; certified children's crisis care facility; organization; 19770  
certified organization; child day-care center; type A family 19771  
day-care home; licensed type B family day-care home; group home; 19772

institution; state institution; residential facility; residential  
care facility; residential camp; day camp; school district;  
community school; chartered nonpublic school; educational service  
center; hospital; or medical clinic;

(c) Any person who supervises or coaches children as part of  
an extracurricular activity sponsored by a school district, public  
school, or chartered nonpublic school;

(d) Any other person who performs a similar function with  
respect to, or has a similar relationship to, children.

(36) "Physically impaired" means having one or more of the  
following conditions that substantially limit one or more of an  
individual's major life activities, including self-care, receptive  
and expressive language, learning, mobility, and self-direction:

(a) A substantial impairment of vision, speech, or hearing;

(b) A congenital orthopedic impairment;

(c) An orthopedic impairment caused by disease, rheumatic  
fever or any other similar chronic or acute health problem, or  
amputation or another similar cause.

(37) "Placement for adoption" means the arrangement by a  
public children services agency or a private child placing agency  
with a person for the care and adoption by that person of a child  
of whom the agency has permanent custody.

(38) "Placement in foster care" means the arrangement by a  
public children services agency or a private child placing agency  
for the out-of-home care of a child of whom the agency has  
temporary custody or permanent custody.

(39) "Planned permanent living arrangement" means an order of  
a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public  
children services agency or a private child placing agency without

the termination of parental rights. 19803

(b) The order permits the agency to make an appropriate 19804  
placement of the child and to enter into a written agreement with 19805  
a foster care provider or with another person or agency with whom 19806  
the child is placed. 19807

(40) "Practice of social work" and "practice of professional 19808  
counseling" have the same meanings as in section 4757.01 of the 19809  
Revised Code. 19810

(41) "Private, nonprofit therapeutic wilderness camp" has the 19811  
same meaning as in section 5103.02 of the Revised Code. 19812

(42) "Sanction, service, or condition" means a sanction, 19813  
service, or condition created by court order following an 19814  
adjudication that a child is an unruly child that is described in 19815  
division (A)(4) of section 2152.19 of the Revised Code. 19816

~~(42)~~(43) "Protective supervision" means an order of 19817  
disposition pursuant to which the court permits an abused, 19818  
neglected, dependent, or unruly child to remain in the custody of 19819  
the child's parents, guardian, or custodian and stay in the 19820  
child's home, subject to any conditions and limitations upon the 19821  
child, the child's parents, guardian, or custodian, or any other 19822  
person that the court prescribes, including supervision as 19823  
directed by the court for the protection of the child. 19824

~~(43)~~(44) "Psychiatrist" has the same meaning as in section 19825  
5122.01 of the Revised Code. 19826

~~(44)~~(45) "Psychologist" has the same meaning as in section 19827  
4732.01 of the Revised Code. 19828

~~(45)~~(46) "Residential camp" means a program in which the 19829  
care, physical custody, or control of children is accepted 19830  
overnight for recreational or recreational and educational 19831  
purposes. 19832

~~(46)~~(47) "Residential care facility" means an institution, 19833  
residence, or facility that is licensed by the department of 19834  
mental health and addiction services under section 5119.34 of the 19835  
Revised Code and that provides care for a child. 19836

~~(47)~~(48) "Residential facility" means a home or facility that 19837  
is licensed by the department of developmental disabilities under 19838  
section 5123.19 of the Revised Code and in which a child with a 19839  
developmental disability resides. 19840

~~(48)~~(49) "Residual parental rights, privileges, and 19841  
responsibilities" means those rights, privileges, and 19842  
responsibilities remaining with the natural parent after the 19843  
transfer of legal custody of the child, including, but not 19844  
necessarily limited to, the privilege of reasonable visitation, 19845  
consent to adoption, the privilege to determine the child's 19846  
religious affiliation, and the responsibility for support. 19847

~~(49)~~(50) "School day" means the school day established by the 19848  
board of education of the applicable school district pursuant to 19849  
section 3313.481 of the Revised Code. 19850

~~(50)~~(51) "School year" has the same meaning as in section 19851  
3313.62 of the Revised Code. 19852

~~(51)~~(52) "Secure correctional facility" means a facility 19853  
under the direction of the department of youth services that is 19854  
designed to physically restrict the movement and activities of 19855  
children and used for the placement of children after adjudication 19856  
and disposition. 19857

~~(52)~~(53) "Sexual activity" has the same meaning as in section 19858  
2907.01 of the Revised Code. 19859

~~(53)~~(54) "Shelter" means the temporary care of children in 19860  
physically unrestricted facilities pending court adjudication or 19861  
disposition. 19862



~~(54)~~(55) "Shelter for victims of domestic violence" has the 19863  
same meaning as in section 3113.33 of the Revised Code. 19864

~~(55)~~(56) "Temporary custody" means legal custody of a child 19865  
who is removed from the child's home, which custody may be 19866  
terminated at any time at the discretion of the court or, if the 19867  
legal custody is granted in an agreement for temporary custody, by 19868  
the person who executed the agreement. 19869

~~(56)~~(57) "Traditional response" means a public children 19870  
services agency's response to a report of child abuse or neglect 19871  
that encourages engagement of the family in a comprehensive 19872  
evaluation of the child's current and future safety needs and a 19873  
fact-finding process to determine whether child abuse or neglect 19874  
occurred and the circumstances surrounding the alleged harm or 19875  
risk of harm. 19876

(C) For the purposes of this chapter, a child shall be 19877  
presumed abandoned when the parents of the child have failed to 19878  
visit or maintain contact with the child for more than ninety 19879  
days, regardless of whether the parents resume contact with the 19880  
child after that period of ninety days. 19881

**Sec. 2151.3514.** (A) As used in this section: 19882

(1) "Community addiction services provider" has the same 19883  
meaning as in section 5119.01 of the Revised Code; 19884

(2) "Chemical dependency" means either of the following: 19885

(a) The chronic and habitual use of alcoholic beverages to 19886  
the extent that the user no longer can control the use of alcohol 19887  
or endangers the user's health, safety, or welfare or that of 19888  
others; 19889

(b) The use of a drug of abuse to the extent that the user 19890  
becomes physically or psychologically dependent on the drug or 19891  
endangers the user's health, safety, or welfare or that of others. 19892

(3) "Drug of abuse" has the same meaning as in section 19893  
3719.011 of the Revised Code. 19894

(B) If the juvenile court issues an order of temporary 19895  
custody or protective supervision under division (A) of section 19896  
2151.353 of the Revised Code with respect to a child adjudicated 19897  
to be an abused, neglected, or dependent child and the alcohol or 19898  
other drug addiction of a parent or other caregiver of the child 19899  
was the basis for the adjudication of abuse, neglect, or 19900  
dependency, the court shall issue an order requiring the parent or 19901  
other caregiver to submit to an assessment and, if needed, 19902  
treatment from a community addiction services provider ~~certified~~ 19903  
~~by the department of mental health and addiction services.~~ The 19904  
court may order the parent or other caregiver to submit to alcohol 19905  
or other drug testing during, after, or both during and after, the 19906  
treatment. The court shall send any order issued pursuant to this 19907  
division to the public children services agency that serves the 19908  
county in which the court is located for use as described in 19909  
section 340.15 of the Revised Code. 19910

(C) Any order requiring alcohol or other drug testing that is 19911  
issued pursuant to division (B) of this section shall require one 19912  
alcohol or other drug test to be conducted each month during a 19913  
period of twelve consecutive months beginning the month 19914  
immediately following the month in which the order for alcohol or 19915  
other drug testing is issued. Arrangements for administering the 19916  
alcohol or other drug tests, as well as funding the costs of the 19917  
tests, shall be locally determined in accordance with sections 19918  
340.03 and 340.15 of the Revised Code. If a parent or other 19919  
caregiver required to submit to alcohol or other drug tests under 19920  
this section is not a recipient of medicaid, the agency that 19921  
refers the parent or caregiver for the tests may require the 19922  
parent or caregiver to reimburse the agency for the cost of 19923  
conducting the tests. 19924

(D) The ~~certified~~ community addiction services provider that 19925  
conducts any alcohol or other drug tests ordered in accordance 19926  
with divisions (B) and (C) of this section shall send the results 19927  
of the tests, along with the provider's recommendations as to the 19928  
benefits of continued treatment, to the court and to the public 19929  
children services agency providing services to the involved 19930  
family, according to federal regulations set forth in 42 C.F.R. 19931  
Part 2, and division (B) of section 340.15 of the Revised Code. 19932  
The court shall consider the results and the recommendations sent 19933  
to it under this division in any adjudication or review by the 19934  
court, according to section 2151.353, 2151.414, or 2151.419 of the 19935  
Revised Code. 19936

**Sec. 2151.421.** (A)(1)(a) No person described in division 19937  
(A)(1)(b) of this section who is acting in an official or 19938  
professional capacity and knows, or has reasonable cause to 19939  
suspect based on facts that would cause a reasonable person in a 19940  
similar position to suspect, that a child under eighteen years of 19941  
age or a mentally retarded, developmentally disabled, or 19942  
physically impaired child under twenty-one years of age has 19943  
suffered or faces a threat of suffering any physical or mental 19944  
wound, injury, disability, or condition of a nature that 19945  
reasonably indicates abuse or neglect of the child shall fail to 19946  
immediately report that knowledge or reasonable cause to suspect 19947  
to the entity or persons specified in this division. Except as 19948  
provided in section 5120.173 of the Revised Code, the person 19949  
making the report shall make it to the public children services 19950  
agency or a municipal or county peace officer in the county in 19951  
which the child resides or in which the abuse or neglect is 19952  
occurring or has occurred. In the circumstances described in 19953  
section 5120.173 of the Revised Code, the person making the report 19954  
shall make it to the entity specified in that section. 19955

(b) Division (A)(1)(a) of this section applies to any person 19956

who is an attorney; physician, including a hospital intern or 19957  
resident; dentist; podiatrist; practitioner of a limited branch of 19958  
medicine as specified in section 4731.15 of the Revised Code; 19959  
registered nurse; licensed practical nurse; visiting nurse; other 19960  
health care professional; licensed psychologist; licensed school 19961  
psychologist; independent marriage and family therapist or 19962  
marriage and family therapist; speech pathologist or audiologist; 19963  
coroner; administrator or employee of a child day-care center; 19964  
administrator or employee of a residential camp ~~or~~ child day 19965  
camp, or private, nonprofit therapeutic wilderness camp; 19966  
administrator or employee of a certified child care agency or 19967  
other public or private children services agency; school teacher; 19968  
school employee; school authority; person engaged in social work 19969  
or the practice of professional counseling; agent of a county 19970  
humane society; person, other than a cleric, rendering spiritual 19971  
treatment through prayer in accordance with the tenets of a 19972  
well-recognized religion; employee of a county department of job 19973  
and family services who is a professional and who works with 19974  
children and families; superintendent or regional administrator 19975  
employed by the department of youth services; superintendent, 19976  
board member, or employee of a county board of developmental 19977  
disabilities; investigative agent contracted with by a county 19978  
board of developmental disabilities; employee of the department of 19979  
developmental disabilities; employee of a facility or home that 19980  
provides respite care in accordance with section 5123.171 of the 19981  
Revised Code; employee of a home health agency; employee of an 19982  
entity that provides homemaker services; a person performing the 19983  
duties of an assessor pursuant to Chapter 3107. or 5103. of the 19984  
Revised Code; third party employed by a public children services 19985  
agency to assist in providing child or family related services; 19986  
court appointed special advocate; or guardian ad litem. 19987

(2) Except as provided in division (A)(3) of this section, an 19988  
attorney or a physician is not required to make a report pursuant 19989

to division (A)(1) of this section concerning any communication 19990  
the attorney or physician receives from a client or patient in an 19991  
attorney-client or physician-patient relationship, if, in 19992  
accordance with division (A) or (B) of section 2317.02 of the 19993  
Revised Code, the attorney or physician could not testify with 19994  
respect to that communication in a civil or criminal proceeding. 19995

(3) The client or patient in an attorney-client or 19996  
physician-patient relationship described in division (A)(2) of 19997  
this section is deemed to have waived any testimonial privilege 19998  
under division (A) or (B) of section 2317.02 of the Revised Code 19999  
with respect to any communication the attorney or physician 20000  
receives from the client or patient in that attorney-client or 20001  
physician-patient relationship, and the attorney or physician 20002  
shall make a report pursuant to division (A)(1) of this section 20003  
with respect to that communication, if all of the following apply: 20004

(a) The client or patient, at the time of the communication, 20005  
is either a child under eighteen years of age or a mentally 20006  
retarded, developmentally disabled, or physically impaired person 20007  
under twenty-one years of age. 20008

(b) The attorney or physician knows, or has reasonable cause 20009  
to suspect based on facts that would cause a reasonable person in 20010  
similar position to suspect, as a result of the communication or 20011  
any observations made during that communication, that the client 20012  
or patient has suffered or faces a threat of suffering any 20013  
physical or mental wound, injury, disability, or condition of a 20014  
nature that reasonably indicates abuse or neglect of the client or 20015  
patient. 20016

(c) The abuse or neglect does not arise out of the client's 20017  
or patient's attempt to have an abortion without the notification 20018  
of her parents, guardian, or custodian in accordance with section 20019  
2151.85 of the Revised Code. 20020

(4)(a) No cleric and no person, other than a volunteer, 20021  
designated by any church, religious society, or faith acting as a 20022  
leader, official, or delegate on behalf of the church, religious 20023  
society, or faith who is acting in an official or professional 20024  
capacity, who knows, or has reasonable cause to believe based on 20025  
facts that would cause a reasonable person in a similar position 20026  
to believe, that a child under eighteen years of age or a mentally 20027  
retarded, developmentally disabled, or physically impaired child 20028  
under twenty-one years of age has suffered or faces a threat of 20029  
suffering any physical or mental wound, injury, disability, or 20030  
condition of a nature that reasonably indicates abuse or neglect 20031  
of the child, and who knows, or has reasonable cause to believe 20032  
based on facts that would cause a reasonable person in a similar 20033  
position to believe, that another cleric or another person, other 20034  
than a volunteer, designated by a church, religious society, or 20035  
faith acting as a leader, official, or delegate on behalf of the 20036  
church, religious society, or faith caused, or poses the threat of 20037  
causing, the wound, injury, disability, or condition that 20038  
reasonably indicates abuse or neglect shall fail to immediately 20039  
report that knowledge or reasonable cause to believe to the entity 20040  
or persons specified in this division. Except as provided in 20041  
section 5120.173 of the Revised Code, the person making the report 20042  
shall make it to the public children services agency or a 20043  
municipal or county peace officer in the county in which the child 20044  
resides or in which the abuse or neglect is occurring or has 20045  
occurred. In the circumstances described in section 5120.173 of 20046  
the Revised Code, the person making the report shall make it to 20047  
the entity specified in that section. 20048

(b) Except as provided in division (A)(4)(c) of this section, 20049  
a cleric is not required to make a report pursuant to division 20050  
(A)(4)(a) of this section concerning any communication the cleric 20051  
receives from a penitent in a cleric-penitent relationship, if, in 20052  
accordance with division (C) of section 2317.02 of the Revised 20053

Code, the cleric could not testify with respect to that 20054  
communication in a civil or criminal proceeding. 20055

(c) The penitent in a cleric-penitent relationship described 20056  
in division (A)(4)(b) of this section is deemed to have waived any 20057  
testimonial privilege under division (C) of section 2317.02 of the 20058  
Revised Code with respect to any communication the cleric receives 20059  
from the penitent in that cleric-penitent relationship, and the 20060  
cleric shall make a report pursuant to division (A)(4)(a) of this 20061  
section with respect to that communication, if all of the 20062  
following apply: 20063

(i) The penitent, at the time of the communication, is either 20064  
a child under eighteen years of age or a mentally retarded, 20065  
developmentally disabled, or physically impaired person under 20066  
twenty-one years of age. 20067

(ii) The cleric knows, or has reasonable cause to believe 20068  
based on facts that would cause a reasonable person in a similar 20069  
position to believe, as a result of the communication or any 20070  
observations made during that communication, the penitent has 20071  
suffered or faces a threat of suffering any physical or mental 20072  
wound, injury, disability, or condition of a nature that 20073  
reasonably indicates abuse or neglect of the penitent. 20074

(iii) The abuse or neglect does not arise out of the 20075  
penitent's attempt to have an abortion performed upon a child 20076  
under eighteen years of age or upon a mentally retarded, 20077  
developmentally disabled, or physically impaired person under 20078  
twenty-one years of age without the notification of her parents, 20079  
guardian, or custodian in accordance with section 2151.85 of the 20080  
Revised Code. 20081

(d) Divisions (A)(4)(a) and (c) of this section do not apply 20082  
in a cleric-penitent relationship when the disclosure of any 20083  
communication the cleric receives from the penitent is in 20084

violation of the sacred trust. 20085

(e) As used in divisions (A)(1) and (4) of this section, 20086  
"cleric" and "sacred trust" have the same meanings as in section 20087  
2317.02 of the Revised Code. 20088

(B) Anyone who knows, or has reasonable cause to suspect 20089  
based on facts that would cause a reasonable person in similar 20090  
circumstances to suspect, that a child under eighteen years of age 20091  
or a mentally retarded, developmentally disabled, or physically 20092  
impaired person under twenty-one years of age has suffered or 20093  
faces a threat of suffering any physical or mental wound, injury, 20094  
disability, or other condition of a nature that reasonably 20095  
indicates abuse or neglect of the child may report or cause 20096  
reports to be made of that knowledge or reasonable cause to 20097  
suspect to the entity or persons specified in this division. 20098  
Except as provided in section 5120.173 of the Revised Code, a 20099  
person making a report or causing a report to be made under this 20100  
division shall make it or cause it to be made to the public 20101  
children services agency or to a municipal or county peace 20102  
officer. In the circumstances described in section 5120.173 of the 20103  
Revised Code, a person making a report or causing a report to be 20104  
made under this division shall make it or cause it to be made to 20105  
the entity specified in that section. 20106

(C) Any report made pursuant to division (A) or (B) of this 20107  
section shall be made forthwith either by telephone or in person 20108  
and shall be followed by a written report, if requested by the 20109  
receiving agency or officer. The written report shall contain: 20110

(1) The names and addresses of the child and the child's 20111  
parents or the person or persons having custody of the child, if 20112  
known; 20113

(2) The child's age and the nature and extent of the child's 20114  
injuries, abuse, or neglect that is known or reasonably suspected 20115



or believed, as applicable, to have occurred or of the threat of 20116  
injury, abuse, or neglect that is known or reasonably suspected or 20117  
believed, as applicable, to exist, including any evidence of 20118  
previous injuries, abuse, or neglect; 20119

(3) Any other information that might be helpful in 20120  
establishing the cause of the injury, abuse, or neglect that is 20121  
known or reasonably suspected or believed, as applicable, to have 20122  
occurred or of the threat of injury, abuse, or neglect that is 20123  
known or reasonably suspected or believed, as applicable, to 20124  
exist. 20125

Any person, who is required by division (A) of this section 20126  
to report child abuse or child neglect that is known or reasonably 20127  
suspected or believed to have occurred, may take or cause to be 20128  
taken color photographs of areas of trauma visible on a child and, 20129  
if medically indicated, cause to be performed radiological 20130  
examinations of the child. 20131

(D) As used in this division, "children's advocacy center" 20132  
and "sexual abuse of a child" have the same meanings as in section 20133  
2151.425 of the Revised Code. 20134

(1) When a municipal or county peace officer receives a 20135  
report concerning the possible abuse or neglect of a child or the 20136  
possible threat of abuse or neglect of a child, upon receipt of 20137  
the report, the municipal or county peace officer who receives the 20138  
report shall refer the report to the appropriate public children 20139  
services agency. 20140

(2) When a public children services agency receives a report 20141  
pursuant to this division or division (A) or (B) of this section, 20142  
upon receipt of the report, the public children services agency 20143  
shall do both of the following: 20144

(a) Comply with section 2151.422 of the Revised Code; 20145

(b) If the county served by the agency is also served by a 20146

children's advocacy center and the report alleges sexual abuse of 20147  
a child or another type of abuse of a child that is specified in 20148  
the memorandum of understanding that creates the center as being 20149  
within the center's jurisdiction, comply regarding the report with 20150  
the protocol and procedures for referrals and investigations, with 20151  
the coordinating activities, and with the authority or 20152  
responsibility for performing or providing functions, activities, 20153  
and services stipulated in the interagency agreement entered into 20154  
under section 2151.428 of the Revised Code relative to that 20155  
center. 20156

(E) No township, municipal, or county peace officer shall 20157  
remove a child about whom a report is made pursuant to this 20158  
section from the child's parents, stepparents, or guardian or any 20159  
other persons having custody of the child without consultation 20160  
with the public children services agency, unless, in the judgment 20161  
of the officer, and, if the report was made by physician, the 20162  
physician, immediate removal is considered essential to protect 20163  
the child from further abuse or neglect. The agency that must be 20164  
consulted shall be the agency conducting the investigation of the 20165  
report as determined pursuant to section 2151.422 of the Revised 20166  
Code. 20167

(F)(1) Except as provided in section 2151.422 of the Revised 20168  
Code or in an interagency agreement entered into under section 20169  
2151.428 of the Revised Code that applies to the particular 20170  
report, the public children services agency shall investigate, 20171  
within twenty-four hours, each report of child abuse or child 20172  
neglect that is known or reasonably suspected or believed to have 20173  
occurred and of a threat of child abuse or child neglect that is 20174  
known or reasonably suspected or believed to exist that is 20175  
referred to it under this section to determine the circumstances 20176  
surrounding the injuries, abuse, or neglect or the threat of 20177  
injury, abuse, or neglect, the cause of the injuries, abuse, 20178

neglect, or threat, and the person or persons responsible. The 20179  
investigation shall be made in cooperation with the law 20180  
enforcement agency and in accordance with the memorandum of 20181  
understanding prepared under division (J) of this section. A 20182  
representative of the public children services agency shall, at 20183  
the time of initial contact with the person subject to the 20184  
investigation, inform the person of the specific complaints or 20185  
allegations made against the person. The information shall be 20186  
given in a manner that is consistent with division (H)(1) of this 20187  
section and protects the rights of the person making the report 20188  
under this section. 20189

A failure to make the investigation in accordance with the 20190  
memorandum is not grounds for, and shall not result in, the 20191  
dismissal of any charges or complaint arising from the report or 20192  
the suppression of any evidence obtained as a result of the report 20193  
and does not give, and shall not be construed as giving, any 20194  
rights or any grounds for appeal or post-conviction relief to any 20195  
person. The public children services agency shall report each case 20196  
to the uniform statewide automated child welfare information 20197  
system that the department of job and family services shall 20198  
maintain in accordance with section 5101.13 of the Revised Code. 20199  
The public children services agency shall submit a report of its 20200  
investigation, in writing, to the law enforcement agency. 20201

(2) The public children services agency shall make any 20202  
recommendations to the county prosecuting attorney or city 20203  
director of law that it considers necessary to protect any 20204  
children that are brought to its attention. 20205

(G)(1)(a) Except as provided in division (H)(3) of this 20206  
section, anyone or any hospital, institution, school, health 20207  
department, or agency participating in the making of reports under 20208  
division (A) of this section, anyone or any hospital, institution, 20209  
school, health department, or agency participating in good faith 20210

in the making of reports under division (B) of this section, and 20211  
anyone participating in good faith in a judicial proceeding 20212  
resulting from the reports, shall be immune from any civil or 20213  
criminal liability for injury, death, or loss to person or 20214  
property that otherwise might be incurred or imposed as a result 20215  
of the making of the reports or the participation in the judicial 20216  
proceeding. 20217

(b) Notwithstanding section 4731.22 of the Revised Code, the 20218  
physician-patient privilege shall not be a ground for excluding 20219  
evidence regarding a child's injuries, abuse, or neglect, or the 20220  
cause of the injuries, abuse, or neglect in any judicial 20221  
proceeding resulting from a report submitted pursuant to this 20222  
section. 20223

(2) In any civil or criminal action or proceeding in which it 20224  
is alleged and proved that participation in the making of a report 20225  
under this section was not in good faith or participation in a 20226  
judicial proceeding resulting from a report made under this 20227  
section was not in good faith, the court shall award the 20228  
prevailing party reasonable attorney's fees and costs and, if a 20229  
civil action or proceeding is voluntarily dismissed, may award 20230  
reasonable attorney's fees and costs to the party against whom the 20231  
civil action or proceeding is brought. 20232

(H)(1) Except as provided in divisions (H)(4) and (N) of this 20233  
section, a report made under this section is confidential. The 20234  
information provided in a report made pursuant to this section and 20235  
the name of the person who made the report shall not be released 20236  
for use, and shall not be used, as evidence in any civil action or 20237  
proceeding brought against the person who made the report. Nothing 20238  
in this division shall preclude the use of reports of other 20239  
incidents of known or suspected abuse or neglect in a civil action 20240  
or proceeding brought pursuant to division (M) of this section 20241  
against a person who is alleged to have violated division (A)(1) 20242

of this section, provided that any information in a report that 20243  
would identify the child who is the subject of the report or the 20244  
maker of the report, if the maker of the report is not the 20245  
defendant or an agent or employee of the defendant, has been 20246  
redacted. In a criminal proceeding, the report is admissible in 20247  
evidence in accordance with the Rules of Evidence and is subject 20248  
to discovery in accordance with the Rules of Criminal Procedure. 20249

(2) No person shall permit or encourage the unauthorized 20250  
dissemination of the contents of any report made under this 20251  
section. 20252

(3) A person who knowingly makes or causes another person to 20253  
make a false report under division (B) of this section that 20254  
alleges that any person has committed an act or omission that 20255  
resulted in a child being an abused child or a neglected child is 20256  
guilty of a violation of section 2921.14 of the Revised Code. 20257

(4) If a report is made pursuant to division (A) or (B) of 20258  
this section and the child who is the subject of the report dies 20259  
for any reason at any time after the report is made, but before 20260  
the child attains eighteen years of age, the public children 20261  
services agency or municipal or county peace officer to which the 20262  
report was made or referred, on the request of the child fatality 20263  
review board or the director of health pursuant to guidelines 20264  
established under section 3701.70 of the Revised Code, shall 20265  
submit a summary sheet of information providing a summary of the 20266  
report to the review board of the county in which the deceased 20267  
child resided at the time of death or to the director. On the 20268  
request of the review board or director, the agency or peace 20269  
officer may, at its discretion, make the report available to the 20270  
review board or director. If the county served by the public 20271  
children services agency is also served by a children's advocacy 20272  
center and the report of alleged sexual abuse of a child or 20273  
another type of abuse of a child is specified in the memorandum of 20274

understanding that creates the center as being within the center's 20275  
jurisdiction, the agency or center shall perform the duties and 20276  
functions specified in this division in accordance with the 20277  
interagency agreement entered into under section 2151.428 of the 20278  
Revised Code relative to that advocacy center. 20279

(5) A public children services agency shall advise a person 20280  
alleged to have inflicted abuse or neglect on a child who is the 20281  
subject of a report made pursuant to this section, including a 20282  
report alleging sexual abuse of a child or another type of abuse 20283  
of a child referred to a children's advocacy center pursuant to an 20284  
interagency agreement entered into under section 2151.428 of the 20285  
Revised Code, in writing of the disposition of the investigation. 20286  
The agency shall not provide to the person any information that 20287  
identifies the person who made the report, statements of 20288  
witnesses, or police or other investigative reports. 20289

(I) Any report that is required by this section, other than a 20290  
report that is made to the state highway patrol as described in 20291  
section 5120.173 of the Revised Code, shall result in protective 20292  
services and emergency supportive services being made available by 20293  
the public children services agency on behalf of the children 20294  
about whom the report is made, in an effort to prevent further 20295  
neglect or abuse, to enhance their welfare, and, whenever 20296  
possible, to preserve the family unit intact. The agency required 20297  
to provide the services shall be the agency conducting the 20298  
investigation of the report pursuant to section 2151.422 of the 20299  
Revised Code. 20300

(J)(1) Each public children services agency shall prepare a 20301  
memorandum of understanding that is signed by all of the 20302  
following: 20303

(a) If there is only one juvenile judge in the county, the 20304  
juvenile judge of the county or the juvenile judge's 20305  
representative; 20306

(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;

(c) The county peace officer;

(d) All chief municipal peace officers within the county;

(e) Other law enforcement officers handling child abuse and neglect cases in the county;

(f) The prosecuting attorney of the county;

(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;

(h) The county humane society;

(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to

follow the procedure set forth in the memorandum by the concerned 20337  
officials is not grounds for, and shall not result in, the 20338  
dismissal of any charges or complaint arising from any reported 20339  
case of abuse or neglect or the suppression of any evidence 20340  
obtained as a result of any reported child abuse or child neglect 20341  
and does not give, and shall not be construed as giving, any 20342  
rights or any grounds for appeal or post-conviction relief to any 20343  
person. 20344

(3) A memorandum of understanding shall include all of the 20345  
following: 20346

(a) The roles and responsibilities for handling emergency and 20347  
nonemergency cases of abuse and neglect; 20348

(b) Standards and procedures to be used in handling and 20349  
coordinating investigations of reported cases of child abuse and 20350  
reported cases of child neglect, methods to be used in 20351  
interviewing the child who is the subject of the report and who 20352  
allegedly was abused or neglected, and standards and procedures 20353  
addressing the categories of persons who may interview the child 20354  
who is the subject of the report and who allegedly was abused or 20355  
neglected. 20356

(4) If a public children services agency participated in the 20357  
execution of a memorandum of understanding under section 2151.426 20358  
of the Revised Code establishing a children's advocacy center, the 20359  
agency shall incorporate the contents of that memorandum in the 20360  
memorandum prepared pursuant to this section. 20361

(5) The clerk of the court of common pleas in the county may 20362  
sign the memorandum of understanding prepared under division 20363  
(J)(1) of this section. If the clerk signs the memorandum of 20364  
understanding, the clerk shall execute all relevant 20365  
responsibilities as required of officials specified in the 20366  
memorandum. 20367



(K)(1) Except as provided in division (K)(4) of this section, 20368  
a person who is required to make a report pursuant to division (A) 20369  
of this section may make a reasonable number of requests of the 20370  
public children services agency that receives or is referred the 20371  
report, or of the children's advocacy center that is referred the 20372  
report if the report is referred to a children's advocacy center 20373  
pursuant to an interagency agreement entered into under section 20374  
2151.428 of the Revised Code, to be provided with the following 20375  
information: 20376

(a) Whether the agency or center has initiated an 20377  
investigation of the report; 20378

(b) Whether the agency or center is continuing to investigate 20379  
the report; 20380

(c) Whether the agency or center is otherwise involved with 20381  
the child who is the subject of the report; 20382

(d) The general status of the health and safety of the child 20383  
who is the subject of the report; 20384

(e) Whether the report has resulted in the filing of a 20385  
complaint in juvenile court or of criminal charges in another 20386  
court. 20387

(2) A person may request the information specified in 20388  
division (K)(1) of this section only if, at the time the report is 20389  
made, the person's name, address, and telephone number are 20390  
provided to the person who receives the report. 20391

When a municipal or county peace officer or employee of a 20392  
public children services agency receives a report pursuant to 20393  
division (A) or (B) of this section the recipient of the report 20394  
shall inform the person of the right to request the information 20395  
described in division (K)(1) of this section. The recipient of the 20396  
report shall include in the initial child abuse or child neglect 20397  
report that the person making the report was so informed and, if 20398

provided at the time of the making of the report, shall include 20399  
the person's name, address, and telephone number in the report. 20400

Each request is subject to verification of the identity of 20401  
the person making the report. If that person's identity is 20402  
verified, the agency shall provide the person with the information 20403  
described in division (K)(1) of this section a reasonable number 20404  
of times, except that the agency shall not disclose any 20405  
confidential information regarding the child who is the subject of 20406  
the report other than the information described in those 20407  
divisions. 20408

(3) A request made pursuant to division (K)(1) of this 20409  
section is not a substitute for any report required to be made 20410  
pursuant to division (A) of this section. 20411

(4) If an agency other than the agency that received or was 20412  
referred the report is conducting the investigation of the report 20413  
pursuant to section 2151.422 of the Revised Code, the agency 20414  
conducting the investigation shall comply with the requirements of 20415  
division (K) of this section. 20416

(L) The director of job and family services shall adopt rules 20417  
in accordance with Chapter 119. of the Revised Code to implement 20418  
this section. The department of job and family services may enter 20419  
into a plan of cooperation with any other governmental entity to 20420  
aid in ensuring that children are protected from abuse and 20421  
neglect. The department shall make recommendations to the attorney 20422  
general that the department determines are necessary to protect 20423  
children from child abuse and child neglect. 20424

(M) Whoever violates division (A) of this section is liable 20425  
for compensatory and exemplary damages to the child who would have 20426  
been the subject of the report that was not made. A person who 20427  
brings a civil action or proceeding pursuant to this division 20428  
against a person who is alleged to have violated division (A)(1) 20429

of this section may use in the action or proceeding reports of 20430  
other incidents of known or suspected abuse or neglect, provided 20431  
that any information in a report that would identify the child who 20432  
is the subject of the report or the maker of the report, if the 20433  
maker is not the defendant or an agent or employee of the 20434  
defendant, has been redacted. 20435

(N)(1) As used in this division: 20436

(a) "Out-of-home care" includes a nonchartered nonpublic 20437  
school if the alleged child abuse or child neglect, or alleged 20438  
threat of child abuse or child neglect, described in a report 20439  
received by a public children services agency allegedly occurred 20440  
in or involved the nonchartered nonpublic school and the alleged 20441  
perpetrator named in the report holds a certificate, permit, or 20442  
license issued by the state board of education under section 20443  
3301.071 or Chapter 3319. of the Revised Code. 20444

(b) "Administrator, director, or other chief administrative 20445  
officer" means the superintendent of the school district if the 20446  
out-of-home care entity subject to a report made pursuant to this 20447  
section is a school operated by the district. 20448

(2) No later than the end of the day following the day on 20449  
which a public children services agency receives a report of 20450  
alleged child abuse or child neglect, or a report of an alleged 20451  
threat of child abuse or child neglect, that allegedly occurred in 20452  
or involved an out-of-home care entity, the agency shall provide 20453  
written notice of the allegations contained in and the person 20454  
named as the alleged perpetrator in the report to the 20455  
administrator, director, or other chief administrative officer of 20456  
the out-of-home care entity that is the subject of the report 20457  
unless the administrator, director, or other chief administrative 20458  
officer is named as an alleged perpetrator in the report. If the 20459  
administrator, director, or other chief administrative officer of 20460  
an out-of-home care entity is named as an alleged perpetrator in a 20461

report of alleged child abuse or child neglect, or a report of an 20462  
alleged threat of child abuse or child neglect, that allegedly 20463  
occurred in or involved the out-of-home care entity, the agency 20464  
shall provide the written notice to the owner or governing board 20465  
of the out-of-home care entity that is the subject of the report. 20466  
The agency shall not provide witness statements or police or other 20467  
investigative reports. 20468

(3) No later than three days after the day on which a public 20469  
children services agency that conducted the investigation as 20470  
determined pursuant to section 2151.422 of the Revised Code makes 20471  
a disposition of an investigation involving a report of alleged 20472  
child abuse or child neglect, or a report of an alleged threat of 20473  
child abuse or child neglect, that allegedly occurred in or 20474  
involved an out-of-home care entity, the agency shall send written 20475  
notice of the disposition of the investigation to the 20476  
administrator, director, or other chief administrative officer and 20477  
the owner or governing board of the out-of-home care entity. The 20478  
agency shall not provide witness statements or police or other 20479  
investigative reports. 20480

(O) As used in this section, "investigation" means the public 20481  
children services agency's response to an accepted report of child 20482  
abuse or neglect through either an alternative response or a 20483  
traditional response. 20484

**Sec. 2301.03.** (A) In Franklin county, the judges of the court 20485  
of common pleas whose terms begin on January 1, 1953, January 2, 20486  
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 20487  
successors, shall have the same qualifications, exercise the same 20488  
powers and jurisdiction, and receive the same compensation as 20489  
other judges of the court of common pleas of Franklin county and 20490  
shall be elected and designated as judges of the court of common 20491  
pleas, division of domestic relations. They shall have all the 20492

powers relating to juvenile courts, and all cases under Chapters 20493  
2151. and 2152. of the Revised Code, all parentage proceedings 20494  
under Chapter 3111. of the Revised Code over which the juvenile 20495  
court has jurisdiction, and all divorce, dissolution of marriage, 20496  
legal separation, and annulment cases shall be assigned to them. 20497  
In addition to the judge's regular duties, the judge who is senior 20498  
in point of service shall serve on the children services board and 20499  
the county advisory board and shall be the administrator of the 20500  
domestic relations division and its subdivisions and departments. 20501  
20502

(B) In Hamilton county: 20503

(1) The judge of the court of common pleas, whose term begins 20504  
on January 1, 1957, and successors, and the judge of the court of 20505  
common pleas, whose term begins on February 14, 1967, and 20506  
successors, shall be the juvenile judges as provided in Chapters 20507  
2151. and 2152. of the Revised Code, with the powers and 20508  
jurisdiction conferred by those chapters. 20509

(2) The judges of the court of common pleas whose terms begin 20510  
on January 5, 1957, January 16, 1981, and July 1, 1991, and 20511  
successors, shall be elected and designated as judges of the court 20512  
of common pleas, division of domestic relations, and shall have 20513  
assigned to them all divorce, dissolution of marriage, legal 20514  
separation, and annulment cases coming before the court. On or 20515  
after the first day of July and before the first day of August of 20516  
1991 and each year thereafter, a majority of the judges of the 20517  
division of domestic relations shall elect one of the judges of 20518  
the division as administrative judge of that division. If a 20519  
majority of the judges of the division of domestic relations are 20520  
unable for any reason to elect an administrative judge for the 20521  
division before the first day of August, a majority of the judges 20522  
of the Hamilton county court of common pleas, as soon as possible 20523  
after that date, shall elect one of the judges of the division of 20524

domestic relations as administrative judge of that division. The 20525  
term of the administrative judge shall begin on the earlier of the 20526  
first day of August of the year in which the administrative judge 20527  
is elected or the date on which the administrative judge is 20528  
elected by a majority of the judges of the Hamilton county court 20529  
of common pleas and shall terminate on the date on which the 20530  
administrative judge's successor is elected in the following year. 20531

In addition to the judge's regular duties, the administrative 20532  
judge of the division of domestic relations shall be the 20533  
administrator of the domestic relations division and its 20534  
subdivisions and departments and shall have charge of the 20535  
employment, assignment, and supervision of the personnel of the 20536  
division engaged in handling, servicing, or investigating divorce, 20537  
dissolution of marriage, legal separation, and annulment cases, 20538  
including any referees considered necessary by the judges in the 20539  
discharge of their various duties. 20540

The administrative judge of the division of domestic 20541  
relations also shall designate the title, compensation, expense 20542  
allowances, hours, leaves of absence, and vacations of the 20543  
personnel of the division, and shall fix the duties of its 20544  
personnel. The duties of the personnel, in addition to those 20545  
provided for in other sections of the Revised Code, shall include 20546  
the handling, servicing, and investigation of divorce, dissolution 20547  
of marriage, legal separation, and annulment cases and counseling 20548  
and conciliation services that may be made available to persons 20549  
requesting them, whether or not the persons are parties to an 20550  
action pending in the division. 20551

The board of county commissioners shall appropriate the sum 20552  
of money each year as will meet all the administrative expenses of 20553  
the division of domestic relations, including reasonable expenses 20554  
of the domestic relations judges and the division counselors and 20555  
other employees designated to conduct the handling, servicing, and 20556

investigation of divorce, dissolution of marriage, legal 20557  
separation, and annulment cases, conciliation and counseling, and 20558  
all matters relating to those cases and counseling, and the 20559  
expenses involved in the attendance of division personnel at 20560  
domestic relations and welfare conferences designated by the 20561  
division, and the further sum each year as will provide for the 20562  
adequate operation of the division of domestic relations. 20563

The compensation and expenses of all employees and the salary 20564  
and expenses of the judges shall be paid by the county treasurer 20565  
from the money appropriated for the operation of the division, 20566  
upon the warrant of the county auditor, certified to by the 20567  
administrative judge of the division of domestic relations. 20568

The summonses, warrants, citations, subpoenas, and other 20569  
writs of the division may issue to a bailiff, constable, or staff 20570  
investigator of the division or to the sheriff of any county or 20571  
any marshal, constable, or police officer, and the provisions of 20572  
law relating to the subpoenaing of witnesses in other cases shall 20573  
apply insofar as they are applicable. When a summons, warrant, 20574  
citation, subpoena, or other writ is issued to an officer, other 20575  
than a bailiff, constable, or staff investigator of the division, 20576  
the expense of serving it shall be assessed as a part of the costs 20577  
in the case involved. 20578

(3) The judge of the court of common pleas of Hamilton county 20579  
whose term begins on January 3, 1997, and the successors to that 20580  
judge shall each be elected and designated as the drug court judge 20581  
of the court of common pleas of Hamilton county. The drug court 20582  
judge may accept or reject any case referred to the drug court 20583  
judge under division (B)(3) of this section. After the drug court 20584  
judge accepts a referred case, the drug court judge has full 20585  
authority over the case, including the authority to conduct 20586  
arraignment, accept pleas, enter findings and dispositions, 20587  
conduct trials, order treatment, and if treatment is not 20588

successfully completed pronounce and enter sentence. 20589

A judge of the general division of the court of common pleas 20590  
of Hamilton county and a judge of the Hamilton county municipal 20591  
court may refer to the drug court judge any case, and any 20592  
companion cases, the judge determines meet the criteria described 20593  
under divisions (B)(3)(a) and (b) of this section. If the drug 20594  
court judge accepts referral of a referred case, the case, and any 20595  
companion cases, shall be transferred to the drug court judge. A 20596  
judge may refer a case meeting the criteria described in divisions 20597  
(B)(3)(a) and (b) of this section that involves a violation of a 20598  
condition of a community control sanction to the drug court judge, 20599  
and, if the drug court judge accepts the referral, the referring 20600  
judge and the drug court judge have concurrent jurisdiction over 20601  
the case. 20602

A judge of the general division of the court of common pleas 20603  
of Hamilton county and a judge of the Hamilton county municipal 20604  
court may refer a case to the drug court judge under division 20605  
(B)(3) of this section if the judge determines that both of the 20606  
following apply: 20607

(a) One of the following applies: 20608

(i) The case involves a drug abuse offense, as defined in 20609  
section 2925.01 of the Revised Code, that is a felony of the third 20610  
or fourth degree if the offense is committed prior to July 1, 20611  
1996, a felony of the third, fourth, or fifth degree if the 20612  
offense is committed on or after July 1, 1996, or a misdemeanor. 20613

(ii) The case involves a theft offense, as defined in section 20614  
2913.01 of the Revised Code, that is a felony of the third or 20615  
fourth degree if the offense is committed prior to July 1, 1996, a 20616  
felony of the third, fourth, or fifth degree if the offense is 20617  
committed on or after July 1, 1996, or a misdemeanor, and the 20618  
defendant is drug or alcohol dependent or in danger of becoming 20619



drug or alcohol dependent and would benefit from treatment. 20620

(b) All of the following apply: 20621

(i) The case involves an offense for which a community 20622  
control sanction may be imposed or is a case in which a mandatory 20623  
prison term or a mandatory jail term is not required to be 20624  
imposed. 20625

(ii) The defendant has no history of violent behavior. 20626

(iii) The defendant has no history of mental illness. 20627

(iv) The defendant's current or past behavior, or both, is 20628  
drug or alcohol driven. 20629

(v) The defendant demonstrates a sincere willingness to 20630  
participate in a fifteen-month treatment process. 20631

(vi) The defendant has no acute health condition. 20632

(vii) If the defendant is incarcerated, the county prosecutor 20633  
approves of the referral. 20634

(4) If the administrative judge of the court of common pleas 20635  
of Hamilton county determines that the volume of cases pending 20636  
before the drug court judge does not constitute a sufficient 20637  
caseload for the drug court judge, the administrative judge, in 20638  
accordance with the Rules of Superintendence for Courts of Common 20639  
Pleas, shall assign individual cases to the drug court judge from 20640  
the general docket of the court. If the assignments so occur, the 20641  
administrative judge shall cease the assignments when the 20642  
administrative judge determines that the volume of cases pending 20643  
before the drug court judge constitutes a sufficient caseload for 20644  
the drug court judge. 20645

(5) As used in division (B) of this section, "community 20646  
control sanction," "mandatory prison term," and "mandatory jail 20647  
term" have the same meanings as in section 2929.01 of the Revised 20648  
Code. 20649

(C)(1) In Lorain county: 20650

(a) The judges of the court of common pleas whose terms begin 20651  
on January 3, 1959, January 4, 1989, and January 2, 1999, and 20652  
successors, and the judge of the court of common pleas whose term 20653  
begins on February 9, 2009, shall have the same qualifications, 20654  
exercise the same powers and jurisdiction, and receive the same 20655  
compensation as the other judges of the court of common pleas of 20656  
Lorain county and shall be elected and designated as the judges of 20657  
the court of common pleas, division of domestic relations. The 20658  
judges of the court of common pleas whose terms begin on January 20659  
3, 1959, January 4, 1989, and January 2, 1999, and successors, 20660  
shall have all of the powers relating to juvenile courts, and all 20661  
cases under Chapters 2151. and 2152. of the Revised Code, all 20662  
parentage proceedings over which the juvenile court has 20663  
jurisdiction, and all divorce, dissolution of marriage, legal 20664  
separation, and annulment cases shall be assigned to them, except 20665  
cases that for some special reason are assigned to some other 20666  
judge of the court of common pleas. From February 9, 2009, through 20667  
September 28, 2009, the judge of the court of common pleas whose 20668  
term begins on February 9, 2009, shall have all the powers 20669  
relating to juvenile courts, and cases under Chapters 2151. and 20670  
2152. of the Revised Code, parentage proceedings over which the 20671  
juvenile court has jurisdiction, and divorce, dissolution of 20672  
marriage, legal separation, and annulment cases shall be assigned 20673  
to that judge, except cases that for some special reason are 20674  
assigned to some other judge of the court of common pleas. 20675

(b) From January 1, 2006, through September 28, 2009, the 20676  
judges of the court of common pleas, division of domestic 20677  
relations, in addition to the powers and jurisdiction set forth in 20678  
division (C)(1)(a) of this section, shall have jurisdiction over 20679  
matters that are within the jurisdiction of the probate court 20680  
under Chapter 2101. and other provisions of the Revised Code. 20681

(c) The judge of the court of common pleas, division of domestic relations, whose term begins on February 9, 2009, is the successor to the probate judge who was elected in 2002 for a term that began on February 9, 2003. After September 28, 2009, the judge of the court of common pleas, division of domestic relations, whose term begins on February 9, 2009, shall be the probate judge.

(2)(a) From February 9, 2009, through September 28, 2009, with respect to Lorain county, all references in law to the probate court shall be construed as references to the court of common pleas, division of domestic relations, and all references to the probate judge shall be construed as references to the judges of the court of common pleas, division of domestic relations.

(b) From February 9, 2009, through September 28, 2009, with respect to Lorain county, all references in law to the clerk of the probate court shall be construed as references to the judge who is serving pursuant to Rule 4 of the Rules of Superintendence for the Courts of Ohio as the administrative judge of the court of common pleas, division of domestic relations.

(D) In Lucas county:

(1) The judges of the court of common pleas whose terms begin on January 1, 1955, and January 3, 1965, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Lucas county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. All divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them.

The judge of the division of domestic relations, senior in point of service, shall be considered as the presiding judge of

the court of common pleas, division of domestic relations, and 20713  
shall be charged exclusively with the assignment and division of 20714  
the work of the division and the employment and supervision of all 20715  
other personnel of the domestic relations division. 20716

(2) The judges of the court of common pleas whose terms begin 20717  
on January 5, 1977, and January 2, 1991, and successors shall have 20718  
the same qualifications, exercise the same powers and 20719  
jurisdiction, and receive the same compensation as other judges of 20720  
the court of common pleas of Lucas county, shall be elected and 20721  
designated as judges of the court of common pleas, juvenile 20722  
division, and shall be the juvenile judges as provided in Chapters 20723  
2151. and 2152. of the Revised Code with the powers and 20724  
jurisdictions conferred by those chapters. In addition to the 20725  
judge's regular duties, the judge of the court of common pleas, 20726  
juvenile division, senior in point of service, shall be the 20727  
administrator of the juvenile division and its subdivisions and 20728  
departments and shall have charge of the employment, assignment, 20729  
and supervision of the personnel of the division engaged in 20730  
handling, servicing, or investigating juvenile cases, including 20731  
any referees considered necessary by the judges of the division in 20732  
the discharge of their various duties. 20733

The judge of the court of common pleas, juvenile division, 20734  
senior in point of service, also shall designate the title, 20735  
compensation, expense allowance, hours, leaves of absence, and 20736  
vacation of the personnel of the division and shall fix the duties 20737  
of the personnel of the division. The duties of the personnel, in 20738  
addition to other statutory duties include the handling, 20739  
servicing, and investigation of juvenile cases and counseling and 20740  
conciliation services that may be made available to persons 20741  
requesting them, whether or not the persons are parties to an 20742  
action pending in the division. 20743

(3) If one of the judges of the court of common pleas, 20744

division of domestic relations, or one of the judges of the 20745  
juvenile division is sick, absent, or unable to perform that 20746  
judge's judicial duties or the volume of cases pending in that 20747  
judge's division necessitates it, the duties shall be performed by 20748  
the judges of the other of those divisions. 20749

(E) In Mahoning county: 20750

(1) The judge of the court of common pleas whose term began 20751  
on January 1, 1955, and successors, shall have the same 20752  
qualifications, exercise the same powers and jurisdiction, and 20753  
receive the same compensation as other judges of the court of 20754  
common pleas of Mahoning county, shall be elected and designated 20755  
as judge of the court of common pleas, division of domestic 20756  
relations, and shall be assigned all the divorce, dissolution of 20757  
marriage, legal separation, and annulment cases coming before the 20758  
court. In addition to the judge's regular duties, the judge of the 20759  
court of common pleas, division of domestic relations, shall be 20760  
the administrator of the domestic relations division and its 20761  
subdivisions and departments and shall have charge of the 20762  
employment, assignment, and supervision of the personnel of the 20763  
division engaged in handling, servicing, or investigating divorce, 20764  
dissolution of marriage, legal separation, and annulment cases, 20765  
including any referees considered necessary in the discharge of 20766  
the various duties of the judge's office. 20767

The judge also shall designate the title, compensation, 20768  
expense allowances, hours, leaves of absence, and vacations of the 20769  
personnel of the division and shall fix the duties of the 20770  
personnel of the division. The duties of the personnel, in 20771  
addition to other statutory duties, include the handling, 20772  
servicing, and investigation of divorce, dissolution of marriage, 20773  
legal separation, and annulment cases and counseling and 20774  
conciliation services that may be made available to persons 20775  
requesting them, whether or not the persons are parties to an 20776

action pending in the division. 20777

(2) The judge of the court of common pleas whose term began 20778  
on January 2, 1969, and successors, shall have the same 20779  
qualifications, exercise the same powers and jurisdiction, and 20780  
receive the same compensation as other judges of the court of 20781  
common pleas of Mahoning county, shall be elected and designated 20782  
as judge of the court of common pleas, juvenile division, and 20783  
shall be the juvenile judge as provided in Chapters 2151. and 20784  
2152. of the Revised Code, with the powers and jurisdictions 20785  
conferred by those chapters. In addition to the judge's regular 20786  
duties, the judge of the court of common pleas, juvenile division, 20787  
shall be the administrator of the juvenile division and its 20788  
subdivisions and departments and shall have charge of the 20789  
employment, assignment, and supervision of the personnel of the 20790  
division engaged in handling, servicing, or investigating juvenile 20791  
cases, including any referees considered necessary by the judge in 20792  
the discharge of the judge's various duties. 20793

The judge also shall designate the title, compensation, 20794  
expense allowances, hours, leaves of absence, and vacation of the 20795  
personnel of the division and shall fix the duties of the 20796  
personnel of the division. The duties of the personnel, in 20797  
addition to other statutory duties, include the handling, 20798  
servicing, and investigation of juvenile cases and counseling and 20799  
conciliation services that may be made available to persons 20800  
requesting them, whether or not the persons are parties to an 20801  
action pending in the division. 20802

(3) If a judge of the court of common pleas, division of 20803  
domestic relations or juvenile division, is sick, absent, or 20804  
unable to perform that judge's judicial duties, or the volume of 20805  
cases pending in that judge's division necessitates it, that 20806  
judge's duties shall be performed by another judge of the court of 20807  
common pleas. 20808

(F) In Montgomery county: 20809

(1) The judges of the court of common pleas whose terms begin 20810  
on January 2, 1953, and January 4, 1977, and successors, shall 20811  
have the same qualifications, exercise the same powers and 20812  
jurisdiction, and receive the same compensation as other judges of 20813  
the court of common pleas of Montgomery county and shall be 20814  
elected and designated as judges of the court of common pleas, 20815  
division of domestic relations. These judges shall have assigned 20816  
to them all divorce, dissolution of marriage, legal separation, 20817  
and annulment cases. 20818

The judge of the division of domestic relations, senior in 20819  
point of service, shall be charged exclusively with the assignment 20820  
and division of the work of the division and shall have charge of 20821  
the employment and supervision of the personnel of the division 20822  
engaged in handling, servicing, or investigating divorce, 20823  
dissolution of marriage, legal separation, and annulment cases, 20824  
including any necessary referees, except those employees who may 20825  
be appointed by the judge, junior in point of service, under this 20826  
section and sections 2301.12 and 2301.18 of the Revised Code. The 20827  
judge of the division of domestic relations, senior in point of 20828  
service, also shall designate the title, compensation, expense 20829  
allowances, hours, leaves of absence, and vacation of the 20830  
personnel of the division and shall fix their duties. 20831

(2) The judges of the court of common pleas whose terms begin 20832  
on January 1, 1953, and January 1, 1993, and successors, shall 20833  
have the same qualifications, exercise the same powers and 20834  
jurisdiction, and receive the same compensation as other judges of 20835  
the court of common pleas of Montgomery county, shall be elected 20836  
and designated as judges of the court of common pleas, juvenile 20837  
division, and shall be, and have the powers and jurisdiction of, 20838  
the juvenile judge as provided in Chapters 2151. and 2152. of the 20839  
Revised Code. 20840

In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division, including any necessary referees, who are engaged in handling, servicing, or investigating juvenile cases. The judge, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of juvenile cases and of any counseling and conciliation services that are available upon request to persons, whether or not they are parties to an action pending in the division.

If one of the judges of the court of common pleas, division of domestic relations, or one of the judges of the court of common pleas, juvenile division, is sick, absent, or unable to perform that judge's duties or the volume of cases pending in that judge's division necessitates it, the duties of that judge may be performed by the judge or judges of the other of those divisions.

(G) In Richland county:

(1) The judge of the court of common pleas whose term begins on January 1, 1957, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Richland county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. That judge shall be assigned and hear all divorce, dissolution of marriage, legal separation, and annulment cases, all domestic violence cases arising under section 3113.31



of the Revised Code, and all post-decree proceedings arising from 20873  
any case pertaining to any of those matters. The division of 20874  
domestic relations has concurrent jurisdiction with the juvenile 20875  
division of the court of common pleas of Richland county to 20876  
determine the care, custody, or control of any child not a ward of 20877  
another court of this state, and to hear and determine a request 20878  
for an order for the support of any child if the request is not 20879  
ancillary to an action for divorce, dissolution of marriage, 20880  
annulment, or legal separation, a criminal or civil action 20881  
involving an allegation of domestic violence, or an action for 20882  
support brought under Chapter 3115. of the Revised Code. Except in 20883  
cases that are subject to the exclusive original jurisdiction of 20884  
the juvenile court, the judge of the division of domestic 20885  
relations shall be assigned and hear all cases pertaining to 20886  
paternity or parentage, the care, custody, or control of children, 20887  
parenting time or visitation, child support, or the allocation of 20888  
parental rights and responsibilities for the care of children, all 20889  
proceedings arising under Chapter 3111. of the Revised Code, all 20890  
proceedings arising under the uniform interstate family support 20891  
act contained in Chapter 3115. of the Revised Code, and all 20892  
post-decree proceedings arising from any case pertaining to any of 20893  
those matters. 20894

In addition to the judge's regular duties, the judge of the 20895  
court of common pleas, division of domestic relations, shall be 20896  
the administrator of the domestic relations division and its 20897  
subdivisions and departments. The judge shall have charge of the 20898  
employment, assignment, and supervision of the personnel of the 20899  
domestic relations division, including any magistrates the judge 20900  
considers necessary for the discharge of the judge's duties. The 20901  
judge shall also designate the title, compensation, expense 20902  
allowances, hours, leaves of absence, vacation, and other 20903  
employment-related matters of the personnel of the division and 20904  
shall fix their duties. 20905

(2) The judge of the court of common pleas whose term begins 20906  
on January 3, 2005, and successors, shall have the same 20907  
qualifications, exercise the same powers and jurisdiction, and 20908  
receive the same compensation as other judges of the court of 20909  
common pleas of Richland county, shall be elected and designated 20910  
as judge of the court of common pleas, juvenile division, and 20911  
shall be, and have the powers and jurisdiction of, the juvenile 20912  
judge as provided in Chapters 2151. and 2152. of the Revised Code. 20913  
Except in cases that are subject to the exclusive original 20914  
jurisdiction of the juvenile court, the judge of the juvenile 20915  
division shall not have jurisdiction or the power to hear, and 20916  
shall not be assigned, any case pertaining to paternity or 20917  
parentage, the care, custody, or control of children, parenting 20918  
time or visitation, child support, or the allocation of parental 20919  
rights and responsibilities for the care of children or any 20920  
post-decree proceeding arising from any case pertaining to any of 20921  
those matters. The judge of the juvenile division shall not have 20922  
jurisdiction or the power to hear, and shall not be assigned, any 20923  
proceeding under the uniform interstate family support act 20924  
contained in Chapter 3115. of the Revised Code. 20925

In addition to the judge's regular duties, the judge of the 20926  
juvenile division shall be the administrator of the juvenile 20927  
division and its subdivisions and departments. The judge shall 20928  
have charge of the employment, assignment, and supervision of the 20929  
personnel of the juvenile division who are engaged in handling, 20930  
servicing, or investigating juvenile cases, including any 20931  
magistrates whom the judge considers necessary for the discharge 20932  
of the judge's various duties. 20933

The judge of the juvenile division also shall designate the 20934  
title, compensation, expense allowances, hours, leaves of absence, 20935  
and vacation of the personnel of the division and shall fix their 20936  
duties. The duties of the personnel, in addition to other 20937

statutory duties, include the handling, servicing, and 20938  
investigation of juvenile cases and providing any counseling, 20939  
conciliation, and mediation services that the court makes 20940  
available to persons, whether or not the persons are parties to an 20941  
action pending in the court, who request the services. 20942

(H)(1) In Stark county, the judges of the court of common 20943  
pleas whose terms begin on January 1, 1953, January 2, 1959, and 20944  
January 1, 1993, and successors, shall have the same 20945  
qualifications, exercise the same powers and jurisdiction, and 20946  
receive the same compensation as other judges of the court of 20947  
common pleas of Stark county and shall be elected and designated 20948  
as judges of the court of common pleas, family court division ~~of~~ 20949  
~~domestic relations~~. They shall have all the powers relating to 20950  
juvenile courts, and all cases under Chapters 2151. and 2152. of 20951  
the Revised Code, all parentage proceedings over which the 20952  
juvenile court has jurisdiction, and all divorce, dissolution of 20953  
marriage, legal separation, and annulment cases, except cases that 20954  
are assigned to some other judge of the court of common pleas for 20955  
some special reason, shall be assigned to the judges. 20956

(2) The judge of the family court division ~~of domestic~~ 20957  
~~relations~~, second most senior in point of service, shall have 20958  
charge of the employment and supervision of the personnel of the 20959  
division engaged in handling, servicing, or investigating divorce, 20960  
dissolution of marriage, legal separation, and annulment cases, 20961  
and necessary referees required for the judge's respective court. 20962

(3) The judge of the family court division ~~of domestic~~ 20963  
~~relations~~, senior in point of service, shall be charged 20964  
exclusively with the administration of sections 2151.13, 2151.16, 20965  
2151.17, and 2152.71 of the Revised Code and with the assignment 20966  
and division of the work of the division and the employment and 20967  
supervision of all other personnel of the division, including, but 20968  
not limited to, that judge's necessary referees, but excepting 20969

those employees who may be appointed by the judge second most 20970  
senior in point of service. The senior judge further shall serve 20971  
in every other position in which the statutes permit or require a 20972  
juvenile judge to serve. 20973

(4) On and after the effective date of this amendment, all 20974  
references in law to "the division of domestic relations," "the 20975  
domestic relations division," "the domestic relations court," "the 20976  
judge of the division of domestic relations," or "the judge of the 20977  
domestic relations division" shall be construed, with respect to 20978  
Stark county, as being references to "the family court division" 20979  
or "the judge of the family court division." 20980

(I) In Summit county: 20981

(1) The judges of the court of common pleas whose terms begin 20982  
on January 4, 1967, and January 6, 1993, and successors, shall 20983  
have the same qualifications, exercise the same powers and 20984  
jurisdiction, and receive the same compensation as other judges of 20985  
the court of common pleas of Summit county and shall be elected 20986  
and designated as judges of the court of common pleas, division of 20987  
domestic relations. The judges of the division of domestic 20988  
relations shall have assigned to them and hear all divorce, 20989  
dissolution of marriage, legal separation, and annulment cases 20990  
that come before the court. Except in cases that are subject to 20991  
the exclusive original jurisdiction of the juvenile court, the 20992  
judges of the division of domestic relations shall have assigned 20993  
to them and hear all cases pertaining to paternity, custody, 20994  
visitation, child support, or the allocation of parental rights 20995  
and responsibilities for the care of children and all post-decree 20996  
proceedings arising from any case pertaining to any of those 20997  
matters. The judges of the division of domestic relations shall 20998  
have assigned to them and hear all proceedings under the uniform 20999  
interstate family support act contained in Chapter 3115. of the 21000  
Revised Code. 21001

The judge of the division of domestic relations, senior in point of service, shall be the administrator of the domestic relations division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the division, including any necessary referees, who are engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases. That judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and of any counseling and conciliation services that are available upon request to all persons, whether or not they are parties to an action pending in the division.

(2) The judge of the court of common pleas whose term begins on January 1, 1955, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Summit county, shall be elected and designated as judge of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any case pertaining to paternity, custody, visitation, child support, or the allocation of parental rights and responsibilities for the care of children or any post-decree proceeding arising from any case pertaining to any of those matters. The judge of the juvenile division shall not have jurisdiction or the power to hear, and shall not be assigned, any

proceeding under the uniform interstate family support act 21035  
contained in Chapter 3115. of the Revised Code. 21036

The juvenile judge shall be the administrator of the juvenile 21037  
division and its subdivisions and departments and shall have 21038  
charge of the employment, assignment, and supervision of the 21039  
personnel of the juvenile division, including any necessary 21040  
referees, who are engaged in handling, servicing, or investigating 21041  
juvenile cases. The judge also shall designate the title, 21042  
compensation, expense allowances, hours, leaves of absence, and 21043  
vacation of the personnel of the division and shall fix their 21044  
duties. The duties of the personnel, in addition to other 21045  
statutory duties, shall include the handling, servicing, and 21046  
investigation of juvenile cases and of any counseling and 21047  
conciliation services that are available upon request to persons, 21048  
whether or not they are parties to an action pending in the 21049  
division. 21050

(J) In Trumbull county, the judges of the court of common 21051  
pleas whose terms begin on January 1, 1953, and January 2, 1977, 21052  
and successors, shall have the same qualifications, exercise the 21053  
same powers and jurisdiction, and receive the same compensation as 21054  
other judges of the court of common pleas of Trumbull county and 21055  
shall be elected and designated as judges of the court of common 21056  
pleas, division of domestic relations. They shall have all the 21057  
powers relating to juvenile courts, and all cases under Chapters 21058  
2151. and 2152. of the Revised Code, all parentage proceedings 21059  
over which the juvenile court has jurisdiction, and all divorce, 21060  
dissolution of marriage, legal separation, and annulment cases 21061  
shall be assigned to them, except cases that for some special 21062  
reason are assigned to some other judge of the court of common 21063  
pleas. 21064

(K) In Butler county: 21065

(1) The judges of the court of common pleas whose terms begin 21066

on January 1, 1957, and January 4, 1993, and successors, shall 21067  
have the same qualifications, exercise the same powers and 21068  
jurisdiction, and receive the same compensation as other judges of 21069  
the court of common pleas of Butler county and shall be elected 21070  
and designated as judges of the court of common pleas, division of 21071  
domestic relations. The judges of the division of domestic 21072  
relations shall have assigned to them all divorce, dissolution of 21073  
marriage, legal separation, and annulment cases coming before the 21074  
court, except in cases that for some special reason are assigned 21075  
to some other judge of the court of common pleas. The judges of 21076  
the division of domestic relations also have concurrent 21077  
jurisdiction with judges of the juvenile division of the court of 21078  
common pleas of Butler county with respect to and may hear cases 21079  
to determine the custody, support, or custody and support of a 21080  
child who is born of issue of a marriage and who is not the ward 21081  
of another court of this state, cases commenced by a party of the 21082  
marriage to obtain an order requiring support of any child when 21083  
the request for that order is not ancillary to an action for 21084  
divorce, dissolution of marriage, annulment, or legal separation, 21085  
a criminal or civil action involving an allegation of domestic 21086  
violence, an action for support under Chapter 3115. of the Revised 21087  
Code, or an action that is within the exclusive original 21088  
jurisdiction of the juvenile division of the court of common pleas 21089  
of Butler county and that involves an allegation that the child is 21090  
an abused, neglected, or dependent child, and post-decree 21091  
proceedings and matters arising from those types of cases. The 21092  
judge senior in point of service shall be charged with the 21093  
assignment and division of the work of the division and with the 21094  
employment and supervision of all other personnel of the domestic 21095  
relations division. 21096

The judge senior in point of service also shall designate the 21097  
title, compensation, expense allowances, hours, leaves of absence, 21098  
and vacations of the personnel of the division and shall fix their 21099

duties. The duties of the personnel, in addition to other 21100  
statutory duties, shall include the handling, servicing, and 21101  
investigation of divorce, dissolution of marriage, legal 21102  
separation, and annulment cases and providing any counseling and 21103  
conciliation services that the division makes available to 21104  
persons, whether or not the persons are parties to an action 21105  
pending in the division, who request the services. 21106

(2) The judges of the court of common pleas whose terms begin 21107  
on January 3, 1987, and January 2, 2003, and successors, shall 21108  
have the same qualifications, exercise the same powers and 21109  
jurisdiction, and receive the same compensation as other judges of 21110  
the court of common pleas of Butler county, shall be elected and 21111  
designated as judges of the court of common pleas, juvenile 21112  
division, and shall be the juvenile judges as provided in Chapters 21113  
2151. and 2152. of the Revised Code, with the powers and 21114  
jurisdictions conferred by those chapters. Except in cases that 21115  
are subject to the exclusive original jurisdiction of the juvenile 21116  
court, the judges of the juvenile division shall not have 21117  
jurisdiction or the power to hear and shall not be assigned, but 21118  
shall have the limited ability and authority to certify, any case 21119  
commenced by a party of a marriage to determine the custody, 21120  
support, or custody and support of a child who is born of issue of 21121  
the marriage and who is not the ward of another court of this 21122  
state when the request for the order in the case is not ancillary 21123  
to an action for divorce, dissolution of marriage, annulment, or 21124  
legal separation. The judge of the court of common pleas, juvenile 21125  
division, who is senior in point of service, shall be the 21126  
administrator of the juvenile division and its subdivisions and 21127  
departments. The judge, senior in point of service, shall have 21128  
charge of the employment, assignment, and supervision of the 21129  
personnel of the juvenile division who are engaged in handling, 21130  
servicing, or investigating juvenile cases, including any referees 21131  
whom the judge considers necessary for the discharge of the 21132



judge's various duties. 21133

The judge, senior in point of service, also shall designate 21134  
the title, compensation, expense allowances, hours, leaves of 21135  
absence, and vacation of the personnel of the division and shall 21136  
fix their duties. The duties of the personnel, in addition to 21137  
other statutory duties, include the handling, servicing, and 21138  
investigation of juvenile cases and providing any counseling and 21139  
conciliation services that the division makes available to 21140  
persons, whether or not the persons are parties to an action 21141  
pending in the division, who request the services. 21142

(3) If a judge of the court of common pleas, division of 21143  
domestic relations or juvenile division, is sick, absent, or 21144  
unable to perform that judge's judicial duties or the volume of 21145  
cases pending in the judge's division necessitates it, the duties 21146  
of that judge shall be performed by the other judges of the 21147  
domestic relations and juvenile divisions. 21148

(L)(1) In Cuyahoga county, the judges of the court of common 21149  
pleas whose terms begin on January 8, 1961, January 9, 1961, 21150  
January 18, 1975, January 19, 1975, and January 13, 1987, and 21151  
successors, shall have the same qualifications, exercise the same 21152  
powers and jurisdiction, and receive the same compensation as 21153  
other judges of the court of common pleas of Cuyahoga county and 21154  
shall be elected and designated as judges of the court of common 21155  
pleas, division of domestic relations. They shall have all the 21156  
powers relating to all divorce, dissolution of marriage, legal 21157  
separation, and annulment cases, except in cases that are assigned 21158  
to some other judge of the court of common pleas for some special 21159  
reason. 21160

(2) The administrative judge is administrator of the domestic 21161  
relations division and its subdivisions and departments and has 21162  
the following powers concerning division personnel: 21163

(a) Full charge of the employment, assignment, and supervision;	21164 21165
(b) Sole determination of compensation, duties, expenses, allowances, hours, leaves, and vacations.	21166 21167
(3) "Division personnel" include persons employed or referees engaged in hearing, servicing, investigating, counseling, or conciliating divorce, dissolution of marriage, legal separation and annulment matters.	21168 21169 21170 21171
(M) In Lake county:	21172
(1) The judge of the court of common pleas whose term begins on January 2, 1961, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lake county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all the divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.	21173 21174 21175 21176 21177 21178 21179 21180 21181 21182 21183 21184 21185 21186
The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons	21187 21188 21189 21190 21191 21192 21193 21194

are parties to an action pending in the division, who request the 21195  
services. 21196

(2) The judge of the court of common pleas whose term begins 21197  
on January 4, 1979, and successors, shall have the same 21198  
qualifications, exercise the same powers and jurisdiction, and 21199  
receive the same compensation as other judges of the court of 21200  
common pleas of Lake county, shall be elected and designated as 21201  
judge of the court of common pleas, juvenile division, and shall 21202  
be the juvenile judge as provided in Chapters 2151. and 2152. of 21203  
the Revised Code, with the powers and jurisdictions conferred by 21204  
those chapters. The judge of the court of common pleas, juvenile 21205  
division, shall be the administrator of the juvenile division and 21206  
its subdivisions and departments. The judge shall have charge of 21207  
the employment, assignment, and supervision of the personnel of 21208  
the juvenile division who are engaged in handling, servicing, or 21209  
investigating juvenile cases, including any referees whom the 21210  
judge considers necessary for the discharge of the judge's various 21211  
duties. 21212

The judge also shall designate the title, compensation, 21213  
expense allowances, hours, leaves of absence, and vacation of the 21214  
personnel of the division and shall fix their duties. The duties 21215  
of the personnel, in addition to other statutory duties, include 21216  
the handling, servicing, and investigation of juvenile cases and 21217  
providing any counseling and conciliation services that the 21218  
division makes available to persons, whether or not the persons 21219  
are parties to an action pending in the division, who request the 21220  
services. 21221

(3) If a judge of the court of common pleas, division of 21222  
domestic relations or juvenile division, is sick, absent, or 21223  
unable to perform that judge's judicial duties or the volume of 21224  
cases pending in the judge's division necessitates it, the duties 21225  
of that judge shall be performed by the other judges of the 21226

domestic relations and juvenile divisions. 21227

(N) In Erie county: 21228

(1) The judge of the court of common pleas whose term begins 21229  
on January 2, 1971, and the successors to that judge whose terms 21230  
begin before January 2, 2007, shall have the same qualifications, 21231  
exercise the same powers and jurisdiction, and receive the same 21232  
compensation as the other judge of the court of common pleas of 21233  
Erie county and shall be elected and designated as judge of the 21234  
court of common pleas, division of domestic relations. The judge 21235  
shall have all the powers relating to juvenile courts, and shall 21236  
be assigned all cases under Chapters 2151. and 2152. of the 21237  
Revised Code, parentage proceedings over which the juvenile court 21238  
has jurisdiction, and divorce, dissolution of marriage, legal 21239  
separation, and annulment cases, except cases that for some 21240  
special reason are assigned to some other judge. 21241

On or after January 2, 2007, the judge of the court of common 21242  
pleas who is elected in 2006 shall be the successor to the judge 21243  
of the domestic relations division whose term expires on January 21244  
1, 2007, shall be designated as judge of the court of common 21245  
pleas, juvenile division, and shall be the juvenile judge as 21246  
provided in Chapters 2151. and 2152. of the Revised Code with the 21247  
powers and jurisdictions conferred by those chapters. 21248

(2) The judge of the court of common pleas, general division, 21249  
whose term begins on January 1, 2005, and successors, the judge of 21250  
the court of common pleas, general division whose term begins on 21251  
January 2, 2005, and successors, and the judge of the court of 21252  
common pleas, general division, whose term begins February 9, 21253  
2009, and successors, shall have assigned to them, in addition to 21254  
all matters that are within the jurisdiction of the general 21255  
division of the court of common pleas, all divorce, dissolution of 21256  
marriage, legal separation, and annulment cases coming before the 21257  
court, and all matters that are within the jurisdiction of the 21258

probate court under Chapter 2101., and other provisions, of the Revised Code.

(0) In Greene county:

(1) The judge of the court of common pleas whose term begins on January 1, 1961, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Greene county and shall be elected and designated as the judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, annulment, uniform reciprocal support enforcement, and domestic violence cases and all other cases related to domestic relations, except cases that for some special reason are assigned to some other judge of the court of common pleas.

The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the division. The judge also shall designate the title, compensation, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel of the division, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and the provision of counseling and conciliation services that the division considers necessary and makes available to persons who request the services, whether or not the persons are parties in an action pending in the division. The compensation for the personnel shall be paid from the overall court budget and shall be included in the appropriations for the existing judges of the general division of the court of common pleas.

(2) The judge of the court of common pleas whose term begins

on January 1, 1995, and successors, shall have the same 21291  
qualifications, exercise the same powers and jurisdiction, and 21292  
receive the same compensation as the other judges of the court of 21293  
common pleas of Greene county, shall be elected and designated as 21294  
judge of the court of common pleas, juvenile division, and, on or 21295  
after January 1, 1995, shall be the juvenile judge as provided in 21296  
Chapters 2151. and 2152. of the Revised Code with the powers and 21297  
jurisdiction conferred by those chapters. The judge of the court 21298  
of common pleas, juvenile division, shall be the administrator of 21299  
the juvenile division and its subdivisions and departments. The 21300  
judge shall have charge of the employment, assignment, and 21301  
supervision of the personnel of the juvenile division who are 21302  
engaged in handling, servicing, or investigating juvenile cases, 21303  
including any referees whom the judge considers necessary for the 21304  
discharge of the judge's various duties. 21305

The judge also shall designate the title, compensation, 21306  
expense allowances, hours, leaves of absence, and vacation of the 21307  
personnel of the division and shall fix their duties. The duties 21308  
of the personnel, in addition to other statutory duties, include 21309  
the handling, servicing, and investigation of juvenile cases and 21310  
providing any counseling and conciliation services that the court 21311  
makes available to persons, whether or not the persons are parties 21312  
to an action pending in the court, who request the services. 21313

(3) If one of the judges of the court of common pleas, 21314  
general division, is sick, absent, or unable to perform that 21315  
judge's judicial duties or the volume of cases pending in the 21316  
general division necessitates it, the duties of that judge of the 21317  
general division shall be performed by the judge of the division 21318  
of domestic relations and the judge of the juvenile division. 21319

(P) In Portage county, the judge of the court of common 21320  
pleas, whose term begins January 2, 1987, and successors, shall 21321  
have the same qualifications, exercise the same powers and 21322

jurisdiction, and receive the same compensation as the other 21323  
judges of the court of common pleas of Portage county and shall be 21324  
elected and designated as judge of the court of common pleas, 21325  
division of domestic relations. The judge shall be assigned all 21326  
divorce, dissolution of marriage, legal separation, and annulment 21327  
cases coming before the court, except in cases that for some 21328  
special reason are assigned to some other judge of the court of 21329  
common pleas. The judge shall be charged with the assignment and 21330  
division of the work of the division and with the employment and 21331  
supervision of all other personnel of the domestic relations 21332  
division. 21333

The judge also shall designate the title, compensation, 21334  
expense allowances, hours, leaves of absence, and vacations of the 21335  
personnel of the division and shall fix their duties. The duties 21336  
of the personnel, in addition to other statutory duties, shall 21337  
include the handling, servicing, and investigation of divorce, 21338  
dissolution of marriage, legal separation, and annulment cases and 21339  
providing any counseling and conciliation services that the 21340  
division makes available to persons, whether or not the persons 21341  
are parties to an action pending in the division, who request the 21342  
services. 21343

(Q) In Clermont county, the judge of the court of common 21344  
pleas, whose term begins January 2, 1987, and successors, shall 21345  
have the same qualifications, exercise the same powers and 21346  
jurisdiction, and receive the same compensation as the other 21347  
judges of the court of common pleas of Clermont county and shall 21348  
be elected and designated as judge of the court of common pleas, 21349  
division of domestic relations. The judge shall be assigned all 21350  
divorce, dissolution of marriage, legal separation, and annulment 21351  
cases coming before the court, except in cases that for some 21352  
special reason are assigned to some other judge of the court of 21353  
common pleas. The judge shall be charged with the assignment and 21354

division of the work of the division and with the employment and 21355  
supervision of all other personnel of the domestic relations 21356  
division. 21357

The judge also shall designate the title, compensation, 21358  
expense allowances, hours, leaves of absence, and vacations of the 21359  
personnel of the division and shall fix their duties. The duties 21360  
of the personnel, in addition to other statutory duties, shall 21361  
include the handling, servicing, and investigation of divorce, 21362  
dissolution of marriage, legal separation, and annulment cases and 21363  
providing any counseling and conciliation services that the 21364  
division makes available to persons, whether or not the persons 21365  
are parties to an action pending in the division, who request the 21366  
services. 21367

(R) In Warren county, the judge of the court of common pleas, 21368  
whose term begins January 1, 1987, and successors, shall have the 21369  
same qualifications, exercise the same powers and jurisdiction, 21370  
and receive the same compensation as the other judges of the court 21371  
of common pleas of Warren county and shall be elected and 21372  
designated as judge of the court of common pleas, division of 21373  
domestic relations. The judge shall be assigned all divorce, 21374  
dissolution of marriage, legal separation, and annulment cases 21375  
coming before the court, except in cases that for some special 21376  
reason are assigned to some other judge of the court of common 21377  
pleas. The judge shall be charged with the assignment and division 21378  
of the work of the division and with the employment and 21379  
supervision of all other personnel of the domestic relations 21380  
division. 21381

The judge also shall designate the title, compensation, 21382  
expense allowances, hours, leaves of absence, and vacations of the 21383  
personnel of the division and shall fix their duties. The duties 21384  
of the personnel, in addition to other statutory duties, shall 21385  
include the handling, servicing, and investigation of divorce, 21386



dissolution of marriage, legal separation, and annulment cases and 21387  
providing any counseling and conciliation services that the 21388  
division makes available to persons, whether or not the persons 21389  
are parties to an action pending in the division, who request the 21390  
services. 21391

(S) In Licking county, the judges of the court of common 21392  
pleas, whose terms begin on January 1, 1991, and January 1, 2005, 21393  
and successors, shall have the same qualifications, exercise the 21394  
same powers and jurisdiction, and receive the same compensation as 21395  
the other judges of the court of common pleas of Licking county 21396  
and shall be elected and designated as judges of the court of 21397  
common pleas, division of domestic relations. The judges shall be 21398  
assigned all divorce, dissolution of marriage, legal separation, 21399  
and annulment cases, all cases arising under Chapter 3111. of the 21400  
Revised Code, all proceedings involving child support, the 21401  
allocation of parental rights and responsibilities for the care of 21402  
children and the designation for the children of a place of 21403  
residence and legal custodian, parenting time, and visitation, and 21404  
all post-decree proceedings and matters arising from those cases 21405  
and proceedings, except in cases that for some special reason are 21406  
assigned to another judge of the court of common pleas. The 21407  
administrative judge of the division of domestic relations shall 21408  
be charged with the assignment and division of the work of the 21409  
division and with the employment and supervision of the personnel 21410  
of the division. 21411

The administrative judge of the division of domestic 21412  
relations shall designate the title, compensation, expense 21413  
allowances, hours, leaves of absence, and vacations of the 21414  
personnel of the division and shall fix the duties of the 21415  
personnel of the division. The duties of the personnel of the 21416  
division, in addition to other statutory duties, shall include the 21417  
handling, servicing, and investigation of divorce, dissolution of 21418

marriage, legal separation, and annulment cases, cases arising 21419  
under Chapter 3111. of the Revised Code, and proceedings involving 21420  
child support, the allocation of parental rights and 21421  
responsibilities for the care of children and the designation for 21422  
the children of a place of residence and legal custodian, 21423  
parenting time, and visitation and providing any counseling and 21424  
conciliation services that the division makes available to 21425  
persons, whether or not the persons are parties to an action 21426  
pending in the division, who request the services. 21427

(T) In Allen county, the judge of the court of common pleas, 21428  
whose term begins January 1, 1993, and successors, shall have the 21429  
same qualifications, exercise the same powers and jurisdiction, 21430  
and receive the same compensation as the other judges of the court 21431  
of common pleas of Allen county and shall be elected and 21432  
designated as judge of the court of common pleas, division of 21433  
domestic relations. The judge shall be assigned all divorce, 21434  
dissolution of marriage, legal separation, and annulment cases, 21435  
all cases arising under Chapter 3111. of the Revised Code, all 21436  
proceedings involving child support, the allocation of parental 21437  
rights and responsibilities for the care of children and the 21438  
designation for the children of a place of residence and legal 21439  
custodian, parenting time, and visitation, and all post-decree 21440  
proceedings and matters arising from those cases and proceedings, 21441  
except in cases that for some special reason are assigned to 21442  
another judge of the court of common pleas. The judge shall be 21443  
charged with the assignment and division of the work of the 21444  
division and with the employment and supervision of the personnel 21445  
of the division. 21446

The judge shall designate the title, compensation, expense 21447  
allowances, hours, leaves of absence, and vacations of the 21448  
personnel of the division and shall fix the duties of the 21449  
personnel of the division. The duties of the personnel of the 21450

division, in addition to other statutory duties, shall include the 21451  
handling, servicing, and investigation of divorce, dissolution of 21452  
marriage, legal separation, and annulment cases, cases arising 21453  
under Chapter 3111. of the Revised Code, and proceedings involving 21454  
child support, the allocation of parental rights and 21455  
responsibilities for the care of children and the designation for 21456  
the children of a place of residence and legal custodian, 21457  
parenting time, and visitation, and providing any counseling and 21458  
conciliation services that the division makes available to 21459  
persons, whether or not the persons are parties to an action 21460  
pending in the division, who request the services. 21461

(U) In Medina county, the judge of the court of common pleas 21462  
whose term begins January 1, 1995, and successors, shall have the 21463  
same qualifications, exercise the same powers and jurisdiction, 21464  
and receive the same compensation as other judges of the court of 21465  
common pleas of Medina county and shall be elected and designated 21466  
as judge of the court of common pleas, division of domestic 21467  
relations. The judge shall be assigned all divorce, dissolution of 21468  
marriage, legal separation, and annulment cases, all cases arising 21469  
under Chapter 3111. of the Revised Code, all proceedings involving 21470  
child support, the allocation of parental rights and 21471  
responsibilities for the care of children and the designation for 21472  
the children of a place of residence and legal custodian, 21473  
parenting time, and visitation, and all post-decree proceedings 21474  
and matters arising from those cases and proceedings, except in 21475  
cases that for some special reason are assigned to another judge 21476  
of the court of common pleas. The judge shall be charged with the 21477  
assignment and division of the work of the division and with the 21478  
employment and supervision of the personnel of the division. 21479

The judge shall designate the title, compensation, expense 21480  
allowances, hours, leaves of absence, and vacations of the 21481  
personnel of the division and shall fix the duties of the 21482

personnel of the division. The duties of the personnel, in 21483  
addition to other statutory duties, include the handling, 21484  
servicing, and investigation of divorce, dissolution of marriage, 21485  
legal separation, and annulment cases, cases arising under Chapter 21486  
3111. of the Revised Code, and proceedings involving child 21487  
support, the allocation of parental rights and responsibilities 21488  
for the care of children and the designation for the children of a 21489  
place of residence and legal custodian, parenting time, and 21490  
visitation, and providing counseling and conciliation services 21491  
that the division makes available to persons, whether or not the 21492  
persons are parties to an action pending in the division, who 21493  
request the services. 21494

(V) In Fairfield county, the judge of the court of common 21495  
pleas whose term begins January 2, 1995, and successors, shall 21496  
have the same qualifications, exercise the same powers and 21497  
jurisdiction, and receive the same compensation as the other 21498  
judges of the court of common pleas of Fairfield county and shall 21499  
be elected and designated as judge of the court of common pleas, 21500  
division of domestic relations. The judge shall be assigned all 21501  
divorce, dissolution of marriage, legal separation, and annulment 21502  
cases, all cases arising under Chapter 3111. of the Revised Code, 21503  
all proceedings involving child support, the allocation of 21504  
parental rights and responsibilities for the care of children and 21505  
the designation for the children of a place of residence and legal 21506  
custodian, parenting time, and visitation, and all post-decree 21507  
proceedings and matters arising from those cases and proceedings, 21508  
except in cases that for some special reason are assigned to 21509  
another judge of the court of common pleas. The judge also has 21510  
concurrent jurisdiction with the probate-juvenile division of the 21511  
court of common pleas of Fairfield county with respect to and may 21512  
hear cases to determine the custody of a child, as defined in 21513  
section 2151.011 of the Revised Code, who is not the ward of 21514  
another court of this state, cases that are commenced by a parent, 21515

guardian, or custodian of a child, as defined in section 2151.011 21516  
of the Revised Code, to obtain an order requiring a parent of the 21517  
child to pay child support for that child when the request for 21518  
that order is not ancillary to an action for divorce, dissolution 21519  
of marriage, annulment, or legal separation, a criminal or civil 21520  
action involving an allegation of domestic violence, an action for 21521  
support under Chapter 3115. of the Revised Code, or an action that 21522  
is within the exclusive original jurisdiction of the 21523  
probate-juvenile division of the court of common pleas of 21524  
Fairfield county and that involves an allegation that the child is 21525  
an abused, neglected, or dependent child, and post-decree 21526  
proceedings and matters arising from those types of cases. 21527

The judge of the domestic relations division shall be charged 21528  
with the assignment and division of the work of the division and 21529  
with the employment and supervision of the personnel of the 21530  
division. 21531

The judge shall designate the title, compensation, expense 21532  
allowances, hours, leaves of absence, and vacations of the 21533  
personnel of the division and shall fix the duties of the 21534  
personnel of the division. The duties of the personnel of the 21535  
division, in addition to other statutory duties, shall include the 21536  
handling, servicing, and investigation of divorce, dissolution of 21537  
marriage, legal separation, and annulment cases, cases arising 21538  
under Chapter 3111. of the Revised Code, and proceedings involving 21539  
child support, the allocation of parental rights and 21540  
responsibilities for the care of children and the designation for 21541  
the children of a place of residence and legal custodian, 21542  
parenting time, and visitation, and providing any counseling and 21543  
conciliation services that the division makes available to 21544  
persons, regardless of whether the persons are parties to an 21545  
action pending in the division, who request the services. When the 21546  
judge hears a case to determine the custody of a child, as defined 21547

in section 2151.011 of the Revised Code, who is not the ward of 21548  
another court of this state or a case that is commenced by a 21549  
parent, guardian, or custodian of a child, as defined in section 21550  
2151.011 of the Revised Code, to obtain an order requiring a 21551  
parent of the child to pay child support for that child when the 21552  
request for that order is not ancillary to an action for divorce, 21553  
dissolution of marriage, annulment, or legal separation, a 21554  
criminal or civil action involving an allegation of domestic 21555  
violence, an action for support under Chapter 3115. of the Revised 21556  
Code, or an action that is within the exclusive original 21557  
jurisdiction of the probate-juvenile division of the court of 21558  
common pleas of Fairfield county and that involves an allegation 21559  
that the child is an abused, neglected, or dependent child, the 21560  
duties of the personnel of the domestic relations division also 21561  
include the handling, servicing, and investigation of those types 21562  
of cases. 21563

(W)(1) In Clark county, the judge of the court of common 21564  
pleas whose term begins on January 2, 1995, and successors, shall 21565  
have the same qualifications, exercise the same powers and 21566  
jurisdiction, and receive the same compensation as other judges of 21567  
the court of common pleas of Clark county and shall be elected and 21568  
designated as judge of the court of common pleas, domestic 21569  
relations division. The judge shall have all the powers relating 21570  
to juvenile courts, and all cases under Chapters 2151. and 2152. 21571  
of the Revised Code and all parentage proceedings under Chapter 21572  
3111. of the Revised Code over which the juvenile court has 21573  
jurisdiction shall be assigned to the judge of the division of 21574  
domestic relations. All divorce, dissolution of marriage, legal 21575  
separation, annulment, uniform reciprocal support enforcement, and 21576  
other cases related to domestic relations shall be assigned to the 21577  
domestic relations division, and the presiding judge of the court 21578  
of common pleas shall assign the cases to the judge of the 21579  
domestic relations division and the judges of the general 21580

division. 21581

(2) In addition to the judge's regular duties, the judge of 21582  
the division of domestic relations shall serve on the children 21583  
services board and the county advisory board. 21584

(3) If the judge of the court of common pleas of Clark 21585  
county, division of domestic relations, is sick, absent, or unable 21586  
to perform that judge's judicial duties or if the presiding judge 21587  
of the court of common pleas of Clark county determines that the 21588  
volume of cases pending in the division of domestic relations 21589  
necessitates it, the duties of the judge of the division of 21590  
domestic relations shall be performed by the judges of the general 21591  
division or probate division of the court of common pleas of Clark 21592  
county, as assigned for that purpose by the presiding judge of 21593  
that court, and the judges so assigned shall act in conjunction 21594  
with the judge of the division of domestic relations of that 21595  
court. 21596

(X) In Scioto county, the judge of the court of common pleas 21597  
whose term begins January 2, 1995, and successors, shall have the 21598  
same qualifications, exercise the same powers and jurisdiction, 21599  
and receive the same compensation as other judges of the court of 21600  
common pleas of Scioto county and shall be elected and designated 21601  
as judge of the court of common pleas, division of domestic 21602  
relations. The judge shall be assigned all divorce, dissolution of 21603  
marriage, legal separation, and annulment cases, all cases arising 21604  
under Chapter 3111. of the Revised Code, all proceedings involving 21605  
child support, the allocation of parental rights and 21606  
responsibilities for the care of children and the designation for 21607  
the children of a place of residence and legal custodian, 21608  
parenting time, visitation, and all post-decree proceedings and 21609  
matters arising from those cases and proceedings, except in cases 21610  
that for some special reason are assigned to another judge of the 21611  
court of common pleas. The judge shall be charged with the 21612

assignment and division of the work of the division and with the 21613  
employment and supervision of the personnel of the division. 21614

The judge shall designate the title, compensation, expense 21615  
allowances, hours, leaves of absence, and vacations of the 21616  
personnel of the division and shall fix the duties of the 21617  
personnel of the division. The duties of the personnel, in 21618  
addition to other statutory duties, include the handling, 21619  
servicing, and investigation of divorce, dissolution of marriage, 21620  
legal separation, and annulment cases, cases arising under Chapter 21621  
3111. of the Revised Code, and proceedings involving child 21622  
support, the allocation of parental rights and responsibilities 21623  
for the care of children and the designation for the children of a 21624  
place of residence and legal custodian, parenting time, and 21625  
visitation, and providing counseling and conciliation services 21626  
that the division makes available to persons, whether or not the 21627  
persons are parties to an action pending in the division, who 21628  
request the services. 21629

(Y) In Auglaize county, the judge of the probate and juvenile 21630  
divisions of the Auglaize county court of common pleas also shall 21631  
be the administrative judge of the domestic relations division of 21632  
the court and shall be assigned all divorce, dissolution of 21633  
marriage, legal separation, and annulment cases coming before the 21634  
court. The judge shall have all powers as administrator of the 21635  
domestic relations division and shall have charge of the personnel 21636  
engaged in handling, servicing, or investigating divorce, 21637  
dissolution of marriage, legal separation, and annulment cases, 21638  
including any referees considered necessary for the discharge of 21639  
the judge's various duties. 21640

(Z)(1) In Marion county, the judge of the court of common 21641  
pleas whose term begins on February 9, 1999, and the successors to 21642  
that judge, shall have the same qualifications, exercise the same 21643  
powers and jurisdiction, and receive the same compensation as the 21644



other judges of the court of common pleas of Marion county and 21645  
shall be elected and designated as judge of the court of common 21646  
pleas, domestic relations-juvenile-probate division. Except as 21647  
otherwise specified in this division, that judge, and the 21648  
successors to that judge, shall have all the powers relating to 21649  
juvenile courts, and all cases under Chapters 2151. and 2152. of 21650  
the Revised Code, all cases arising under Chapter 3111. of the 21651  
Revised Code, all divorce, dissolution of marriage, legal 21652  
separation, and annulment cases, all proceedings involving child 21653  
support, the allocation of parental rights and responsibilities 21654  
for the care of children and the designation for the children of a 21655  
place of residence and legal custodian, parenting time, and 21656  
visitation, and all post-decree proceedings and matters arising 21657  
from those cases and proceedings shall be assigned to that judge 21658  
and the successors to that judge. Except as provided in division 21659  
(Z)(2) of this section and notwithstanding any other provision of 21660  
any section of the Revised Code, on and after February 9, 2003, 21661  
the judge of the court of common pleas of Marion county whose term 21662  
begins on February 9, 1999, and the successors to that judge, 21663  
shall have all the powers relating to the probate division of the 21664  
court of common pleas of Marion county in addition to the powers 21665  
previously specified in this division, and shall exercise 21666  
concurrent jurisdiction with the judge of the probate division of 21667  
that court over all matters that are within the jurisdiction of 21668  
the probate division of that court under Chapter 2101., and other 21669  
provisions, of the Revised Code in addition to the jurisdiction of 21670  
the domestic relations-juvenile-probate division of that court 21671  
otherwise specified in division (Z)(1) of this section. 21672

(2) The judge of the domestic relations-juvenile-probate 21673  
division of the court of common pleas of Marion county or the 21674  
judge of the probate division of the court of common pleas of 21675  
Marion county, whichever of those judges is senior in total length 21676  
of service on the court of common pleas of Marion county, 21677

regardless of the division or divisions of service, shall serve as 21678  
the clerk of the probate division of the court of common pleas of 21679  
Marion county. 21680

(3) On and after February 9, 2003, all references in law to 21681  
"the probate court," "the probate judge," "the juvenile court," or 21682  
"the judge of the juvenile court" shall be construed, with respect 21683  
to Marion county, as being references to both "the probate 21684  
division" and "the domestic relations-juvenile-probate division" 21685  
and as being references to both "the judge of the probate 21686  
division" and "the judge of the domestic relations- 21687  
juvenile-probate division." On and after February 9, 2003, all 21688  
references in law to "the clerk of the probate court" shall be 21689  
construed, with respect to Marion county, as being references to 21690  
the judge who is serving pursuant to division (Z)(2) of this 21691  
section as the clerk of the probate division of the court of 21692  
common pleas of Marion county. 21693

(AA) In Muskingum county, the judge of the court of common 21694  
pleas whose term begins on January 2, 2003, and successors, shall 21695  
have the same qualifications, exercise the same powers and 21696  
jurisdiction, and receive the same compensation as the other 21697  
judges of the court of common pleas of Muskingum county and shall 21698  
be elected and designated as the judge of the court of common 21699  
pleas, division of domestic relations. The judge shall be assigned 21700  
all divorce, dissolution of marriage, legal separation, and 21701  
annulment cases, all cases arising under Chapter 3111. of the 21702  
Revised Code, all proceedings involving child support, the 21703  
allocation of parental rights and responsibilities for the care of 21704  
children and the designation for the children of a place of 21705  
residence and legal custodian, parenting time, and visitation, and 21706  
all post-decree proceedings and matters arising from those cases 21707  
and proceedings, except in cases that for some special reason are 21708  
assigned to another judge of the court of common pleas. The judge 21709

shall be charged with the assignment and division of the work of 21710  
the division and with the employment and supervision of the 21711  
personnel of the division. 21712

The judge shall designate the title, compensation, expense 21713  
allowances, hours, leaves of absence, and vacations of the 21714  
personnel of the division and shall fix the duties of the 21715  
personnel of the division. The duties of the personnel of the 21716  
division, in addition to other statutory duties, shall include the 21717  
handling, servicing, and investigation of divorce, dissolution of 21718  
marriage, legal separation, and annulment cases, cases arising 21719  
under Chapter 3111. of the Revised Code, and proceedings involving 21720  
child support, the allocation of parental rights and 21721  
responsibilities for the care of children and the designation for 21722  
the children of a place of residence and legal custodian, 21723  
parenting time, and visitation and providing any counseling and 21724  
conciliation services that the division makes available to 21725  
persons, whether or not the persons are parties to an action 21726  
pending in the division, who request the services. 21727

(BB) In Henry county, the judge of the court of common pleas 21728  
whose term begins on January 1, 2005, and successors, shall have 21729  
the same qualifications, exercise the same powers and 21730  
jurisdiction, and receive the same compensation as the other judge 21731  
of the court of common pleas of Henry county and shall be elected 21732  
and designated as the judge of the court of common pleas, division 21733  
of domestic relations. The judge shall have all of the powers 21734  
relating to juvenile courts, and all cases under Chapter 2151. or 21735  
2152. of the Revised Code, all parentage proceedings arising under 21736  
Chapter 3111. of the Revised Code over which the juvenile court 21737  
has jurisdiction, all divorce, dissolution of marriage, legal 21738  
separation, and annulment cases, all proceedings involving child 21739  
support, the allocation of parental rights and responsibilities 21740  
for the care of children and the designation for the children of a 21741

place of residence and legal custodian, parenting time, and 21742  
visitation, and all post-decree proceedings and matters arising 21743  
from those cases and proceedings shall be assigned to that judge, 21744  
except in cases that for some special reason are assigned to the 21745  
other judge of the court of common pleas. 21746

(CC)(1) In Logan county, the judge of the court of common 21747  
pleas whose term begins January 2, 2005, and the successors to 21748  
that judge, shall have the same qualifications, exercise the same 21749  
powers and jurisdiction, and receive the same compensation as the 21750  
other judges of the court of common pleas of Logan county and 21751  
shall be elected and designated as judge of the court of common 21752  
pleas, domestic relations-juvenile-probate division. Except as 21753  
otherwise specified in this division, that judge, and the 21754  
successors to that judge, shall have all the powers relating to 21755  
juvenile courts, and all cases under Chapters 2151. and 2152. of 21756  
the Revised Code, all cases arising under Chapter 3111. of the 21757  
Revised Code, all divorce, dissolution of marriage, legal 21758  
separation, and annulment cases, all proceedings involving child 21759  
support, the allocation of parental rights and responsibilities 21760  
for the care of children and designation for the children of a 21761  
place of residence and legal custodian, parenting time, and 21762  
visitation, and all post-decree proceedings and matters arising 21763  
from those cases and proceedings shall be assigned to that judge 21764  
and the successors to that judge. Notwithstanding any other 21765  
provision of any section of the Revised Code, on and after January 21766  
2, 2005, the judge of the court of common pleas of Logan county 21767  
whose term begins on January 2, 2005, and the successors to that 21768  
judge, shall have all the powers relating to the probate division 21769  
of the court of common pleas of Logan county in addition to the 21770  
powers previously specified in this division and shall exercise 21771  
concurrent jurisdiction with the judge of the probate division of 21772  
that court over all matters that are within the jurisdiction of 21773  
the probate division of that court under Chapter 2101., and other 21774

provisions, of the Revised Code in addition to the jurisdiction of 21775  
the domestic relations-juvenile-probate division of that court 21776  
otherwise specified in division (CC)(1) of this section. 21777

(2) The judge of the domestic relations-juvenile-probate 21778  
division of the court of common pleas of Logan county or the 21779  
probate judge of the court of common pleas of Logan county who is 21780  
elected as the administrative judge of the probate division of the 21781  
court of common pleas of Logan county pursuant to Rule 4 of the 21782  
Rules of Superintendence shall be the clerk of the probate 21783  
division and juvenile division of the court of common pleas of 21784  
Logan county. The clerk of the court of common pleas who is 21785  
elected pursuant to section 2303.01 of the Revised Code shall keep 21786  
all of the journals, records, books, papers, and files pertaining 21787  
to the domestic relations cases. 21788

(3) On and after January 2, 2005, all references in law to 21789  
"the probate court," "the probate judge," "the juvenile court," or 21790  
"the judge of the juvenile court" shall be construed, with respect 21791  
to Logan county, as being references to both "the probate 21792  
division" and the "domestic relations-juvenile-probate division" 21793  
and as being references to both "the judge of the probate 21794  
division" and the "judge of the domestic 21795  
relations-juvenile-probate division." On and after January 2, 21796  
2005, all references in law to "the clerk of the probate court" 21797  
shall be construed, with respect to Logan county, as being 21798  
references to the judge who is serving pursuant to division 21799  
(CC)(2) of this section as the clerk of the probate division of 21800  
the court of common pleas of Logan county. 21801

(DD)(1) In Champaign county, the judge of the court of common 21802  
pleas whose term begins February 9, 2003, and the judge of the 21803  
court of common pleas whose term begins February 10, 2009, and the 21804  
successors to those judges, shall have the same qualifications, 21805  
exercise the same powers and jurisdiction, and receive the same 21806

compensation as the other judges of the court of common pleas of 21807  
Champaign county and shall be elected and designated as judges of 21808  
the court of common pleas, domestic relations-juvenile-probate 21809  
division. Except as otherwise specified in this division, those 21810  
judges, and the successors to those judges, shall have all the 21811  
powers relating to juvenile courts, and all cases under Chapters 21812  
2151. and 2152. of the Revised Code, all cases arising under 21813  
Chapter 3111. of the Revised Code, all divorce, dissolution of 21814  
marriage, legal separation, and annulment cases, all proceedings 21815  
involving child support, the allocation of parental rights and 21816  
responsibilities for the care of children and the designation for 21817  
the children of a place of residence and legal custodian, 21818  
parenting time, and visitation, and all post-decree proceedings 21819  
and matters arising from those cases and proceedings shall be 21820  
assigned to those judges and the successors to those judges. 21821  
Notwithstanding any other provision of any section of the Revised 21822  
Code, on and after February 9, 2009, the judges designated by this 21823  
division as judges of the court of common pleas of Champaign 21824  
county, domestic relations-juvenile-probate division, and the 21825  
successors to those judges, shall have all the powers relating to 21826  
probate courts in addition to the powers previously specified in 21827  
this division and shall exercise jurisdiction over all matters 21828  
that are within the jurisdiction of probate courts under Chapter 21829  
2101., and other provisions, of the Revised Code in addition to 21830  
the jurisdiction of the domestic relations-juvenile-probate 21831  
division otherwise specified in division (DD)(1) of this section. 21832

(2) On and after February 9, 2009, all references in law to 21833  
"the probate court," "the probate judge," "the juvenile court," or 21834  
"the judge of the juvenile court" shall be construed with respect 21835  
to Champaign county as being references to the "domestic 21836  
relations-juvenile-probate division" and as being references to 21837  
the "judge of the domestic relations-juvenile-probate division." 21838  
On and after February 9, 2009, all references in law to "the clerk 21839

of the probate court" shall be construed with respect to Champaign 21840  
county as being references to the judge who is serving pursuant to 21841  
Rule 4 of the Rules of Superintendence for the Courts of Ohio as 21842  
the administrative judge of the court of common pleas, domestic 21843  
relations-juvenile-probate division. 21844

(EE) If a judge of the court of common pleas, division of 21845  
domestic relations, or juvenile judge, of any of the counties 21846  
mentioned in this section is sick, absent, or unable to perform 21847  
that judge's judicial duties or the volume of cases pending in the 21848  
judge's division necessitates it, the duties of that judge shall 21849  
be performed by another judge of the court of common pleas of that 21850  
county, assigned for that purpose by the presiding judge of the 21851  
court of common pleas of that county to act in place of or in 21852  
conjunction with that judge, as the case may require. 21853

**Sec. 2305.231.** (A) As used in this section: 21854

(1) "Dentist" means a person who is licensed under Chapter 21855  
4715. of the Revised Code to practice dentistry. 21856

(2) "Physician" means a person who holds a certificate issued 21857  
by the state medical board to practice medicine and surgery, 21858  
osteopathic medicine and surgery, or podiatric medicine and 21859  
surgery. 21860

(3) "Registered nurse" means a nurse who is licensed as a 21861  
registered nurse under Chapter 4723. of the Revised Code. 21862

(4) "Therapeutic recreation" means adoptive recreation 21863  
services to persons with illnesses or disabling conditions in 21864  
order to do any of the following: 21865

(a) Restore, remediate, or rehabilitate; 21866

(b) Improve functioning and independence; 21867

(c) Reduce or eliminate the effects of illness or disability. 21868

(B) No physician who volunteers the physician's services as a team physician or team podiatrist to a school's athletics program, no dentist who volunteers the dentist's services as a team dentist to a school's athletics program, and no registered nurse who volunteers the registered nurse's services as a team nurse to a school's athletics program is liable in damages in a civil action for administering emergency medical care, emergency dental care, other emergency professional care, or first aid treatment to a participant in an athletic event involving the school, at the scene of the event or while the participant is being transported to a hospital, physician's or dentist's office, or other medical or dental facility, or for acts performed in administering the care or treatment, unless the acts of the physician, dentist, or registered nurse constitute willful or wanton misconduct.

(C)(1) No physician who volunteers the physician's services as a camp physician at a camp that specializes in therapeutic recreation, and no registered nurse who volunteers the registered nurse's services at such a camp, is liable in damages in a civil action for either of the following:

(a) Administering medical care, or emergency professional care, or first aid treatment to a participant in the camp or while the participant is being transported to a hospital, physician's or dentist's office, or other medical or dental facility;

(b) Acts performed in administering that care or treatment.

(2) Division (C)(1) of this section does not apply if the acts of the physician or registered nurse constitute willful or wanton misconduct.

(D) This section does not apply if the administration of emergency medical care, emergency dental care, other emergency professional care, or first aid treatment is rendered for remuneration, or with the expectation of remuneration, from the



recipient of the care or treatment or from someone on the 21900  
recipient's behalf. 21901

**Sec. 2925.03.** (A) No person shall knowingly do any of the 21902  
following: 21903

(1) Sell or offer to sell a controlled substance or a 21904  
controlled substance analog; 21905

(2) Prepare for shipment, ship, transport, deliver, prepare 21906  
for distribution, or distribute a controlled substance or a 21907  
controlled substance analog, when the offender knows or has 21908  
reasonable cause to believe that the controlled substance or a 21909  
controlled substance analog is intended for sale or resale by the 21910  
offender or another person. 21911

(B) This section does not apply to any of the following: 21912

(1) Manufacturers, licensed health professionals authorized 21913  
to prescribe drugs, pharmacists, owners of pharmacies, and other 21914  
persons whose conduct is in accordance with Chapters 3719., 4715., 21915  
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 21916

(2) If the offense involves an anabolic steroid, any person 21917  
who is conducting or participating in a research project involving 21918  
the use of an anabolic steroid if the project has been approved by 21919  
the United States food and drug administration; 21920

(3) Any person who sells, offers for sale, prescribes, 21921  
dispenses, or administers for livestock or other nonhuman species 21922  
an anabolic steroid that is expressly intended for administration 21923  
through implants to livestock or other nonhuman species and 21924  
approved for that purpose under the "Federal Food, Drug, and 21925  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 21926  
and is sold, offered for sale, prescribed, dispensed, or 21927  
administered for that purpose in accordance with that act. 21928

(C) Whoever violates division (A) of this section is guilty 21929

of one of the following: 21930

(1) If the drug involved in the violation is any compound, 21931  
mixture, preparation, or substance included in schedule I or 21932  
schedule II, with the exception of marihuana, cocaine, L.S.D., 21933  
heroin, hashish, and controlled substance analogs, whoever 21934  
violates division (A) of this section is guilty of aggravated 21935  
trafficking in drugs. The penalty for the offense shall be 21936  
determined as follows: 21937

(a) Except as otherwise provided in division (C)(1)(b), (c), 21938  
(d), (e), or (f) of this section, aggravated trafficking in drugs 21939  
is a felony of the fourth degree, and division (C) of section 21940  
2929.13 of the Revised Code applies in determining whether to 21941  
impose a prison term on the offender. 21942

(b) Except as otherwise provided in division (C)(1)(c), (d), 21943  
(e), or (f) of this section, if the offense was committed in the 21944  
vicinity of a school or in the vicinity of a juvenile, aggravated 21945  
trafficking in drugs is a felony of the third degree, and division 21946  
(C) of section 2929.13 of the Revised Code applies in determining 21947  
whether to impose a prison term on the offender. 21948

(c) Except as otherwise provided in this division, if the 21949  
amount of the drug involved equals or exceeds the bulk amount but 21950  
is less than five times the bulk amount, aggravated trafficking in 21951  
drugs is a felony of the third degree, and, except as otherwise 21952  
provided in this division, there is a presumption for a prison 21953  
term for the offense. If aggravated trafficking in drugs is a 21954  
felony of the third degree under this division and if the offender 21955  
two or more times previously has been convicted of or pleaded 21956  
guilty to a felony drug abuse offense, the court shall impose as a 21957  
mandatory prison term one of the prison terms prescribed for a 21958  
felony of the third degree. If the amount of the drug involved is 21959  
within that range and if the offense was committed in the vicinity 21960  
of a school or in the vicinity of a juvenile, aggravated 21961

trafficking in drugs is a felony of the second degree, and the 21962  
court shall impose as a mandatory prison term one of the prison 21963  
terms prescribed for a felony of the second degree. 21964

(d) Except as otherwise provided in this division, if the 21965  
amount of the drug involved equals or exceeds five times the bulk 21966  
amount but is less than fifty times the bulk amount, aggravated 21967  
trafficking in drugs is a felony of the second degree, and the 21968  
court shall impose as a mandatory prison term one of the prison 21969  
terms prescribed for a felony of the second degree. If the amount 21970  
of the drug involved is within that range and if the offense was 21971  
committed in the vicinity of a school or in the vicinity of a 21972  
juvenile, aggravated trafficking in drugs is a felony of the first 21973  
degree, and the court shall impose as a mandatory prison term one 21974  
of the prison terms prescribed for a felony of the first degree. 21975

(e) If the amount of the drug involved equals or exceeds 21976  
fifty times the bulk amount but is less than one hundred times the 21977  
bulk amount and regardless of whether the offense was committed in 21978  
the vicinity of a school or in the vicinity of a juvenile, 21979  
aggravated trafficking in drugs is a felony of the first degree, 21980  
and the court shall impose as a mandatory prison term one of the 21981  
prison terms prescribed for a felony of the first degree. 21982

(f) If the amount of the drug involved equals or exceeds one 21983  
hundred times the bulk amount and regardless of whether the 21984  
offense was committed in the vicinity of a school or in the 21985  
vicinity of a juvenile, aggravated trafficking in drugs is a 21986  
felony of the first degree, the offender is a major drug offender, 21987  
and the court shall impose as a mandatory prison term the maximum 21988  
prison term prescribed for a felony of the first degree. 21989

(2) If the drug involved in the violation is any compound, 21990  
mixture, preparation, or substance included in schedule III, IV, 21991  
or V, whoever violates division (A) of this section is guilty of 21992  
trafficking in drugs. The penalty for the offense shall be 21993

determined as follows: 21994

(a) Except as otherwise provided in division (C)(2)(b), (c), 21995  
(d), or (e) of this section, trafficking in drugs is a felony of 21996  
the fifth degree, and division (B) of section 2929.13 of the 21997  
Revised Code applies in determining whether to impose a prison 21998  
term on the offender. 21999

(b) Except as otherwise provided in division (C)(2)(c), (d), 22000  
or (e) of this section, if the offense was committed in the 22001  
vicinity of a school or in the vicinity of a juvenile, trafficking 22002  
in drugs is a felony of the fourth degree, and division (C) of 22003  
section 2929.13 of the Revised Code applies in determining whether 22004  
to impose a prison term on the offender. 22005

(c) Except as otherwise provided in this division, if the 22006  
amount of the drug involved equals or exceeds the bulk amount but 22007  
is less than five times the bulk amount, trafficking in drugs is a 22008  
felony of the fourth degree, and division (B) of section 2929.13 22009  
of the Revised Code applies in determining whether to impose a 22010  
prison term for the offense. If the amount of the drug involved is 22011  
within that range and if the offense was committed in the vicinity 22012  
of a school or in the vicinity of a juvenile, trafficking in drugs 22013  
is a felony of the third degree, and there is a presumption for a 22014  
prison term for the offense. 22015

(d) Except as otherwise provided in this division, if the 22016  
amount of the drug involved equals or exceeds five times the bulk 22017  
amount but is less than fifty times the bulk amount, trafficking 22018  
in drugs is a felony of the third degree, and there is a 22019  
presumption for a prison term for the offense. If the amount of 22020  
the drug involved is within that range and if the offense was 22021  
committed in the vicinity of a school or in the vicinity of a 22022  
juvenile, trafficking in drugs is a felony of the second degree, 22023  
and there is a presumption for a prison term for the offense. 22024

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of this section is guilty of trafficking in marihuana. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(3)(b), (c), (d), (e), (f), (g), or (h) of this section, trafficking in marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(3)(c), (d), (e), (f), (g), or (h) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, trafficking in marihuana is a felony of the fourth degree, and division (B) of section 2929.13

of the Revised Code applies in determining whether to impose a 22057  
prison term on the offender. If the amount of the drug involved is 22058  
within that range and if the offense was committed in the vicinity 22059  
of a school or in the vicinity of a juvenile, trafficking in 22060  
marihuana is a felony of the third degree, and division (C) of 22061  
section 2929.13 of the Revised Code applies in determining whether 22062  
to impose a prison term on the offender. 22063

(d) Except as otherwise provided in this division, if the 22064  
amount of the drug involved equals or exceeds one thousand grams 22065  
but is less than five thousand grams, trafficking in marihuana is 22066  
a felony of the third degree, and division (C) of section 2929.13 22067  
of the Revised Code applies in determining whether to impose a 22068  
prison term on the offender. If the amount of the drug involved is 22069  
within that range and if the offense was committed in the vicinity 22070  
of a school or in the vicinity of a juvenile, trafficking in 22071  
marihuana is a felony of the second degree, and there is a 22072  
presumption that a prison term shall be imposed for the offense. 22073

(e) Except as otherwise provided in this division, if the 22074  
amount of the drug involved equals or exceeds five thousand grams 22075  
but is less than twenty thousand grams, trafficking in marihuana 22076  
is a felony of the third degree, and there is a presumption that a 22077  
prison term shall be imposed for the offense. If the amount of the 22078  
drug involved is within that range and if the offense was 22079  
committed in the vicinity of a school or in the vicinity of a 22080  
juvenile, trafficking in marihuana is a felony of the second 22081  
degree, and there is a presumption that a prison term shall be 22082  
imposed for the offense. 22083

(f) Except as otherwise provided in this division, if the 22084  
amount of the drug involved equals or exceeds twenty thousand 22085  
grams but is less than forty thousand grams, trafficking in 22086  
marihuana is a felony of the second degree, and the court shall 22087  
impose a mandatory prison term of five, six, seven, or eight 22088

years. If the amount of the drug involved is within that range and 22089  
if the offense was committed in the vicinity of a school or in the 22090  
vicinity of a juvenile, trafficking in marihuana is a felony of 22091  
the first degree, and the court shall impose as a mandatory prison 22092  
term the maximum prison term prescribed for a felony of the first 22093  
degree. 22094

(g) Except as otherwise provided in this division, if the 22095  
amount of the drug involved equals or exceeds forty thousand 22096  
grams, trafficking in marihuana is a felony of the second degree, 22097  
and the court shall impose as a mandatory prison term the maximum 22098  
prison term prescribed for a felony of the second degree. If the 22099  
amount of the drug involved equals or exceeds forty thousand grams 22100  
and if the offense was committed in the vicinity of a school or in 22101  
the vicinity of a juvenile, trafficking in marihuana is a felony 22102  
of the first degree, and the court shall impose as a mandatory 22103  
prison term the maximum prison term prescribed for a felony of the 22104  
first degree. 22105

(h) Except as otherwise provided in this division, if the 22106  
offense involves a gift of twenty grams or less of marihuana, 22107  
trafficking in marihuana is a minor misdemeanor upon a first 22108  
offense and a misdemeanor of the third degree upon a subsequent 22109  
offense. If the offense involves a gift of twenty grams or less of 22110  
marihuana and if the offense was committed in the vicinity of a 22111  
school or in the vicinity of a juvenile, trafficking in marihuana 22112  
is a misdemeanor of the third degree. 22113

(4) If the drug involved in the violation is cocaine or a 22114  
compound, mixture, preparation, or substance containing cocaine, 22115  
whoever violates division (A) of this section is guilty of 22116  
trafficking in cocaine. The penalty for the offense shall be 22117  
determined as follows: 22118

(a) Except as otherwise provided in division (C)(4)(b), (c), 22119  
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 22120

felony of the fifth degree, and division (B) of section 2929.13 of 22121  
the Revised Code applies in determining whether to impose a prison 22122  
term on the offender. 22123

(b) Except as otherwise provided in division (C)(4)(c), (d), 22124  
(e), (f), or (g) of this section, if the offense was committed in 22125  
the vicinity of a school or in the vicinity of a juvenile, 22126  
trafficking in cocaine is a felony of the fourth degree, and 22127  
division (C) of section 2929.13 of the Revised Code applies in 22128  
determining whether to impose a prison term on the offender. 22129

(c) Except as otherwise provided in this division, if the 22130  
amount of the drug involved equals or exceeds five grams but is 22131  
less than ten grams of cocaine, trafficking in cocaine is a felony 22132  
of the fourth degree, and division (B) of section 2929.13 of the 22133  
Revised Code applies in determining whether to impose a prison 22134  
term for the offense. If the amount of the drug involved is within 22135  
that range and if the offense was committed in the vicinity of a 22136  
school or in the vicinity of a juvenile, trafficking in cocaine is 22137  
a felony of the third degree, and there is a presumption for a 22138  
prison term for the offense. 22139

(d) Except as otherwise provided in this division, if the 22140  
amount of the drug involved equals or exceeds ten grams but is 22141  
less than twenty grams of cocaine, trafficking in cocaine is a 22142  
felony of the third degree, and, except as otherwise provided in 22143  
this division, there is a presumption for a prison term for the 22144  
offense. If trafficking in cocaine is a felony of the third degree 22145  
under this division and if the offender two or more times 22146  
previously has been convicted of or pleaded guilty to a felony 22147  
drug abuse offense, the court shall impose as a mandatory prison 22148  
term one of the prison terms prescribed for a felony of the third 22149  
degree. If the amount of the drug involved is within that range 22150  
and if the offense was committed in the vicinity of a school or in 22151  
the vicinity of a juvenile, trafficking in cocaine is a felony of 22152



the second degree, and the court shall impose as a mandatory 22153  
prison term one of the prison terms prescribed for a felony of the 22154  
second degree. 22155

(e) Except as otherwise provided in this division, if the 22156  
amount of the drug involved equals or exceeds twenty grams but is 22157  
less than twenty-seven grams of cocaine, trafficking in cocaine is 22158  
a felony of the second degree, and the court shall impose as a 22159  
mandatory prison term one of the prison terms prescribed for a 22160  
felony of the second degree. If the amount of the drug involved is 22161  
within that range and if the offense was committed in the vicinity 22162  
of a school or in the vicinity of a juvenile, trafficking in 22163  
cocaine is a felony of the first degree, and the court shall 22164  
impose as a mandatory prison term one of the prison terms 22165  
prescribed for a felony of the first degree. 22166

(f) If the amount of the drug involved equals or exceeds 22167  
twenty-seven grams but is less than one hundred grams of cocaine 22168  
and regardless of whether the offense was committed in the 22169  
vicinity of a school or in the vicinity of a juvenile, trafficking 22170  
in cocaine is a felony of the first degree, and the court shall 22171  
impose as a mandatory prison term one of the prison terms 22172  
prescribed for a felony of the first degree. 22173

(g) If the amount of the drug involved equals or exceeds one 22174  
hundred grams of cocaine and regardless of whether the offense was 22175  
committed in the vicinity of a school or in the vicinity of a 22176  
juvenile, trafficking in cocaine is a felony of the first degree, 22177  
the offender is a major drug offender, and the court shall impose 22178  
as a mandatory prison term the maximum prison term prescribed for 22179  
a felony of the first degree. 22180

(5) If the drug involved in the violation is L.S.D. or a 22181  
compound, mixture, preparation, or substance containing L.S.D., 22182  
whoever violates division (A) of this section is guilty of 22183  
trafficking in L.S.D. The penalty for the offense shall be 22184

determined as follows: 22185

(a) Except as otherwise provided in division (C)(5)(b), (c), 22186  
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 22187  
felony of the fifth degree, and division (B) of section 2929.13 of 22188  
the Revised Code applies in determining whether to impose a prison 22189  
term on the offender. 22190

(b) Except as otherwise provided in division (C)(5)(c), (d), 22191  
(e), (f), or (g) of this section, if the offense was committed in 22192  
the vicinity of a school or in the vicinity of a juvenile, 22193  
trafficking in L.S.D. is a felony of the fourth degree, and 22194  
division (C) of section 2929.13 of the Revised Code applies in 22195  
determining whether to impose a prison term on the offender. 22196

(c) Except as otherwise provided in this division, if the 22197  
amount of the drug involved equals or exceeds ten unit doses but 22198  
is less than fifty unit doses of L.S.D. in a solid form or equals 22199  
or exceeds one gram but is less than five grams of L.S.D. in a 22200  
liquid concentrate, liquid extract, or liquid distillate form, 22201  
trafficking in L.S.D. is a felony of the fourth degree, and 22202  
division (B) of section 2929.13 of the Revised Code applies in 22203  
determining whether to impose a prison term for the offense. If 22204  
the amount of the drug involved is within that range and if the 22205  
offense was committed in the vicinity of a school or in the 22206  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 22207  
third degree, and there is a presumption for a prison term for the 22208  
offense. 22209

(d) Except as otherwise provided in this division, if the 22210  
amount of the drug involved equals or exceeds fifty unit doses but 22211  
is less than two hundred fifty unit doses of L.S.D. in a solid 22212  
form or equals or exceeds five grams but is less than twenty-five 22213  
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 22214  
distillate form, trafficking in L.S.D. is a felony of the third 22215  
degree, and, except as otherwise provided in this division, there 22216

is a presumption for a prison term for the offense. If trafficking 22217  
in L.S.D. is a felony of the third degree under this division and 22218  
if the offender two or more times previously has been convicted of 22219  
or pleaded guilty to a felony drug abuse offense, the court shall 22220  
impose as a mandatory prison term one of the prison terms 22221  
prescribed for a felony of the third degree. If the amount of the 22222  
drug involved is within that range and if the offense was 22223  
committed in the vicinity of a school or in the vicinity of a 22224  
juvenile, trafficking in L.S.D. is a felony of the second degree, 22225  
and the court shall impose as a mandatory prison term one of the 22226  
prison terms prescribed for a felony of the second degree. 22227

(e) Except as otherwise provided in this division, if the 22228  
amount of the drug involved equals or exceeds two hundred fifty 22229  
unit doses but is less than one thousand unit doses of L.S.D. in a 22230  
solid form or equals or exceeds twenty-five grams but is less than 22231  
one hundred grams of L.S.D. in a liquid concentrate, liquid 22232  
extract, or liquid distillate form, trafficking in L.S.D. is a 22233  
felony of the second degree, and the court shall impose as a 22234  
mandatory prison term one of the prison terms prescribed for a 22235  
felony of the second degree. If the amount of the drug involved is 22236  
within that range and if the offense was committed in the vicinity 22237  
of a school or in the vicinity of a juvenile, trafficking in 22238  
L.S.D. is a felony of the first degree, and the court shall impose 22239  
as a mandatory prison term one of the prison terms prescribed for 22240  
a felony of the first degree. 22241

(f) If the amount of the drug involved equals or exceeds one 22242  
thousand unit doses but is less than five thousand unit doses of 22243  
L.S.D. in a solid form or equals or exceeds one hundred grams but 22244  
is less than five hundred grams of L.S.D. in a liquid concentrate, 22245  
liquid extract, or liquid distillate form and regardless of 22246  
whether the offense was committed in the vicinity of a school or 22247  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 22248

of the first degree, and the court shall impose as a mandatory 22249  
prison term one of the prison terms prescribed for a felony of the 22250  
first degree. 22251

(g) If the amount of the drug involved equals or exceeds five 22252  
thousand unit doses of L.S.D. in a solid form or equals or exceeds 22253  
five hundred grams of L.S.D. in a liquid concentrate, liquid 22254  
extract, or liquid distillate form and regardless of whether the 22255  
offense was committed in the vicinity of a school or in the 22256  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 22257  
first degree, the offender is a major drug offender, and the court 22258  
shall impose as a mandatory prison term the maximum prison term 22259  
prescribed for a felony of the first degree. 22260

(6) If the drug involved in the violation is heroin or a 22261  
compound, mixture, preparation, or substance containing heroin, 22262  
whoever violates division (A) of this section is guilty of 22263  
trafficking in heroin. The penalty for the offense shall be 22264  
determined as follows: 22265

(a) Except as otherwise provided in division (C)(6)(b), (c), 22266  
(d), (e), (f), or (g) of this section, trafficking in heroin is a 22267  
felony of the fifth degree, and division (B) of section 2929.13 of 22268  
the Revised Code applies in determining whether to impose a prison 22269  
term on the offender. 22270

(b) Except as otherwise provided in division (C)(6)(c), (d), 22271  
(e), (f), or (g) of this section, if the offense was committed in 22272  
the vicinity of a school or in the vicinity of a juvenile, 22273  
trafficking in heroin is a felony of the fourth degree, and 22274  
division (C) of section 2929.13 of the Revised Code applies in 22275  
determining whether to impose a prison term on the offender. 22276

(c) Except as otherwise provided in this division, if the 22277  
amount of the drug involved equals or exceeds ten unit doses but 22278  
is less than fifty unit doses or equals or exceeds one gram but is 22279

less than five grams, trafficking in heroin is a felony of the 22280  
fourth degree, and division (B) of section 2929.13 of the Revised 22281  
Code applies in determining whether to impose a prison term for 22282  
the offense. If the amount of the drug involved is within that 22283  
range and if the offense was committed in the vicinity of a school 22284  
or in the vicinity of a juvenile, trafficking in heroin is a 22285  
felony of the third degree, and there is a presumption for a 22286  
prison term for the offense. 22287

(d) Except as otherwise provided in this division, if the 22288  
amount of the drug involved equals or exceeds fifty unit doses but 22289  
is less than one hundred unit doses or equals or exceeds five 22290  
grams but is less than ten grams, trafficking in heroin is a 22291  
felony of the third degree, and there is a presumption for a 22292  
prison term for the offense. If the amount of the drug involved is 22293  
within that range and if the offense was committed in the vicinity 22294  
of a school or in the vicinity of a juvenile, trafficking in 22295  
heroin is a felony of the second degree, and there is a 22296  
presumption for a prison term for the offense. 22297

(e) Except as otherwise provided in this division, if the 22298  
amount of the drug involved equals or exceeds one hundred unit 22299  
doses but is less than five hundred unit doses or equals or 22300  
exceeds ten grams but is less than fifty grams, trafficking in 22301  
heroin is a felony of the second degree, and the court shall 22302  
impose as a mandatory prison term one of the prison terms 22303  
prescribed for a felony of the second degree. If the amount of the 22304  
drug involved is within that range and if the offense was 22305  
committed in the vicinity of a school or in the vicinity of a 22306  
juvenile, trafficking in heroin is a felony of the first degree, 22307  
and the court shall impose as a mandatory prison term one of the 22308  
prison terms prescribed for a felony of the first degree. 22309

(f) If the amount of the drug involved equals or exceeds five 22310  
hundred unit doses but is less than two thousand five hundred unit 22311

doses or equals or exceeds fifty grams but is less than two 22312  
hundred fifty grams and regardless of whether the offense was 22313  
committed in the vicinity of a school or in the vicinity of a 22314  
juvenile, trafficking in heroin is a felony of the first degree, 22315  
and the court shall impose as a mandatory prison term one of the 22316  
prison terms prescribed for a felony of the first degree. 22317

(g) If the amount of the drug involved equals or exceeds two 22318  
thousand five hundred unit doses or equals or exceeds two hundred 22319  
fifty grams and regardless of whether the offense was committed in 22320  
the vicinity of a school or in the vicinity of a juvenile, 22321  
trafficking in heroin is a felony of the first degree, the 22322  
offender is a major drug offender, and the court shall impose as a 22323  
mandatory prison term the maximum prison term prescribed for a 22324  
felony of the first degree. 22325

(7) If the drug involved in the violation is hashish or a 22326  
compound, mixture, preparation, or substance containing hashish, 22327  
whoever violates division (A) of this section is guilty of 22328  
trafficking in hashish. The penalty for the offense shall be 22329  
determined as follows: 22330

(a) Except as otherwise provided in division (C)(7)(b), (c), 22331  
(d), (e), (f), or (g) of this section, trafficking in hashish is a 22332  
felony of the fifth degree, and division (B) of section 2929.13 of 22333  
the Revised Code applies in determining whether to impose a prison 22334  
term on the offender. 22335

(b) Except as otherwise provided in division (C)(7)(c), (d), 22336  
(e), (f), or (g) of this section, if the offense was committed in 22337  
the vicinity of a school or in the vicinity of a juvenile, 22338  
trafficking in hashish is a felony of the fourth degree, and 22339  
division (B) of section 2929.13 of the Revised Code applies in 22340  
determining whether to impose a prison term on the offender. 22341

(c) Except as otherwise provided in this division, if the 22342

amount of the drug involved equals or exceeds ten grams but is 22343  
less than fifty grams of hashish in a solid form or equals or 22344  
exceeds two grams but is less than ten grams of hashish in a 22345  
liquid concentrate, liquid extract, or liquid distillate form, 22346  
trafficking in hashish is a felony of the fourth degree, and 22347  
division (B) of section 2929.13 of the Revised Code applies in 22348  
determining whether to impose a prison term on the offender. If 22349  
the amount of the drug involved is within that range and if the 22350  
offense was committed in the vicinity of a school or in the 22351  
vicinity of a juvenile, trafficking in hashish is a felony of the 22352  
third degree, and division (C) of section 2929.13 of the Revised 22353  
Code applies in determining whether to impose a prison term on the 22354  
offender. 22355

(d) Except as otherwise provided in this division, if the 22356  
amount of the drug involved equals or exceeds fifty grams but is 22357  
less than two hundred fifty grams of hashish in a solid form or 22358  
equals or exceeds ten grams but is less than fifty grams of 22359  
hashish in a liquid concentrate, liquid extract, or liquid 22360  
distillate form, trafficking in hashish is a felony of the third 22361  
degree, and division (C) of section 2929.13 of the Revised Code 22362  
applies in determining whether to impose a prison term on the 22363  
offender. If the amount of the drug involved is within that range 22364  
and if the offense was committed in the vicinity of a school or in 22365  
the vicinity of a juvenile, trafficking in hashish is a felony of 22366  
the second degree, and there is a presumption that a prison term 22367  
shall be imposed for the offense. 22368

(e) Except as otherwise provided in this division, if the 22369  
amount of the drug involved equals or exceeds two hundred fifty 22370  
grams but is less than one thousand grams of hashish in a solid 22371  
form or equals or exceeds fifty grams but is less than two hundred 22372  
grams of hashish in a liquid concentrate, liquid extract, or 22373  
liquid distillate form, trafficking in hashish is a felony of the 22374

third degree, and there is a presumption that a prison term shall 22375  
be imposed for the offense. If the amount of the drug involved is 22376  
within that range and if the offense was committed in the vicinity 22377  
of a school or in the vicinity of a juvenile, trafficking in 22378  
hashish is a felony of the second degree, and there is a 22379  
presumption that a prison term shall be imposed for the offense. 22380

(f) Except as otherwise provided in this division, if the 22381  
amount of the drug involved equals or exceeds one thousand grams 22382  
but is less than two thousand grams of hashish in a solid form or 22383  
equals or exceeds two hundred grams but is less than four hundred 22384  
grams of hashish in a liquid concentrate, liquid extract, or 22385  
liquid distillate form, trafficking in hashish is a felony of the 22386  
second degree, and the court shall impose a mandatory prison term 22387  
of five, six, seven, or eight years. If the amount of the drug 22388  
involved is within that range and if the offense was committed in 22389  
the vicinity of a school or in the vicinity of a juvenile, 22390  
trafficking in hashish is a felony of the first degree, and the 22391  
court shall impose as a mandatory prison term the maximum prison 22392  
term prescribed for a felony of the first degree. 22393

(g) Except as otherwise provided in this division, if the 22394  
amount of the drug involved equals or exceeds two thousand grams 22395  
of hashish in a solid form or equals or exceeds four hundred grams 22396  
of hashish in a liquid concentrate, liquid extract, or liquid 22397  
distillate form, trafficking in hashish is a felony of the second 22398  
degree, and the court shall impose as a mandatory prison term the 22399  
maximum prison term prescribed for a felony of the second degree. 22400  
If the amount of the drug involved equals or exceeds two thousand 22401  
grams of hashish in a solid form or equals or exceeds four hundred 22402  
grams of hashish in a liquid concentrate, liquid extract, or 22403  
liquid distillate form and if the offense was committed in the 22404  
vicinity of a school or in the vicinity of a juvenile, trafficking 22405  
in hashish is a felony of the first degree, and the court shall 22406



impose as a mandatory prison term the maximum prison term 22407  
prescribed for a felony of the first degree. 22408

(8) If the drug involved in the violation is a controlled 22409  
substance analog or compound, mixture, preparation, or substance 22410  
that contains a controlled substance analog, whoever violates 22411  
division (A) of this section is guilty of trafficking in a 22412  
controlled substance analog. The penalty for the offense shall be 22413  
determined as follows: 22414

(a) Except as otherwise provided in division (C)(8)(b), (c), 22415  
(d), (e), (f), or (g) of this section, trafficking in a controlled 22416  
substance analog is a felony of the fifth degree, and division (C) 22417  
of section 2929.13 of the Revised Code applies in determining 22418  
whether to impose a prison term on the offender. 22419

(b) Except as otherwise provided in division (C)(8)(c), (d), 22420  
(e), (f), or (g) of this section, if the offense was committed in 22421  
the vicinity of a school or in the vicinity of a juvenile, 22422  
trafficking in a controlled substance analog is a felony of the 22423  
fourth degree, and division (C) of section 2929.13 of the Revised 22424  
Code applies in determining whether to impose a prison term on the 22425  
offender. 22426

(c) Except as otherwise provided in this division, if the 22427  
amount of the drug involved equals or exceeds ten grams but is 22428  
less than twenty grams, trafficking in a controlled substance 22429  
analog is a felony of the fourth degree, and division (B) of 22430  
section 2929.13 of the Revised Code applies in determining whether 22431  
to impose a prison term for the offense. If the amount of the drug 22432  
involved is within that range and if the offense was committed in 22433  
the vicinity of a school or in the vicinity of a juvenile, 22434  
trafficking in a controlled substance analog is a felony of the 22435  
third degree, and there is a presumption for a prison term for the 22436  
offense. 22437

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile,

trafficking in a controlled substance analog is a felony of the 22470  
first degree, the offender is a major drug offender, and the court 22471  
shall impose as a mandatory prison term the maximum prison term 22472  
prescribed for a felony of the first degree. 22473

(D) In addition to any prison term authorized or required by 22474  
division (C) of this section and sections 2929.13 and 2929.14 of 22475  
the Revised Code, and in addition to any other sanction imposed 22476  
for the offense under this section or sections 2929.11 to 2929.18 22477  
of the Revised Code, the court that sentences an offender who is 22478  
convicted of or pleads guilty to a violation of division (A) of 22479  
this section shall do all of the following that are applicable 22480  
regarding the offender: 22481

(1) If the violation of division (A) of this section is a 22482  
felony of the first, second, or third degree, the court shall 22483  
impose upon the offender the mandatory fine specified for the 22484  
offense under division (B)(1) of section 2929.18 of the Revised 22485  
Code unless, as specified in that division, the court determines 22486  
that the offender is indigent. Except as otherwise provided in 22487  
division (H)(1) of this section, a mandatory fine or any other 22488  
fine imposed for a violation of this section is subject to 22489  
division (F) of this section. If a person is charged with a 22490  
violation of this section that is a felony of the first, second, 22491  
or third degree, posts bail, and forfeits the bail, the clerk of 22492  
the court shall pay the forfeited bail pursuant to divisions 22493  
(D)(1) and (F) of this section, as if the forfeited bail was a 22494  
fine imposed for a violation of this section. If any amount of the 22495  
forfeited bail remains after that payment and if a fine is imposed 22496  
under division (H)(1) of this section, the clerk of the court 22497  
shall pay the remaining amount of the forfeited bail pursuant to 22498  
divisions (H)(2) and (3) of this section, as if that remaining 22499  
amount was a fine imposed under division (H)(1) of this section. 22500

(2) The court shall suspend the driver's or commercial 22501

driver's license or permit of the offender in accordance with 22502  
division (G) of this section. 22503

(3) If the offender is a professionally licensed person, the 22504  
court immediately shall comply with section 2925.38 of the Revised 22505  
Code. 22506

(E) When a person is charged with the sale of or offer to 22507  
sell a bulk amount or a multiple of a bulk amount of a controlled 22508  
substance, the jury, or the court trying the accused, shall 22509  
determine the amount of the controlled substance involved at the 22510  
time of the offense and, if a guilty verdict is returned, shall 22511  
return the findings as part of the verdict. In any such case, it 22512  
is unnecessary to find and return the exact amount of the 22513  
controlled substance involved, and it is sufficient if the finding 22514  
and return is to the effect that the amount of the controlled 22515  
substance involved is the requisite amount, or that the amount of 22516  
the controlled substance involved is less than the requisite 22517  
amount. 22518

(F)(1) Notwithstanding any contrary provision of section 22519  
3719.21 of the Revised Code and except as provided in division (H) 22520  
of this section, the clerk of the court shall pay any mandatory 22521  
fine imposed pursuant to division (D)(1) of this section and any 22522  
fine other than a mandatory fine that is imposed for a violation 22523  
of this section pursuant to division (A) or (B)(5) of section 22524  
2929.18 of the Revised Code to the county, township, municipal 22525  
corporation, park district, as created pursuant to section 511.18 22526  
or 1545.04 of the Revised Code, or state law enforcement agencies 22527  
in this state that primarily were responsible for or involved in 22528  
making the arrest of, and in prosecuting, the offender. However, 22529  
the clerk shall not pay a mandatory fine so imposed to a law 22530  
enforcement agency unless the agency has adopted a written 22531  
internal control policy under division (F)(2) of this section that 22532  
addresses the use of the fine moneys that it receives. Each agency 22533

shall use the mandatory fines so paid to subsidize the agency's 22534  
law enforcement efforts that pertain to drug offenses, in 22535  
accordance with the written internal control policy adopted by the 22536  
recipient agency under division (F)(2) of this section. 22537

(2) Prior to receiving any fine moneys under division (F)(1) 22538  
of this section or division (B) of section 2925.42 of the Revised 22539  
Code, a law enforcement agency shall adopt a written internal 22540  
control policy that addresses the agency's use and disposition of 22541  
all fine moneys so received and that provides for the keeping of 22542  
detailed financial records of the receipts of those fine moneys, 22543  
the general types of expenditures made out of those fine moneys, 22544  
and the specific amount of each general type of expenditure. The 22545  
policy shall not provide for or permit the identification of any 22546  
specific expenditure that is made in an ongoing investigation. All 22547  
financial records of the receipts of those fine moneys, the 22548  
general types of expenditures made out of those fine moneys, and 22549  
the specific amount of each general type of expenditure by an 22550  
agency are public records open for inspection under section 149.43 22551  
of the Revised Code. Additionally, a written internal control 22552  
policy adopted under this division is such a public record, and 22553  
the agency that adopted it shall comply with it. 22554

(3) As used in division (F) of this section: 22555

(a) "Law enforcement agencies" includes, but is not limited 22556  
to, the state board of pharmacy and the office of a prosecutor. 22557

(b) "Prosecutor" has the same meaning as in section 2935.01 22558  
of the Revised Code. 22559

(G) When required under division (D)(2) of this section or 22560  
any other provision of this chapter, the court shall suspend for 22561  
not less than six months or more than five years the driver's or 22562  
commercial driver's license or permit of any person who is 22563  
convicted of or pleads guilty to any violation of this section or 22564

any other specified provision of this chapter. If an offender's 22565  
driver's or commercial driver's license or permit is suspended 22566  
pursuant to this division, the offender, at any time after the 22567  
expiration of two years from the day on which the offender's 22568  
sentence was imposed or from the day on which the offender finally 22569  
was released from a prison term under the sentence, whichever is 22570  
later, may file a motion with the sentencing court requesting 22571  
termination of the suspension; upon the filing of such a motion 22572  
and the court's finding of good cause for the termination, the 22573  
court may terminate the suspension. 22574

(H)(1) In addition to any prison term authorized or required 22575  
by division (C) of this section and sections 2929.13 and 2929.14 22576  
of the Revised Code, in addition to any other penalty or sanction 22577  
imposed for the offense under this section or sections 2929.11 to 22578  
2929.18 of the Revised Code, and in addition to the forfeiture of 22579  
property in connection with the offense as prescribed in Chapter 22580  
2981. of the Revised Code, the court that sentences an offender 22581  
who is convicted of or pleads guilty to a violation of division 22582  
(A) of this section may impose upon the offender an additional 22583  
fine specified for the offense in division (B)(4) of section 22584  
2929.18 of the Revised Code. A fine imposed under division (H)(1) 22585  
of this section is not subject to division (F) of this section and 22586  
shall be used solely for the support of one or more eligible 22587  
community addiction services ~~provider~~ providers in accordance with 22588  
divisions (H)(2) and (3) of this section. 22589

(2) The court that imposes a fine under division (H)(1) of 22590  
this section shall specify in the judgment that imposes the fine 22591  
one or more eligible community addiction services ~~provider~~ 22592  
providers for the support of which the fine money is to be used. 22593  
No community addiction services provider shall receive or use 22594  
money paid or collected in satisfaction of a fine imposed under 22595  
division (H)(1) of this section unless the services provider is 22596

specified in the judgment that imposes the fine. No community 22597  
addiction services provider shall be specified in the judgment 22598  
unless the services provider is an eligible community addiction 22599  
services provider and, except as otherwise provided in division 22600  
(H)(2) of this section, unless the services provider is located in 22601  
the county in which the court that imposes the fine is located or 22602  
in a county that is immediately contiguous to the county in which 22603  
that court is located. If no eligible community addiction services 22604  
provider is located in any of those counties, the judgment may 22605  
specify an eligible community addiction services provider that is 22606  
located anywhere within this state. 22607

(3) Notwithstanding any contrary provision of section 3719.21 22608  
of the Revised Code, the clerk of the court shall pay any fine 22609  
imposed under division (H)(1) of this section to the eligible 22610  
community addiction services provider specified pursuant to 22611  
division (H)(2) of this section in the judgment. The eligible 22612  
community addiction services provider that receives the fine 22613  
moneys shall use the moneys only for the alcohol and drug 22614  
addiction services identified in the application for certification 22615  
of services under section 5119.36 of the Revised Code or in the 22616  
application for a license under section 5119.391 of the Revised 22617  
Code filed with the department of mental health and addiction 22618  
services by the community addiction services provider specified in 22619  
the judgment. 22620

(4) Each community addiction services provider that receives 22621  
in a calendar year any fine moneys under division (H)(3) of this 22622  
section shall file an annual report covering that calendar year 22623  
with the court of common pleas and the board of county 22624  
commissioners of the county in which the services provider is 22625  
located, with the court of common pleas and the board of county 22626  
commissioners of each county from which the services provider 22627  
received the moneys if that county is different from the county in 22628

which the services provider is located, and with the attorney 22629  
general. The community addiction services provider shall file the 22630  
report no later than the first day of March in the calendar year 22631  
following the calendar year in which the services provider 22632  
received the fine moneys. The report shall include statistics on 22633  
the number of persons served by the community addiction services 22634  
provider, identify the types of alcohol and drug addiction 22635  
services provided to those persons, and include a specific 22636  
accounting of the purposes for which the fine moneys received were 22637  
used. No information contained in the report shall identify, or 22638  
enable a person to determine the identity of, any person served by 22639  
the community addiction services provider. Each report received by 22640  
a court of common pleas, a board of county commissioners, or the 22641  
attorney general is a public record open for inspection under 22642  
section 149.43 of the Revised Code. 22643

(5) As used in divisions (H)(1) to (5) of this section: 22644

(a) "Community addiction services provider" and "alcohol and 22645  
drug addiction services" have the same meanings as in section 22646  
5119.01 of the Revised Code. 22647

(b) "Eligible community addiction services provider" means a 22648  
community addiction services provider ~~that is certified under~~ 22649  
~~section 5119.36, as defined in section 5119.01~~ of the Revised 22650  
Code, or a community addiction services provider that maintains a 22651  
methadone treatment program licensed under section 5119.391 of the 22652  
Revised Code ~~by the department of mental health and addiction~~ 22653  
~~services.~~ 22654

(I) As used in this section, "drug" includes any substance 22655  
that is represented to be a drug. 22656

(J) It is an affirmative defense to a charge of trafficking 22657  
in a controlled substance analog under division (C)(8) of this 22658  
section that the person charged with violating that offense sold 22659



or offered to sell, or prepared for shipment, shipped, 22660  
transported, delivered, prepared for distribution, or distributed 22661  
an item described in division (HH)(2)(a), (b), or (c) of section 22662  
3719.01 of the Revised Code. 22663

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 22664  
(G) of this section and unless a specific sanction is required to 22665  
be imposed or is precluded from being imposed pursuant to law, a 22666  
court that imposes a sentence upon an offender for a felony may 22667  
impose any sanction or combination of sanctions on the offender 22668  
that are provided in sections 2929.14 to 2929.18 of the Revised 22669  
Code. 22670

If the offender is eligible to be sentenced to community 22671  
control sanctions, the court shall consider the appropriateness of 22672  
imposing a financial sanction pursuant to section 2929.18 of the 22673  
Revised Code or a sanction of community service pursuant to 22674  
section 2929.17 of the Revised Code as the sole sanction for the 22675  
offense. Except as otherwise provided in this division, if the 22676  
court is required to impose a mandatory prison term for the 22677  
offense for which sentence is being imposed, the court also shall 22678  
impose any financial sanction pursuant to section 2929.18 of the 22679  
Revised Code that is required for the offense and may impose any 22680  
other financial sanction pursuant to that section but may not 22681  
impose any additional sanction or combination of sanctions under 22682  
section 2929.16 or 2929.17 of the Revised Code. 22683

If the offender is being sentenced for a fourth degree felony 22684  
OVI offense or for a third degree felony OVI offense, in addition 22685  
to the mandatory term of local incarceration or the mandatory 22686  
prison term required for the offense by division (G)(1) or (2) of 22687  
this section, the court shall impose upon the offender a mandatory 22688  
fine in accordance with division (B)(3) of section 2929.18 of the 22689  
Revised Code and may impose whichever of the following is 22690

applicable: 22691

(1) For a fourth degree felony OVI offense for which sentence 22692  
is imposed under division (G)(1) of this section, an additional 22693  
community control sanction or combination of community control 22694  
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 22695  
the court imposes upon the offender a community control sanction 22696  
and the offender violates any condition of the community control 22697  
sanction, the court may take any action prescribed in division (B) 22698  
of section 2929.15 of the Revised Code relative to the offender, 22699  
including imposing a prison term on the offender pursuant to that 22700  
division. 22701

(2) For a third or fourth degree felony OVI offense for which 22702  
sentence is imposed under division (G)(2) of this section, an 22703  
additional prison term as described in division (B)(4) of section 22704  
2929.14 of the Revised Code or a community control sanction as 22705  
described in division (G)(2) of this section. 22706

(B)(1)(a) Except as provided in division (B)(1)(b) of this 22707  
section, if an offender is convicted of or pleads guilty to a 22708  
felony of the fourth or fifth degree that is not an offense of 22709  
violence or that is a qualifying assault offense, the court shall 22710  
sentence the offender to a community control sanction of at least 22711  
one year's duration if all of the following apply: 22712

(i) The offender previously has not been convicted of or 22713  
pleaded guilty to a felony offense. 22714

(ii) The most serious charge against the offender at the time 22715  
of sentencing is a felony of the fourth or fifth degree. 22716

(iii) If the court made a request of the department of 22717  
rehabilitation and correction pursuant to division (B)(1)(c) of 22718  
this section, the department, within the forty-five-day period 22719  
specified in that division, provided the court with the names of, 22720  
contact information for, and program details of one or more 22721

community control sanctions of at least one year's duration that 22722  
are available for persons sentenced by the court. 22723

(iv) The offender previously has not been convicted of or 22724  
pleaded guilty to a misdemeanor offense of violence that the 22725  
offender committed within two years prior to the offense for which 22726  
sentence is being imposed. 22727

(b) The court has discretion to impose a prison term upon an 22728  
offender who is convicted of or pleads guilty to a felony of the 22729  
fourth or fifth degree that is not an offense of violence or that 22730  
is a qualifying assault offense if any of the following apply: 22731

(i) The offender committed the offense while having a firearm 22732  
on or about the offender's person or under the offender's control. 22733

(ii) If the offense is a qualifying assault offense, the 22734  
offender caused serious physical harm to another person while 22735  
committing the offense, and, if the offense is not a qualifying 22736  
assault offense, the offender caused physical harm to another 22737  
person while committing the offense. 22738

(iii) The offender violated a term of the conditions of bond 22739  
as set by the court. 22740

(iv) The court made a request of the department of 22741  
rehabilitation and correction pursuant to division (B)(1)(c) of 22742  
this section, and the department, within the forty-five-day period 22743  
specified in that division, did not provide the court with the 22744  
name of, contact information for, and program details of any 22745  
community control sanction of at least one year's duration that is 22746  
available for persons sentenced by the court. 22747

(v) The offense is a sex offense that is a fourth or fifth 22748  
degree felony violation of any provision of Chapter 2907. of the 22749  
Revised Code. 22750

(vi) In committing the offense, the offender attempted to 22751

cause or made an actual threat of physical harm to a person with a 22752  
deadly weapon. 22753

(vii) In committing the offense, the offender attempted to 22754  
cause or made an actual threat of physical harm to a person, and 22755  
the offender previously was convicted of an offense that caused 22756  
physical harm to a person. 22757

(viii) The offender held a public office or position of 22758  
trust, and the offense related to that office or position; the 22759  
offender's position obliged the offender to prevent the offense or 22760  
to bring those committing it to justice; or the offender's 22761  
professional reputation or position facilitated the offense or was 22762  
likely to influence the future conduct of others. 22763

(ix) The offender committed the offense for hire or as part 22764  
of an organized criminal activity. 22765

(x) The offender at the time of the offense was serving, or 22766  
the offender previously had served, a prison term. 22767

(xi) The offender committed the offense while under a 22768  
community control sanction, while on probation, or while released 22769  
from custody on a bond or personal recognizance. 22770

(c) If a court that is sentencing an offender who is 22771  
convicted of or pleads guilty to a felony of the fourth or fifth 22772  
degree that is not an offense of violence or that is a qualifying 22773  
assault offense believes that no community control sanctions are 22774  
available for its use that, if imposed on the offender, will 22775  
adequately fulfill the overriding principles and purposes of 22776  
sentencing, the court shall contact the department of 22777  
rehabilitation and correction and ask the department to provide 22778  
the court with the names of, contact information for, and program 22779  
details of one or more community control sanctions of at least one 22780  
year's duration that are available for persons sentenced by the 22781  
court. Not later than forty-five days after receipt of a request 22782

from a court under this division, the department shall provide the 22783  
court with the names of, contact information for, and program 22784  
details of one or more community control sanctions of at least one 22785  
year's duration that are available for persons sentenced by the 22786  
court, if any. Upon making a request under this division that 22787  
relates to a particular offender, a court shall defer sentencing 22788  
of that offender until it receives from the department the names 22789  
of, contact information for, and program details of one or more 22790  
community control sanctions of at least one year's duration that 22791  
are available for persons sentenced by the court or for forty-five 22792  
days, whichever is the earlier. 22793

If the department provides the court with the names of, 22794  
contact information for, and program details of one or more 22795  
community control sanctions of at least one year's duration that 22796  
are available for persons sentenced by the court within the 22797  
forty-five-day period specified in this division, the court shall 22798  
impose upon the offender a community control sanction under 22799  
division (B)(1)(a) of this section, except that the court may 22800  
impose a prison term under division (B)(1)(b) of this section if a 22801  
factor described in division (B)(1)(b)(i) or (ii) of this section 22802  
applies. If the department does not provide the court with the 22803  
names of, contact information for, and program details of one or 22804  
more community control sanctions of at least one year's duration 22805  
that are available for persons sentenced by the court within the 22806  
forty-five-day period specified in this division, the court may 22807  
impose upon the offender a prison term under division 22808  
(B)(1)(b)(iv) of this section. 22809

(d) A sentencing court may impose an additional penalty under 22810  
division (B) of section 2929.15 of the Revised Code upon an 22811  
offender sentenced to a community control sanction under division 22812  
(B)(1)(a) of this section if the offender violates the conditions 22813  
of the community control sanction, violates a law, or leaves the 22814

state without the permission of the court or the offender's 22815  
probation officer. 22816

(2) If division (B)(1) of this section does not apply, except 22817  
as provided in division (E), (F), or (G) of this section, in 22818  
determining whether to impose a prison term as a sanction for a 22819  
felony of the fourth or fifth degree, the sentencing court shall 22820  
comply with the purposes and principles of sentencing under 22821  
section 2929.11 of the Revised Code and with section 2929.12 of 22822  
the Revised Code. 22823

(C) Except as provided in division (D), (E), (F), or (G) of 22824  
this section, in determining whether to impose a prison term as a 22825  
sanction for a felony of the third degree or a felony drug offense 22826  
that is a violation of a provision of Chapter 2925. of the Revised 22827  
Code and that is specified as being subject to this division for 22828  
purposes of sentencing, the sentencing court shall comply with the 22829  
purposes and principles of sentencing under section 2929.11 of the 22830  
Revised Code and with section 2929.12 of the Revised Code. 22831

(D)(1) Except as provided in division (E) or (F) of this 22832  
section, for a felony of the first or second degree, for a felony 22833  
drug offense that is a violation of any provision of Chapter 22834  
2925., 3719., or 4729. of the Revised Code for which a presumption 22835  
in favor of a prison term is specified as being applicable, and 22836  
for a violation of division (A)(4) or (B) of section 2907.05 of 22837  
the Revised Code for which a presumption in favor of a prison term 22838  
is specified as being applicable, it is presumed that a prison 22839  
term is necessary in order to comply with the purposes and 22840  
principles of sentencing under section 2929.11 of the Revised 22841  
Code. Division (D)(2) of this section does not apply to a 22842  
presumption established under this division for a violation of 22843  
division (A)(4) of section 2907.05 of the Revised Code. 22844

(2) Notwithstanding the presumption established under 22845  
division (D)(1) of this section for the offenses listed in that 22846

division other than a violation of division (A)(4) or (B) of 22847  
section 2907.05 of the Revised Code, the sentencing court may 22848  
impose a community control sanction or a combination of community 22849  
control sanctions instead of a prison term on an offender for a 22850  
felony of the first or second degree or for a felony drug offense 22851  
that is a violation of any provision of Chapter 2925., 3719., or 22852  
4729. of the Revised Code for which a presumption in favor of a 22853  
prison term is specified as being applicable if it makes both of 22854  
the following findings: 22855

(a) A community control sanction or a combination of 22856  
community control sanctions would adequately punish the offender 22857  
and protect the public from future crime, because the applicable 22858  
factors under section 2929.12 of the Revised Code indicating a 22859  
lesser likelihood of recidivism outweigh the applicable factors 22860  
under that section indicating a greater likelihood of recidivism. 22861

(b) A community control sanction or a combination of 22862  
community control sanctions would not demean the seriousness of 22863  
the offense, because one or more factors under section 2929.12 of 22864  
the Revised Code that indicate that the offender's conduct was 22865  
less serious than conduct normally constituting the offense are 22866  
applicable, and they outweigh the applicable factors under that 22867  
section that indicate that the offender's conduct was more serious 22868  
than conduct normally constituting the offense. 22869

(E)(1) Except as provided in division (F) of this section, 22870  
for any drug offense that is a violation of any provision of 22871  
Chapter 2925. of the Revised Code and that is a felony of the 22872  
third, fourth, or fifth degree, the applicability of a presumption 22873  
under division (D) of this section in favor of a prison term or of 22874  
division (B) or (C) of this section in determining whether to 22875  
impose a prison term for the offense shall be determined as 22876  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 22877  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 22878

Revised Code, whichever is applicable regarding the violation. 22879

(2) If an offender who was convicted of or pleaded guilty to 22880  
a felony violates the conditions of a community control sanction 22881  
imposed for the offense solely by reason of producing positive 22882  
results on a drug test, the court, as punishment for the violation 22883  
of the sanction, shall not order that the offender be imprisoned 22884  
unless the court determines on the record either of the following: 22885

(a) The offender had been ordered as a sanction for the 22886  
felony to participate in a drug treatment program, in a drug 22887  
education program, or in narcotics anonymous or a similar program, 22888  
and the offender continued to use illegal drugs after a reasonable 22889  
period of participation in the program. 22890

(b) The imprisonment of the offender for the violation is 22891  
consistent with the purposes and principles of sentencing set 22892  
forth in section 2929.11 of the Revised Code. 22893

(3) A court that sentences an offender for a drug abuse 22894  
offense that is a felony of the third, fourth, or fifth degree may 22895  
require that the offender be assessed by a properly credentialed 22896  
professional within a specified period of time. The court shall 22897  
require the professional to file a written assessment of the 22898  
offender with the court. If the offender is eligible for a 22899  
community control sanction and after considering the written 22900  
assessment, the court may impose a community control sanction that 22901  
includes treatment and recovery support services authorized by 22902  
division (A)(11) of section ~~3793.02~~ 340.03 of the Revised Code. If 22903  
the court imposes treatment and recovery support services as a 22904  
community control sanction, the court shall direct the level and 22905  
type of treatment and recovery support services after considering 22906  
the assessment and recommendation of ~~treatment and recovery~~ 22907  
~~support services~~ community addiction services providers. 22908

(F) Notwithstanding divisions (A) to (E) of this section, the 22909



court shall impose a prison term or terms under sections 2929.02 22910  
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 22911  
of the Revised Code and except as specifically provided in section 22912  
2929.20, divisions (C) to (I) of section 2967.19, or section 22913  
2967.191 of the Revised Code or when parole is authorized for the 22914  
offense under section 2967.13 of the Revised Code shall not reduce 22915  
the term or terms pursuant to section 2929.20, section 2967.19, 22916  
section 2967.193, or any other provision of Chapter 2967. or 22917  
Chapter 5120. of the Revised Code for any of the following 22918  
offenses: 22919

(1) Aggravated murder when death is not imposed or murder; 22920

(2) Any rape, regardless of whether force was involved and 22921  
regardless of the age of the victim, or an attempt to commit rape 22922  
if, had the offender completed the rape that was attempted, the 22923  
offender would have been guilty of a violation of division 22924  
(A)(1)(b) of section 2907.02 of the Revised Code and would be 22925  
sentenced under section 2971.03 of the Revised Code; 22926

(3) Gross sexual imposition or sexual battery, if the victim 22927  
is less than thirteen years of age and if any of the following 22928  
applies: 22929

(a) Regarding gross sexual imposition, the offender 22930  
previously was convicted of or pleaded guilty to rape, the former 22931  
offense of felonious sexual penetration, gross sexual imposition, 22932  
or sexual battery, and the victim of the previous offense was less 22933  
than thirteen years of age; 22934

(b) Regarding gross sexual imposition, the offense was 22935  
committed on or after August 3, 2006, and evidence other than the 22936  
testimony of the victim was admitted in the case corroborating the 22937  
violation. 22938

(c) Regarding sexual battery, either of the following 22939  
applies: 22940

(i) The offense was committed prior to August 3, 2006, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age.

(ii) The offense was committed on or after August 3, 2006.

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code if the section requires the imposition of a prison term;

(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term;

(6) Any offense that is a first or second degree felony and that is not set forth in division (F)(1), (2), (3), or (4) of this section, if the offender previously was convicted of or pleaded guilty to aggravated murder, murder, any first or second degree felony, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to one of those offenses;

(7) Any offense that is a third degree felony and either is a violation of section 2903.04 of the Revised Code or an attempt to commit a felony of the second degree that is an offense of violence and involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person if the offender previously was convicted of or pleaded guilty to any of the following offenses:

(a) Aggravated murder, murder, involuntary manslaughter, rape, felonious sexual penetration as it existed under section 2907.12 of the Revised Code prior to September 3, 1996, a felony

of the first or second degree that resulted in the death of a 22972  
person or in physical harm to a person, or complicity in or an 22973  
attempt to commit any of those offenses; 22974

(b) An offense under an existing or former law of this state, 22975  
another state, or the United States that is or was substantially 22976  
equivalent to an offense listed in division (F)(7)(a) of this 22977  
section that resulted in the death of a person or in physical harm 22978  
to a person. 22979

(8) Any offense, other than a violation of section 2923.12 of 22980  
the Revised Code, that is a felony, if the offender had a firearm 22981  
on or about the offender's person or under the offender's control 22982  
while committing the felony, with respect to a portion of the 22983  
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 22984  
of the Revised Code for having the firearm; 22985

(9) Any offense of violence that is a felony, if the offender 22986  
wore or carried body armor while committing the felony offense of 22987  
violence, with respect to the portion of the sentence imposed 22988  
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 22989  
Code for wearing or carrying the body armor; 22990

(10) Corrupt activity in violation of section 2923.32 of the 22991  
Revised Code when the most serious offense in the pattern of 22992  
corrupt activity that is the basis of the offense is a felony of 22993  
the first degree; 22994

(11) Any violent sex offense or designated homicide, assault, 22995  
or kidnapping offense if, in relation to that offense, the 22996  
offender is adjudicated a sexually violent predator; 22997

(12) A violation of division (A)(1) or (2) of section 2921.36 22998  
of the Revised Code, or a violation of division (C) of that 22999  
section involving an item listed in division (A)(1) or (2) of that 23000  
section, if the offender is an officer or employee of the 23001  
department of rehabilitation and correction; 23002

(13) A violation of division (A)(1) or (2) of section 2903.06 23003  
of the Revised Code if the victim of the offense is a peace 23004  
officer, as defined in section 2935.01 of the Revised Code, or an 23005  
investigator of the bureau of criminal identification and 23006  
investigation, as defined in section 2903.11 of the Revised Code, 23007  
with respect to the portion of the sentence imposed pursuant to 23008  
division (B)(5) of section 2929.14 of the Revised Code; 23009

(14) A violation of division (A)(1) or (2) of section 2903.06 23010  
of the Revised Code if the offender has been convicted of or 23011  
pleaded guilty to three or more violations of division (A) or (B) 23012  
of section 4511.19 of the Revised Code or an equivalent offense, 23013  
as defined in section 2941.1415 of the Revised Code, or three or 23014  
more violations of any combination of those divisions and 23015  
offenses, with respect to the portion of the sentence imposed 23016  
pursuant to division (B)(6) of section 2929.14 of the Revised 23017  
Code; 23018

(15) Kidnapping, in the circumstances specified in section 23019  
2971.03 of the Revised Code and when no other provision of 23020  
division (F) of this section applies; 23021

(16) Kidnapping, abduction, compelling prostitution, 23022  
promoting prostitution, engaging in a pattern of corrupt activity, 23023  
illegal use of a minor in a nudity-oriented material or 23024  
performance in violation of division (A)(1) or (2) of section 23025  
2907.323 of the Revised Code, or endangering children in violation 23026  
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 23027  
the Revised Code, if the offender is convicted of or pleads guilty 23028  
to a specification as described in section 2941.1422 of the 23029  
Revised Code that was included in the indictment, count in the 23030  
indictment, or information charging the offense; 23031

(17) A felony violation of division (A) or (B) of section 23032  
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 23033  
that section, and division (D)(6) of that section, require the 23034

imposition of a prison term; 23035

(18) A felony violation of section 2903.11, 2903.12, or 23036  
2903.13 of the Revised Code, if the victim of the offense was a 23037  
woman that the offender knew was pregnant at the time of the 23038  
violation, with respect to a portion of the sentence imposed 23039  
pursuant to division (B)(8) of section 2929.14 of the Revised 23040  
Code. 23041

(G) Notwithstanding divisions (A) to (E) of this section, if 23042  
an offender is being sentenced for a fourth degree felony OVI 23043  
offense or for a third degree felony OVI offense, the court shall 23044  
impose upon the offender a mandatory term of local incarceration 23045  
or a mandatory prison term in accordance with the following: 23046

(1) If the offender is being sentenced for a fourth degree 23047  
felony OVI offense and if the offender has not been convicted of 23048  
and has not pleaded guilty to a specification of the type 23049  
described in section 2941.1413 of the Revised Code, the court may 23050  
impose upon the offender a mandatory term of local incarceration 23051  
of sixty days or one hundred twenty days as specified in division 23052  
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 23053  
not reduce the term pursuant to section 2929.20, 2967.193, or any 23054  
other provision of the Revised Code. The court that imposes a 23055  
mandatory term of local incarceration under this division shall 23056  
specify whether the term is to be served in a jail, a 23057  
community-based correctional facility, a halfway house, or an 23058  
alternative residential facility, and the offender shall serve the 23059  
term in the type of facility specified by the court. A mandatory 23060  
term of local incarceration imposed under division (G)(1) of this 23061  
section is not subject to any other Revised Code provision that 23062  
pertains to a prison term except as provided in division (A)(1) of 23063  
this section. 23064

(2) If the offender is being sentenced for a third degree 23065  
felony OVI offense, or if the offender is being sentenced for a 23066

fourth degree felony OVI offense and the court does not impose a 23067  
mandatory term of local incarceration under division (G)(1) of 23068  
this section, the court shall impose upon the offender a mandatory 23069  
prison term of one, two, three, four, or five years if the 23070  
offender also is convicted of or also pleads guilty to a 23071  
specification of the type described in section 2941.1413 of the 23072  
Revised Code or shall impose upon the offender a mandatory prison 23073  
term of sixty days or one hundred twenty days as specified in 23074  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 23075  
if the offender has not been convicted of and has not pleaded 23076  
guilty to a specification of that type. Subject to divisions (C) 23077  
to (I) of section 2967.19 of the Revised Code, the court shall not 23078  
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 23079  
any other provision of the Revised Code. The offender shall serve 23080  
the one-, two-, three-, four-, or five-year mandatory prison term 23081  
consecutively to and prior to the prison term imposed for the 23082  
underlying offense and consecutively to any other mandatory prison 23083  
term imposed in relation to the offense. In no case shall an 23084  
offender who once has been sentenced to a mandatory term of local 23085  
incarceration pursuant to division (G)(1) of this section for a 23086  
fourth degree felony OVI offense be sentenced to another mandatory 23087  
term of local incarceration under that division for any violation 23088  
of division (A) of section 4511.19 of the Revised Code. In 23089  
addition to the mandatory prison term described in division (G)(2) 23090  
of this section, the court may sentence the offender to a 23091  
community control sanction under section 2929.16 or 2929.17 of the 23092  
Revised Code, but the offender shall serve the prison term prior 23093  
to serving the community control sanction. The department of 23094  
rehabilitation and correction may place an offender sentenced to a 23095  
mandatory prison term under this division in an intensive program 23096  
prison established pursuant to section 5120.033 of the Revised 23097  
Code if the department gave the sentencing judge prior notice of 23098  
its intent to place the offender in an intensive program prison 23099

established under that section and if the judge did not notify the 23100  
department that the judge disapproved the placement. Upon the 23101  
establishment of the initial intensive program prison pursuant to 23102  
section 5120.033 of the Revised Code that is privately operated 23103  
and managed by a contractor pursuant to a contract entered into 23104  
under section 9.06 of the Revised Code, both of the following 23105  
apply: 23106

(a) The department of rehabilitation and correction shall 23107  
make a reasonable effort to ensure that a sufficient number of 23108  
offenders sentenced to a mandatory prison term under this division 23109  
are placed in the privately operated and managed prison so that 23110  
the privately operated and managed prison has full occupancy. 23111

(b) Unless the privately operated and managed prison has full 23112  
occupancy, the department of rehabilitation and correction shall 23113  
not place any offender sentenced to a mandatory prison term under 23114  
this division in any intensive program prison established pursuant 23115  
to section 5120.033 of the Revised Code other than the privately 23116  
operated and managed prison. 23117

(H) If an offender is being sentenced for a sexually oriented 23118  
offense or child-victim oriented offense that is a felony 23119  
committed on or after January 1, 1997, the judge shall require the 23120  
offender to submit to a DNA specimen collection procedure pursuant 23121  
to section 2901.07 of the Revised Code. 23122

(I) If an offender is being sentenced for a sexually oriented 23123  
offense or a child-victim oriented offense committed on or after 23124  
January 1, 1997, the judge shall include in the sentence a summary 23125  
of the offender's duties imposed under sections 2950.04, 2950.041, 23126  
2950.05, and 2950.06 of the Revised Code and the duration of the 23127  
duties. The judge shall inform the offender, at the time of 23128  
sentencing, of those duties and of their duration. If required 23129  
under division (A)(2) of section 2950.03 of the Revised Code, the 23130  
judge shall perform the duties specified in that section, or, if 23131

required under division (A)(6) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that division. 23132  
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(J)(1) Except as provided in division (J)(2) of this section, when considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit an offense in violation of section 2923.02 of the Revised Code, the sentencing court shall consider the factors applicable to the felony category of the violation of section 2923.02 of the Revised Code instead of the factors applicable to the felony category of the offense attempted. 23135  
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(2) When considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense, the sentencing court shall consider the factors applicable to the felony category that the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt. 23143  
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(K) As used in this section: 23154

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 23155  
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(2) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code. 23157  
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~~(2)~~(3) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C)(8)(b) or (C)(9)(b) of that section applies. 23159  
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(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund.

**Sec. 2929.18.** (A) Except as otherwise provided in this division and in addition to imposing court costs pursuant to section 2947.23 of the Revised Code, the court imposing a sentence upon an offender for a felony may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section or, in the circumstances specified in section 2929.32 of the Revised Code, may impose upon the offender a fine in accordance with that section. Financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

(1) Restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. If the court imposes restitution, the court shall order that the restitution be made to the victim in open court, to the adult probation department that serves the county on behalf of the victim, to the clerk of courts, or to another agency designated by the court. If the court imposes restitution, at sentencing, the court shall determine the amount of restitution to be made by the offender. If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other

information, provided that the amount the court orders as 23195  
restitution shall not exceed the amount of the economic loss 23196  
suffered by the victim as a direct and proximate result of the 23197  
commission of the offense. If the court decides to impose 23198  
restitution, the court shall hold a hearing on restitution if the 23199  
offender, victim, or survivor disputes the amount. All restitution 23200  
payments shall be credited against any recovery of economic loss 23201  
in a civil action brought by the victim or any survivor of the 23202  
victim against the offender. 23203

If the court imposes restitution, the court may order that 23204  
the offender pay a surcharge of not more than five per cent of the 23205  
amount of the restitution otherwise ordered to the entity 23206  
responsible for collecting and processing restitution payments. 23207

The victim or survivor may request that the prosecutor in the 23208  
case file a motion, or the offender may file a motion, for 23209  
modification of the payment terms of any restitution ordered. If 23210  
the court grants the motion, it may modify the payment terms as it 23211  
determines appropriate. 23212

(2) Except as provided in division (B)(1), (3), or (4) of 23213  
this section, a fine payable by the offender to the state, to a 23214  
political subdivision, or as described in division (B)(2) of this 23215  
section to one or more law enforcement agencies, with the amount 23216  
of the fine based on a standard percentage of the offender's daily 23217  
income over a period of time determined by the court and based 23218  
upon the seriousness of the offense. A fine ordered under this 23219  
division shall not exceed the maximum conventional fine amount 23220  
authorized for the level of the offense under division (A)(3) of 23221  
this section. 23222

(3) Except as provided in division (B)(1), (3), or (4) of 23223  
this section, a fine payable by the offender to the state, to a 23224  
political subdivision when appropriate for a felony, or as 23225  
described in division (B)(2) of this section to one or more law 23226

enforcement agencies, in the following amount:	23227
(a) For a felony of the first degree, not more than twenty thousand dollars;	23228 23229
(b) For a felony of the second degree, not more than fifteen thousand dollars;	23230 23231
(c) For a felony of the third degree, not more than ten thousand dollars;	23232 23233
(d) For a felony of the fourth degree, not more than five thousand dollars;	23234 23235
(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	23236 23237
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	23238 23239
(5)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	23240 23241 23242
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;	23243 23244 23245
(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement;	23246 23247 23248 23249 23250 23251
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.	23252 23253 23254 23255 23256

(b) If the offender is sentenced to a sanction of confinement 23257  
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 23258  
to be served in a facility operated by a board of county 23259  
commissioners, a legislative authority of a municipal corporation, 23260  
or another local governmental entity, if, pursuant to section 23261  
307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, 23262  
or 2947.19 of the Revised Code and section 2929.37 of the Revised 23263  
Code, the board, legislative authority, or other local 23264  
governmental entity requires prisoners to reimburse the county, 23265  
municipal corporation, or other entity for its expenses incurred 23266  
by reason of the prisoner's confinement, and if the court does not 23267  
impose a financial sanction under division (A)(5)(a)(ii) of this 23268  
section, confinement costs may be assessed pursuant to section 23269  
2929.37 of the Revised Code. In addition, the offender may be 23270  
required to pay the fees specified in section 2929.38 of the 23271  
Revised Code in accordance with that section. 23272

(c) Reimbursement by the offender for costs pursuant to 23273  
section 2929.71 of the Revised Code. 23274

(B)(1) For a first, second, or third degree felony violation 23275  
of any provision of Chapter 2925., 3719., or 4729. of the Revised 23276  
Code, the sentencing court shall impose upon the offender a 23277  
mandatory fine of at least one-half of, but not more than, the 23278  
maximum statutory fine amount authorized for the level of the 23279  
offense pursuant to division (A)(3) of this section. If an 23280  
offender alleges in an affidavit filed with the court prior to 23281  
sentencing that the offender is indigent and unable to pay the 23282  
mandatory fine and if the court determines the offender is an 23283  
indigent person and is unable to pay the mandatory fine described 23284  
in this division, the court shall not impose the mandatory fine 23285  
upon the offender. 23286

(2) Any mandatory fine imposed upon an offender under 23287  
division (B)(1) of this section and any fine imposed upon an 23288

offender under division (A)(2) or (3) of this section for any 23289  
fourth or fifth degree felony violation of any provision of 23290  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 23291  
to law enforcement agencies pursuant to division (F) of section 23292  
2925.03 of the Revised Code. 23293

(3) For a fourth degree felony OVI offense and for a third 23294  
degree felony OVI offense, the sentencing court shall impose upon 23295  
the offender a mandatory fine in the amount specified in division 23296  
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 23297  
is applicable. The mandatory fine so imposed shall be disbursed as 23298  
provided in the division pursuant to which it is imposed. 23299

(4) Notwithstanding any fine otherwise authorized or required 23300  
to be imposed under division (A)(2) or (3) or (B)(1) of this 23301  
section or section 2929.31 of the Revised Code for a violation of 23302  
section 2925.03 of the Revised Code, in addition to any penalty or 23303  
sanction imposed for that offense under section 2925.03 or 23304  
sections 2929.11 to 2929.18 of the Revised Code and in addition to 23305  
the forfeiture of property in connection with the offense as 23306  
prescribed in Chapter 2981. of the Revised Code, the court that 23307  
sentences an offender for a violation of section 2925.03 of the 23308  
Revised Code may impose upon the offender a fine in addition to 23309  
any fine imposed under division (A)(2) or (3) of this section and 23310  
in addition to any mandatory fine imposed under division (B)(1) of 23311  
this section. The fine imposed under division (B)(4) of this 23312  
section shall be used as provided in division (H) of section 23313  
2925.03 of the Revised Code. A fine imposed under division (B)(4) 23314  
of this section shall not exceed whichever of the following is 23315  
applicable: 23316

(a) The total value of any personal or real property in which 23317  
the offender has an interest and that was used in the course of, 23318  
intended for use in the course of, derived from, or realized 23319  
through conduct in violation of section 2925.03 of the Revised 23320

Code, including any property that constitutes proceeds derived 23321  
from that offense; 23322

(b) If the offender has no interest in any property of the 23323  
type described in division (B)(4)(a) of this section or if it is 23324  
not possible to ascertain whether the offender has an interest in 23325  
any property of that type in which the offender may have an 23326  
interest, the amount of the mandatory fine for the offense imposed 23327  
under division (B)(1) of this section or, if no mandatory fine is 23328  
imposed under division (B)(1) of this section, the amount of the 23329  
fine authorized for the level of the offense imposed under 23330  
division (A)(3) of this section. 23331

(5) Prior to imposing a fine under division (B)(4) of this 23332  
section, the court shall determine whether the offender has an 23333  
interest in any property of the type described in division 23334  
(B)(4)(a) of this section. Except as provided in division (B)(6) 23335  
or (7) of this section, a fine that is authorized and imposed 23336  
under division (B)(4) of this section does not limit or affect the 23337  
imposition of the penalties and sanctions for a violation of 23338  
section 2925.03 of the Revised Code prescribed under those 23339  
sections or sections 2929.11 to 2929.18 of the Revised Code and 23340  
does not limit or affect a forfeiture of property in connection 23341  
with the offense as prescribed in Chapter 2981. of the Revised 23342  
Code. 23343

(6) If the sum total of a mandatory fine amount imposed for a 23344  
first, second, or third degree felony violation of section 2925.03 23345  
of the Revised Code under division (B)(1) of this section plus the 23346  
amount of any fine imposed under division (B)(4) of this section 23347  
does not exceed the maximum statutory fine amount authorized for 23348  
the level of the offense under division (A)(3) of this section or 23349  
section 2929.31 of the Revised Code, the court may impose a fine 23350  
for the offense in addition to the mandatory fine and the fine 23351  
imposed under division (B)(4) of this section. The sum total of 23352

the amounts of the mandatory fine, the fine imposed under division 23353  
(B)(4) of this section, and the additional fine imposed under 23354  
division (B)(6) of this section shall not exceed the maximum 23355  
statutory fine amount authorized for the level of the offense 23356  
under division (A)(3) of this section or section 2929.31 of the 23357  
Revised Code. The clerk of the court shall pay any fine that is 23358  
imposed under division (B)(6) of this section to the county, 23359  
township, municipal corporation, park district as created pursuant 23360  
to section 511.18 or 1545.04 of the Revised Code, or state law 23361  
enforcement agencies in this state that primarily were responsible 23362  
for or involved in making the arrest of, and in prosecuting, the 23363  
offender pursuant to division (F) of section 2925.03 of the 23364  
Revised Code. 23365

(7) If the sum total of the amount of a mandatory fine 23366  
imposed for a first, second, or third degree felony violation of 23367  
section 2925.03 of the Revised Code plus the amount of any fine 23368  
imposed under division (B)(4) of this section exceeds the maximum 23369  
statutory fine amount authorized for the level of the offense 23370  
under division (A)(3) of this section or section 2929.31 of the 23371  
Revised Code, the court shall not impose a fine under division 23372  
(B)(6) of this section. 23373

(8)(a) If an offender who is convicted of or pleads guilty to 23374  
a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 23375  
2923.32, division (A)(1) or (2) of section 2907.323, or division 23376  
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 23377  
Code also is convicted of or pleads guilty to a specification of 23378  
the type described in section 2941.1422 of the Revised Code that 23379  
charges that the offender knowingly committed the offense in 23380  
furtherance of human trafficking, the sentencing court shall 23381  
sentence the offender to a financial sanction of restitution by 23382  
the offender to the victim or any survivor of the victim, with the 23383  
restitution including the costs of housing, counseling, and 23384

medical and legal assistance incurred by the victim as a direct 23385  
result of the offense and the greater of the following: 23386

(i) The gross income or value to the offender of the victim's 23387  
labor or services; 23388

(ii) The value of the victim's labor as guaranteed under the 23389  
minimum wage and overtime provisions of the "Federal Fair Labor 23390  
Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state 23391  
labor laws. 23392

(b) If a court imposing sentence upon an offender for a 23393  
felony is required to impose upon the offender a financial 23394  
sanction of restitution under division (B)(8)(a) of this section, 23395  
in addition to that financial sanction of restitution, the court 23396  
may sentence the offender to any other financial sanction or 23397  
combination of financial sanctions authorized under this section, 23398  
including a restitution sanction under division (A)(1) of this 23399  
section. 23400

(9) In addition to any other fine that is or may be imposed 23401  
under this section, the court imposing sentence upon an offender 23402  
for a felony that is a sexually oriented offense or a child-victim 23403  
oriented offense, as those terms are defined in section 2950.01 of 23404  
the Revised Code, may impose a fine of not less than fifty nor 23405  
more than five hundred dollars. 23406

~~(C)(1) The offender shall pay reimbursements imposed upon the 23407  
offender pursuant to division (A)(5)(a) of this section to pay the 23408  
costs incurred by the department of rehabilitation and correction 23409  
in operating a prison or other facility used to confine offenders 23410  
pursuant to sanctions imposed under section 2929.14, 2929.142, or 23411  
2929.16 of the Revised Code to the treasurer of state. The 23412  
treasurer of state shall deposit the reimbursements in the 23413  
confinement cost reimbursement fund that is hereby created in the 23414  
state treasury. The department of rehabilitation and correction 23415~~



~~shall use the amounts deposited in the fund to fund the operation 23416  
of facilities used to confine offenders pursuant to sections 23417  
2929.14, 2929.142, and 2929.16 of the Revised Code. 23418~~

~~(2)~~ Except as provided in section 2951.021 of the Revised 23419  
Code, the offender shall pay reimbursements imposed upon the 23420  
offender pursuant to division (A)(5)(a) of this section to pay the 23421  
costs incurred by a county pursuant to any sanction imposed under 23422  
this section or section 2929.16 or 2929.17 of the Revised Code or 23423  
in operating a facility used to confine offenders pursuant to a 23424  
sanction imposed under section 2929.16 of the Revised Code to the 23425  
county treasurer. The county treasurer shall deposit the 23426  
reimbursements in the sanction cost reimbursement fund that each 23427  
board of county commissioners shall create in its county treasury. 23428  
The county shall use the amounts deposited in the fund to pay the 23429  
costs incurred by the county pursuant to any sanction imposed 23430  
under this section or section 2929.16 or 2929.17 of the Revised 23431  
Code or in operating a facility used to confine offenders pursuant 23432  
to a sanction imposed under section 2929.16 of the Revised Code. 23433

~~(3)~~(2) Except as provided in section 2951.021 of the Revised 23434  
Code, the offender shall pay reimbursements imposed upon the 23435  
offender pursuant to division (A)(5)(a) of this section to pay the 23436  
costs incurred by a municipal corporation pursuant to any sanction 23437  
imposed under this section or section 2929.16 or 2929.17 of the 23438  
Revised Code or in operating a facility used to confine offenders 23439  
pursuant to a sanction imposed under section 2929.16 of the 23440  
Revised Code to the treasurer of the municipal corporation. The 23441  
treasurer shall deposit the reimbursements in a special fund that 23442  
shall be established in the treasury of each municipal 23443  
corporation. The municipal corporation shall use the amounts 23444  
deposited in the fund to pay the costs incurred by the municipal 23445  
corporation pursuant to any sanction imposed under this section or 23446  
section 2929.16 or 2929.17 of the Revised Code or in operating a 23447

facility used to confine offenders pursuant to a sanction imposed 23448  
under section 2929.16 of the Revised Code. 23449

~~(4)~~(3) Except as provided in section 2951.021 of the Revised 23450  
Code, the offender shall pay reimbursements imposed pursuant to 23451  
division (A)(5)(a) of this section for the costs incurred by a 23452  
private provider pursuant to a sanction imposed under this section 23453  
or section 2929.16 or 2929.17 of the Revised Code to the provider. 23454

(D) Except as otherwise provided in this division, a 23455  
financial sanction imposed pursuant to division (A) or (B) of this 23456  
section is a judgment in favor of the state or a political 23457  
subdivision in which the court that imposed the financial sanction 23458  
is located, and the offender subject to the financial sanction is 23459  
the judgment debtor. A financial sanction of reimbursement imposed 23460  
pursuant to division (A)(5)(a)(ii) of this section upon an 23461  
offender who is incarcerated in a state facility or a municipal 23462  
jail is a judgment in favor of the state or the municipal 23463  
corporation, and the offender subject to the financial sanction is 23464  
the judgment debtor. A financial sanction of reimbursement imposed 23465  
upon an offender pursuant to this section for costs incurred by a 23466  
private provider of sanctions is a judgment in favor of the 23467  
private provider, and the offender subject to the financial 23468  
sanction is the judgment debtor. A financial sanction of 23469  
restitution imposed pursuant to division (A)(1) or (B)(8) of this 23470  
section is an order in favor of the victim of the offender's 23471  
criminal act that can be collected through a certificate of 23472  
judgment as described in division (D)(1) of this section, through 23473  
execution as described in division (D)(2) of this section, or 23474  
through an order as described in division (D)(3) of this section, 23475  
and the offender shall be considered for purposes of the 23476  
collection as the judgment debtor. Imposition of a financial 23477  
sanction and execution on the judgment does not preclude any other 23478  
power of the court to impose or enforce sanctions on the offender. 23479

Once the financial sanction is imposed as a judgment or order	23480
under this division, the victim, private provider, state, or	23481
political subdivision may do any of the following:	23482
(1) Obtain from the clerk of the court in which the judgment	23483
was entered a certificate of judgment that shall be in the same	23484
manner and form as a certificate of judgment issued in a civil	23485
action;	23486
(2) Obtain execution of the judgment or order through any	23487
available procedure, including:	23488
(a) An execution against the property of the judgment debtor	23489
under Chapter 2329. of the Revised Code;	23490
(b) An execution against the person of the judgment debtor	23491
under Chapter 2331. of the Revised Code;	23492
(c) A proceeding in aid of execution under Chapter 2333. of	23493
the Revised Code, including:	23494
(i) A proceeding for the examination of the judgment debtor	23495
under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27	23496
of the Revised Code;	23497
(ii) A proceeding for attachment of the person of the	23498
judgment debtor under section 2333.28 of the Revised Code;	23499
(iii) A creditor's suit under section 2333.01 of the Revised	23500
Code.	23501
(d) The attachment of the property of the judgment debtor	23502
under Chapter 2715. of the Revised Code;	23503
(e) The garnishment of the property of the judgment debtor	23504
under Chapter 2716. of the Revised Code.	23505
(3) Obtain an order for the assignment of wages of the	23506
judgment debtor under section 1321.33 of the Revised Code.	23507
(E) A court that imposes a financial sanction upon an	23508

offender may hold a hearing if necessary to determine whether the 23509  
offender is able to pay the sanction or is likely in the future to 23510  
be able to pay it. 23511

(F) Each court imposing a financial sanction upon an offender 23512  
under this section or under section 2929.32 of the Revised Code 23513  
may designate the clerk of the court or another person to collect 23514  
the financial sanction. The clerk or other person authorized by 23515  
law or the court to collect the financial sanction may enter into 23516  
contracts with one or more public agencies or private vendors for 23517  
the collection of, amounts due under the financial sanction 23518  
imposed pursuant to this section or section 2929.32 of the Revised 23519  
Code. Before entering into a contract for the collection of 23520  
amounts due from an offender pursuant to any financial sanction 23521  
imposed pursuant to this section or section 2929.32 of the Revised 23522  
Code, a court shall comply with sections 307.86 to 307.92 of the 23523  
Revised Code. 23524

(G) If a court that imposes a financial sanction under 23525  
division (A) or (B) of this section finds that an offender 23526  
satisfactorily has completed all other sanctions imposed upon the 23527  
offender and that all restitution that has been ordered has been 23528  
paid as ordered, the court may suspend any financial sanctions 23529  
imposed pursuant to this section or section 2929.32 of the Revised 23530  
Code that have not been paid. 23531

(H) No financial sanction imposed under this section or 23532  
section 2929.32 of the Revised Code shall preclude a victim from 23533  
bringing a civil action against the offender. 23534

**Sec. 2929.20.** (A) As used in this section: 23535

(1)(a) Except as provided in division (A)(1)(b) of this 23536  
section, "eligible offender" means any person who, on or after 23537  
April 7, 2009, is serving a stated prison term that includes one 23538  
or more nonmandatory prison terms. 23539

(b) "Eligible offender" does not include any person who, on 23540  
or after April 7, 2009, is serving a stated prison term for any of 23541  
the following criminal offenses that was a felony and was 23542  
committed while the person held a public office in this state: 23543

(i) A violation of section 2921.02, 2921.03, 2921.05, 23544  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 23545  
Code; 23546

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 23547  
2921.12 of the Revised Code, when the conduct constituting the 23548  
violation was related to the duties of the offender's public 23549  
office or to the offender's actions as a public official holding 23550  
that public office; 23551

(iii) A violation of an existing or former municipal 23552  
ordinance or law of this or any other state or the United States 23553  
that is substantially equivalent to any violation listed in 23554  
division (A)(1)(b)(i) of this section; 23555

(iv) A violation of an existing or former municipal ordinance 23556  
or law of this or any other state or the United States that is 23557  
substantially equivalent to any violation listed in division 23558  
(A)(1)(b)(ii) of this section, when the conduct constituting the 23559  
violation was related to the duties of the offender's public 23560  
office or to the offender's actions as a public official holding 23561  
that public office; 23562

(v) A conspiracy to commit, attempt to commit, or complicity 23563  
in committing any offense listed in division (A)(1)(b)(i) or 23564  
described in division (A)(1)(b)(iii) of this section; 23565

(vi) A conspiracy to commit, attempt to commit, or complicity 23566  
in committing any offense listed in division (A)(1)(b)(ii) or 23567  
described in division (A)(1)(b)(iv) of this section, if the 23568  
conduct constituting the offense that was the subject of the 23569  
conspiracy, that would have constituted the offense attempted, or 23570

constituting the offense in which the offender was complicit was 23571  
or would have been related to the duties of the offender's public 23572  
office or to the offender's actions as a public official holding 23573  
that public office. 23574

(2) "Nonmandatory prison term" means a prison term that is 23575  
not a mandatory prison term. 23576

(3) "Public office" means any elected federal, state, or 23577  
local government office in this state. 23578

(4) "Victim's representative" has the same meaning as in 23579  
section 2930.01 of the Revised Code. 23580

(5) "Imminent danger of death," "medically incapacitated," 23581  
and "terminal illness" have the same meanings as in section 23582  
2967.05 of the Revised Code. 23583

(B) On the motion of an eligible offender or upon its own 23584  
motion, the sentencing court may reduce the eligible offender's 23585  
aggregated nonmandatory prison term or terms through a judicial 23586  
release under this section. 23587

(C) An eligible offender may file a motion for judicial 23588  
release with the sentencing court within the following applicable 23589  
periods: 23590

(1) If the aggregated nonmandatory prison term or terms is 23591  
less than two years, the eligible offender may file the motion not 23592  
earlier than thirty days after the offender is delivered to a 23593  
state correctional institution or, if the prison term includes a 23594  
mandatory prison term or terms, not earlier than thirty days after 23595  
the expiration of all mandatory prison terms. 23596

(2) If the aggregated nonmandatory prison term or terms is at 23597  
least two years but less than five years, the eligible offender 23598  
may file the motion not earlier than one hundred eighty days after 23599  
the offender is delivered to a state correctional institution or, 23600

if the prison term includes a mandatory prison term or terms, not 23601  
earlier than one hundred eighty days after the expiration of all 23602  
mandatory prison terms. 23603

(3) If the aggregated nonmandatory prison term or terms is 23604  
five years, the eligible offender may file the motion not earlier 23605  
than four years after the eligible offender is delivered to a 23606  
state correctional institution or, if the prison term includes a 23607  
mandatory prison term or terms, not earlier than four years after 23608  
the expiration of all mandatory prison terms. 23609

(4) If the aggregated nonmandatory prison term or terms is 23610  
more than five years but not more than ten years, the eligible 23611  
offender may file the motion not earlier than five years after the 23612  
eligible offender is delivered to a state correctional institution 23613  
or, if the prison term includes a mandatory prison term or terms, 23614  
not earlier than five years after the expiration of all mandatory 23615  
prison terms. 23616

(5) If the aggregated nonmandatory prison term or terms is 23617  
more than ten years, the eligible offender may file the motion not 23618  
earlier than the later of the date on which the offender has 23619  
served one-half of the offender's stated prison term or the date 23620  
specified in division (C)(4) of this section. 23621

(D) Upon receipt of a timely motion for judicial release 23622  
filed by an eligible offender under division (C) of this section 23623  
or upon the sentencing court's own motion made within the 23624  
appropriate time specified in that division, the court may deny 23625  
the motion without a hearing or schedule a hearing on the motion. 23626  
The court shall not grant the motion without a hearing. If a court 23627  
denies a motion without a hearing, the court later may consider 23628  
judicial release for that eligible offender on a subsequent motion 23629  
filed by that eligible offender unless the court denies the motion 23630  
with prejudice. If a court denies a motion with prejudice, the 23631  
court may later consider judicial release on its own motion. If a 23632

court denies a motion after a hearing, the court shall not 23633  
consider a subsequent motion for that eligible offender. The court 23634  
shall hold only one hearing for any eligible offender. 23635

A hearing under this section shall be conducted in open court 23636  
not less than thirty or more than sixty days after the motion is 23637  
filed, provided that the court may delay the hearing for one 23638  
hundred eighty additional days. If the court holds a hearing, the 23639  
court shall enter a ruling on the motion within ten days after the 23640  
hearing. If the court denies the motion without a hearing, the 23641  
court shall enter its ruling on the motion within sixty days after 23642  
the motion is filed. 23643

(E) If a court schedules a hearing under division (D) of this 23644  
section, the court shall notify the eligible offender and the head 23645  
of the state correctional institution in which the eligible 23646  
offender is confined prior to the hearing. The head of the state 23647  
correctional institution immediately shall notify the appropriate 23648  
person at the department of rehabilitation and correction of the 23649  
hearing, and the department within twenty-four hours after receipt 23650  
of the notice, shall post on the database it maintains pursuant to 23651  
section 5120.66 of the Revised Code the offender's name and all of 23652  
the information specified in division (A)(1)(c)(i) of that 23653  
section. If the court schedules a hearing for judicial release, 23654  
the court promptly shall give notice of the hearing to the 23655  
prosecuting attorney of the county in which the eligible offender 23656  
was indicted. Upon receipt of the notice from the court, the 23657  
prosecuting attorney shall do whichever of the following is 23658  
applicable: 23659

(1) Subject to division (E)(2) of this section, notify the 23660  
victim of the offense or the victim's representative pursuant to 23661  
division (B) of section 2930.16 of the Revised Code; 23662

(2) If the offense was an offense of violence that is a 23663  
felony of the first, second, or third degree, except as otherwise 23664



provided in this division, notify the victim or the victim's 23665  
representative of the hearing regardless of whether the victim or 23666  
victim's representative has requested the notification. The notice 23667  
of the hearing shall not be given under this division to a victim 23668  
or victim's representative if the victim or victim's 23669  
representative has requested pursuant to division (B)(2) of 23670  
section 2930.03 of the Revised Code that the victim or the 23671  
victim's representative not be provided the notice. If notice is 23672  
to be provided to a victim or victim's representative under this 23673  
division, the prosecuting attorney may give the notice by any 23674  
reasonable means, including regular mail, telephone, and 23675  
electronic mail, in accordance with division (D)(1) of section 23676  
2930.16 of the Revised Code. If the notice is based on an offense 23677  
committed prior to March 22, 2013, the notice also shall include 23678  
the opt-out information described in division (D)(1) of section 23679  
2930.16 of the Revised Code. The prosecuting attorney, in 23680  
accordance with division (D)(2) of section 2930.16 of the Revised 23681  
Code, shall keep a record of all attempts to provide the notice, 23682  
and of all notices provided, under this division. Division (E)(2) 23683  
of this section, and the notice-related provisions of division (K) 23684  
of this section, division (D)(1) of section 2930.16, division (H) 23685  
of section 2967.12, division (E)(1)(b) of section 2967.19, 23686  
division (A)(3)(b) of section 2967.26, division (D)(1) of section 23687  
2967.28, and division (A)(2) of section 5149.101 of the Revised 23688  
Code enacted in the act in which division (E)(2) of this section 23689  
was enacted, shall be known as "Roberta's Law." 23690

(F) Upon an offender's successful completion of 23691  
rehabilitative activities, the head of the state correctional 23692  
institution may notify the sentencing court of the successful 23693  
completion of the activities. 23694

(G) Prior to the date of the hearing on a motion for judicial 23695  
release under this section, the head of the state correctional 23696

institution in which the eligible offender is confined shall send 23697  
to the court an institutional summary report on the eligible 23698  
offender's conduct in the institution and in any institution from 23699  
which the eligible offender may have been transferred. Upon the 23700  
request of the prosecuting attorney of the county in which the 23701  
eligible offender was indicted or of any law enforcement agency, 23702  
the head of the state correctional institution, at the same time 23703  
the person sends the institutional summary report to the court, 23704  
also shall send a copy of the report to the requesting prosecuting 23705  
attorney and law enforcement agencies. The institutional summary 23706  
report shall cover the eligible offender's participation in 23707  
school, vocational training, work, treatment, and other 23708  
rehabilitative activities and any disciplinary action taken 23709  
against the eligible offender. The report shall be made part of 23710  
the record of the hearing. A presentence investigation report is 23711  
not required for judicial release. 23712

(H) If the court grants a hearing on a motion for judicial 23713  
release under this section, the eligible offender shall attend the 23714  
hearing if ordered to do so by the court. Upon receipt of a copy 23715  
of the journal entry containing the order, the head of the state 23716  
correctional institution in which the eligible offender is 23717  
incarcerated shall deliver the eligible offender to the sheriff of 23718  
the county in which the hearing is to be held. The sheriff shall 23719  
convey the eligible offender to and from the hearing. 23720

(I) At the hearing on a motion for judicial release under 23721  
this section, the court shall afford the eligible offender and the 23722  
eligible offender's attorney an opportunity to present written 23723  
and, if present, oral information relevant to the motion. The 23724  
court shall afford a similar opportunity to the prosecuting 23725  
attorney, the victim or the victim's representative, and any other 23726  
person the court determines is likely to present additional 23727  
relevant information. The court shall consider any statement of a 23728

victim made pursuant to section 2930.14 or 2930.17 of the Revised Code, any victim impact statement prepared pursuant to section 2947.051 of the Revised Code, and any report made under division (G) of this section. The court may consider any written statement of any person submitted to the court pursuant to division (L) of this section. After ruling on the motion, the court shall notify the victim of the ruling in accordance with sections 2930.03 and 2930.16 of the Revised Code.

(J)(1) A court shall not grant a judicial release under this section to an eligible offender who is imprisoned for a felony of the first or second degree, or to an eligible offender who committed an offense under Chapter 2925. or 3719. of the Revised Code and for whom there was a presumption under section 2929.13 of the Revised Code in favor of a prison term, unless the court, with reference to factors under section 2929.12 of the Revised Code, finds both of the following:

(a) That a sanction other than a prison term would adequately punish the offender and protect the public from future criminal violations by the eligible offender because the applicable factors indicating a lesser likelihood of recidivism outweigh the applicable factors indicating a greater likelihood of recidivism;

(b) That a sanction other than a prison term would not demean the seriousness of the offense because factors indicating that the eligible offender's conduct in committing the offense was less serious than conduct normally constituting the offense outweigh factors indicating that the eligible offender's conduct was more serious than conduct normally constituting the offense.

(2) A court that grants a judicial release to an eligible offender under division (J)(1) of this section shall specify on the record both findings required in that division and also shall list all the factors described in that division that were presented at the hearing.

(K) If the court grants a motion for judicial release under 23761  
this section, the court shall order the release of the eligible 23762  
offender, shall place the eligible offender under an appropriate 23763  
community control sanction, under appropriate conditions, and 23764  
under the supervision of the department of probation serving the 23765  
court and shall reserve the right to reimpose the sentence that it 23766  
reduced if the offender violates the sanction. If the court 23767  
reimposes the reduced sentence, it may do so either concurrently 23768  
with, or consecutive to, any new sentence imposed upon the 23769  
eligible offender as a result of the violation that is a new 23770  
offense. The Except as provided in division (R)(2) of this 23771  
section, the period of community control shall be no longer than 23772  
five years. The court, in its discretion, may reduce the period of 23773  
community control by the amount of time the eligible offender 23774  
spent in jail or prison for the offense and in prison. If the 23775  
court made any findings pursuant to division (J)(1) of this 23776  
section, the court shall serve a copy of the findings upon counsel 23777  
for the parties within fifteen days after the date on which the 23778  
court grants the motion for judicial release. 23779

If the court grants a motion for judicial release, the court 23780  
shall notify the appropriate person at the department of 23781  
rehabilitation and correction, and the department shall post 23782  
notice of the release on the database it maintains pursuant to 23783  
section 5120.66 of the Revised Code. The court also shall notify 23784  
the prosecuting attorney of the county in which the eligible 23785  
offender was indicted that the motion has been granted. Unless the 23786  
victim or the victim's representative has requested pursuant to 23787  
division (B)(2) of section 2930.03 of the Revised Code that the 23788  
victim or victim's representative not be provided the notice, the 23789  
prosecuting attorney shall notify the victim or the victim's 23790  
representative of the judicial release in any manner, and in 23791  
accordance with the same procedures, pursuant to which the 23792  
prosecuting attorney is authorized to provide notice of the 23793

hearing pursuant to division (E)(2) of this section. If the notice 23794  
is based on an offense committed prior to March 22, 2013, the 23795  
notice to the victim or victim's representative also shall include 23796  
the opt-out information described in division (D)(1) of section 23797  
2930.16 of the Revised Code. 23798

(L) In addition to and independent of the right of a victim 23799  
to make a statement pursuant to section 2930.14, 2930.17, or 23800  
2946.051 of the Revised Code and any right of a person to present 23801  
written information or make a statement pursuant to division (I) 23802  
of this section, any person may submit to the court, at any time 23803  
prior to the hearing on the offender's motion for judicial 23804  
release, a written statement concerning the effects of the 23805  
offender's crime or crimes, the circumstances surrounding the 23806  
crime or crimes, the manner in which the crime or crimes were 23807  
perpetrated, and the person's opinion as to whether the offender 23808  
should be released. 23809

(M) The changes to this section that are made on September 23810  
30, 2011, apply to any judicial release decision made on or after 23811  
September 30, 2011, for any eligible offender. 23812

(N) Notwithstanding the eligibility requirements specified in 23813  
division (A) of this section and the filing time frames specified 23814  
in division (C) of this section and notwithstanding the findings 23815  
required under division (J) of this section, the sentencing court, 23816  
upon the court's own motion and after considering whether the 23817  
release of the offender into society would create undue risk to 23818  
public safety, may grant a judicial release to an offender who is 23819  
not serving a life sentence at any time during the offender's 23820  
imposed sentence when the director of rehabilitation and 23821  
correction certifies to the sentencing court through the chief 23822  
medical officer for the department of rehabilitation and 23823  
correction that the offender is in imminent danger of death, is 23824  
medically incapacitated, or is suffering from a terminal illness. 23825

(O) The director of rehabilitation and correction shall not certify any offender under division (N) of this section who is serving a death sentence. 23826  
23827  
23828

(P) A motion made by the court under division (N) of this section is subject to the notice, hearing, and other procedural requirements specified in divisions (D), (E), (G), (H), (I), (K), and (L) of this section, except for the following: 23829  
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(1) The court may waive the offender's appearance at any hearing scheduled by the court if the offender's condition makes it impossible for the offender to participate meaningfully in the proceeding. 23833  
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(2) The court may grant the motion without a hearing, provided that the prosecuting attorney and victim or victim's representative to whom notice of the hearing was provided under division (E) of this section indicate that they do not wish to participate in the hearing or present information relevant to the motion. 23837  
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(O) The court may request health care records from the department of rehabilitation and correction to verify the certification made under division (N) of this section. 23843  
23844  
23845

(R)(1) If the court grants judicial release under division (N) of this section, the court shall do all of the following: 23846  
23847

(a) Order the release of the offender; 23848

(b) Place the offender under an appropriate community control sanction, under appropriate conditions; 23849  
23850

(c) Place the offender under the supervision of the department of probation serving the court or under the supervision of the adult parole authority. 23851  
23852  
23853

(2) The court, in its discretion, may revoke the judicial release if the offender violates the community control sanction 23854  
23855

described in division (R)(1) of this section. The period of that 23856  
community control is not subject to the five-year limitation 23857  
described in division (K) of this section and shall not expire 23858  
earlier than the date on which all of the offender's mandatory 23859  
prison terms expire. 23860

(S) If the health of an offender who is released under 23861  
division (N) of this section improves so that the offender is no 23862  
longer terminally ill, medically incapacitated, or in imminent 23863  
danger of death, the court shall, upon the court's own motion, 23864  
revoke the judicial release. The court shall not grant the motion 23865  
without a hearing unless the offender waives a hearing. If a 23866  
hearing is held, the court shall afford the offender and the 23867  
offender's attorney an opportunity to present written and, if the 23868  
offender or the offender's attorney is present, oral information 23869  
relevant to the motion. The court shall afford a similar 23870  
opportunity to the prosecuting attorney, the victim or the 23871  
victim's representative, and any other person the court determines 23872  
is likely to present additional relevant information. A court that 23873  
grants a motion under this division shall specify its findings on 23874  
the record. 23875

**Sec. 2935.33.** (A) If a person charged with a misdemeanor is 23876  
taken before a judge of a court of record and if it appears to the 23877  
judge that the person is an alcoholic or is suffering from acute 23878  
alcohol intoxication and that the person would benefit from 23879  
services provided by a community addiction services provider 23880  
~~certified under Chapter 5119. of the Revised Code, the judge may~~ 23881  
place the person temporarily in with a community addiction 23882  
~~services provider certified under that chapter~~ in the area in 23883  
which the court has jurisdiction for inpatient care and treatment 23884  
for an indefinite period not exceeding five days. The commitment 23885  
does not limit the right to release on bail. The judge may dismiss 23886  
a charge of a violation of division (B) of section 2917.11 of the 23887

Revised Code or of a municipal ordinance substantially equivalent 23888  
to that division if the defendant complies with all the conditions 23889  
of treatment ordered by the court. 23890

The court may order that any fines or court costs collected 23891  
by the court from defendants who have received inpatient care from 23892  
a community addiction services provider be paid, for the benefit 23893  
of the program, to the board of alcohol, drug addiction, and 23894  
mental health services of the alcohol, drug addiction, and mental 23895  
health service district in which the community addiction services 23896  
provider is located or to the director of mental health and 23897  
addiction services. 23898

(B) If a person is being sentenced for a violation of 23899  
division (B) of section 2917.11 or section 4511.19 of the Revised 23900  
Code, a misdemeanor violation of section 2919.25 of the Revised 23901  
Code, a misdemeanor violation of section 2919.27 of the Revised 23902  
Code involving a protection order issued or consent agreement 23903  
approved pursuant to section 2919.26 or 3113.31 of the Revised 23904  
Code, or a violation of a municipal ordinance substantially 23905  
equivalent to that division or any of those sections and if it 23906  
appears to the judge at the time of sentencing that the person is 23907  
an alcoholic or is suffering from acute alcohol intoxication and 23908  
that, in lieu of imprisonment, the person would benefit from 23909  
services provided by a community addiction services provider 23910  
~~certified under Chapter 5119. of the Revised Code,~~ the court may 23911  
commit the person to close supervision in any facility in the area 23912  
in which the court has jurisdiction that is, or is operated by, 23913  
such a services provider. Such close supervision may include 23914  
outpatient services and part-time release, except that a person 23915  
convicted of a violation of division (A) of section 4511.19 of the 23916  
Revised Code shall be confined to the facility for at least three 23917  
days and except that a person convicted of a misdemeanor violation 23918  
of section 2919.25 of the Revised Code, a misdemeanor violation of 23919



section 2919.27 of the Revised Code involving a protection order 23920  
issued or consent agreement approved pursuant to section 2919.26 23921  
or 3113.31 of the Revised Code, or a violation of a substantially 23922  
equivalent municipal ordinance shall be confined to the facility 23923  
in accordance with the order of commitment. A commitment of a 23924  
person to a facility for purposes of close supervision shall not 23925  
exceed the maximum term for which the person could be imprisoned. 23926

(C) A law enforcement officer who finds a person subject to 23927  
prosecution for violation of division (B) of section 2917.11 of 23928  
the Revised Code or a municipal ordinance substantially equivalent 23929  
to that division and who has reasonable cause to believe that the 23930  
person is an alcoholic or is suffering from acute alcohol 23931  
intoxication and would benefit from immediate treatment 23932  
immediately may place the person ~~in~~ with a community addiction 23933  
services provider ~~certified under Chapter 5119. of the Revised~~ 23934  
~~Code~~ in the area in which the person is found, for emergency 23935  
treatment, in lieu of other arrest procedures, for a maximum 23936  
period of forty-eight hours. During that time, if the person 23937  
desires to leave such custody, the person shall be released 23938  
forthwith. 23939

(D) As used in this section: 23940

(1) "Alcoholic" ~~has~~ and "community addiction services 23941  
provider" have the same ~~meaning~~ meanings as in section 5119.01 of 23942  
the Revised Code; 23943

(2) "Acute alcohol intoxication" means a heavy consumption of 23944  
alcohol over a relatively short period of time, resulting in 23945  
dysfunction of the brain centers controlling behavior, speech, and 23946  
memory and causing characteristic withdrawal symptoms. 23947

**Sec. 2951.041.** (A)(1) If an offender is charged with a 23948  
criminal offense, including but not limited to a violation of 23949  
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 23950

the Revised Code, and the court has reason to believe that drug or 23951  
alcohol usage by the offender was a factor leading to the criminal 23952  
offense with which the offender is charged or that, at the time of 23953  
committing that offense, the offender had a mental illness, was a 23954  
person with intellectual disability, or was a victim of a 23955  
violation of section 2905.32 of the Revised Code and that the 23956  
mental illness, status as a person with intellectual disability, 23957  
or fact that the offender was a victim of a violation of section 23958  
2905.32 of the Revised Code was a factor leading to the offender's 23959  
criminal behavior, the court may accept, prior to the entry of a 23960  
guilty plea, the offender's request for intervention in lieu of 23961  
conviction. The request shall include a statement from the 23962  
offender as to whether the offender is alleging that drug or 23963  
alcohol usage by the offender was a factor leading to the criminal 23964  
offense with which the offender is charged or is alleging that, at 23965  
the time of committing that offense, the offender had a mental 23966  
illness, was a person with intellectual disability, or was a 23967  
victim of a violation of section 2905.32 of the Revised Code and 23968  
that the mental illness, status as a person with intellectual 23969  
disability, or fact that the offender was a victim of a violation 23970  
of section 2905.32 of the Revised Code was a factor leading to the 23971  
criminal offense with which the offender is charged. The request 23972  
also shall include a waiver of the defendant's right to a speedy 23973  
trial, the preliminary hearing, the time period within which the 23974  
grand jury may consider an indictment against the offender, and 23975  
arraignment, unless the hearing, indictment, or arraignment has 23976  
already occurred. The court may reject an offender's request 23977  
without a hearing. If the court elects to consider an offender's 23978  
request, the court shall conduct a hearing to determine whether 23979  
the offender is eligible under this section for intervention in 23980  
lieu of conviction and shall stay all criminal proceedings pending 23981  
the outcome of the hearing. If the court schedules a hearing, the 23982  
court shall order an assessment of the offender for the purpose of 23983

determining the offender's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan. 23984  
23985

If the offender alleges that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court may order that the offender be assessed by ~~an~~ a community addiction services provider ~~certified pursuant to section 5119.36 of the Revised Code~~ or a properly credentialed professional for the purpose of determining the offender's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan. The community addiction services provider or the properly credentialed professional shall provide a written assessment of the offender to the court. 23986  
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(2) The victim notification provisions of division (C) of section 2930.08 of the Revised Code apply in relation to any hearing held under division (A)(1) of this section. 23997  
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(B) An offender is eligible for intervention in lieu of conviction if the court finds all of the following: 24000  
24001

(1) The offender previously has not been convicted of or pleaded guilty to a felony offense of violence or previously has been convicted of or pleaded guilty to any felony that is not an offense of violence and the prosecuting attorney recommends that the offender be found eligible for participation in intervention in lieu of treatment under this section, previously has not been through intervention in lieu of conviction under this section or any similar regimen, and is charged with a felony for which the court, upon conviction, would impose a community control sanction on the offender under division (B)(2) of section 2929.13 of the Revised Code or with a misdemeanor. 24002  
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(2) The offense is not a felony of the first, second, or third degree, is not an offense of violence, is not a violation of 24013  
24014

division (A)(1) or (2) of section 2903.06 of the Revised Code, is 24015  
not a violation of division (A)(1) of section 2903.08 of the 24016  
Revised Code, is not a violation of division (A) of section 24017  
4511.19 of the Revised Code or a municipal ordinance that is 24018  
substantially similar to that division, and is not an offense for 24019  
which a sentencing court is required to impose a mandatory prison 24020  
term, a mandatory term of local incarceration, or a mandatory term 24021  
of imprisonment in a jail. 24022

(3) The offender is not charged with a violation of section 24023  
2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged 24024  
with a violation of section 2925.03 of the Revised Code that is a 24025  
felony of the first, second, third, or fourth degree, and is not 24026  
charged with a violation of section 2925.11 of the Revised Code 24027  
that is a felony of the first, second, or third degree. 24028

(4) If an offender alleges that drug or alcohol usage by the 24029  
offender was a factor leading to the criminal offense with which 24030  
the offender is charged, the court has ordered that the offender 24031  
be assessed by ~~an~~ a community addiction services provider 24032  
~~certified pursuant to section 5119.36 of the Revised Code~~ or a 24033  
properly credentialed professional for the purpose of determining 24034  
the offender's eligibility for intervention in lieu of conviction 24035  
and recommending an appropriate intervention plan, the offender 24036  
has been assessed by ~~an~~ a community addiction services provider of 24037  
that nature or a properly credentialed professional in accordance 24038  
with the court's order, and the community addiction services 24039  
provider or properly credentialed professional has filed the 24040  
written assessment of the offender with the court. 24041

(5) If an offender alleges that, at the time of committing 24042  
the criminal offense with which the offender is charged, the 24043  
offender had a mental illness, was a person with intellectual 24044  
disability, or was a victim of a violation of section 2905.32 of 24045  
the Revised Code and that the mental illness, status as a person 24046

with intellectual disability, or fact that the offender was a 24047  
victim of a violation of section 2905.32 of the Revised Code was a 24048  
factor leading to that offense, the offender has been assessed by 24049  
a psychiatrist, psychologist, independent social worker, licensed 24050  
professional clinical counselor, or independent marriage and 24051  
family therapist for the purpose of determining the offender's 24052  
eligibility for intervention in lieu of conviction and 24053  
recommending an appropriate intervention plan. 24054

(6) The offender's drug usage, alcohol usage, mental illness, 24055  
or intellectual disability, or the fact that the offender was a 24056  
victim of a violation of section 2905.32 of the Revised Code, 24057  
whichever is applicable, was a factor leading to the criminal 24058  
offense with which the offender is charged, intervention in lieu 24059  
of conviction would not demean the seriousness of the offense, and 24060  
intervention would substantially reduce the likelihood of any 24061  
future criminal activity. 24062

(7) The alleged victim of the offense was not sixty-five 24063  
years of age or older, permanently and totally disabled, under 24064  
thirteen years of age, or a peace officer engaged in the officer's 24065  
official duties at the time of the alleged offense. 24066

(8) If the offender is charged with a violation of section 24067  
2925.24 of the Revised Code, the alleged violation did not result 24068  
in physical harm to any person, and the offender previously has 24069  
not been treated for drug abuse. 24070

(9) The offender is willing to comply with all terms and 24071  
conditions imposed by the court pursuant to division (D) of this 24072  
section. 24073

(10) The offender is not charged with an offense that would 24074  
result in the offender being disqualified under Chapter 4506. of 24075  
the Revised Code from operating a commercial motor vehicle or 24076  
would subject the offender to any other sanction under that 24077

chapter. 24078

(C) At the conclusion of a hearing held pursuant to division 24079  
(A) of this section, the court shall enter its determination as to 24080  
whether the offender is eligible for intervention in lieu of 24081  
conviction and as to whether to grant the offender's request. If 24082  
the court finds under division (B) of this section that the 24083  
offender is eligible for intervention in lieu of conviction and 24084  
grants the offender's request, the court shall accept the 24085  
offender's plea of guilty and waiver of the defendant's right to a 24086  
speedy trial, the preliminary hearing, the time period within 24087  
which the grand jury may consider an indictment against the 24088  
offender, and arraignment, unless the hearing, indictment, or 24089  
arraignment has already occurred. In addition, the court then may 24090  
stay all criminal proceedings and order the offender to comply 24091  
with all terms and conditions imposed by the court pursuant to 24092  
division (D) of this section. If the court finds that the offender 24093  
is not eligible or does not grant the offender's request, the 24094  
criminal proceedings against the offender shall proceed as if the 24095  
offender's request for intervention in lieu of conviction had not 24096  
been made. 24097

(D) If the court grants an offender's request for 24098  
intervention in lieu of conviction, the court shall place the 24099  
offender under the general control and supervision of the county 24100  
probation department, the adult parole authority, or another 24101  
appropriate local probation or court services agency, if one 24102  
exists, as if the offender was subject to a community control 24103  
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 24104  
Revised Code. The court shall establish an intervention plan for 24105  
the offender. The terms and conditions of the intervention plan 24106  
shall require the offender, for at least one year from the date on 24107  
which the court grants the order of intervention in lieu of 24108  
conviction, to abstain from the use of illegal drugs and alcohol, 24109

to participate in treatment and recovery support services, and to 24110  
submit to regular random testing for drug and alcohol use and may 24111  
include any other treatment terms and conditions, or terms and 24112  
conditions similar to community control sanctions, which may 24113  
include community service or restitution, that are ordered by the 24114  
court. 24115

(E) If the court grants an offender's request for 24116  
intervention in lieu of conviction and the court finds that the 24117  
offender has successfully completed the intervention plan for the 24118  
offender, including the requirement that the offender abstain from 24119  
using illegal drugs and alcohol for a period of at least one year 24120  
from the date on which the court granted the order of intervention 24121  
in lieu of conviction, the requirement that the offender 24122  
participate in treatment and recovery support services, and all 24123  
other terms and conditions ordered by the court, the court shall 24124  
dismiss the proceedings against the offender. Successful 24125  
completion of the intervention plan and period of abstinence under 24126  
this section shall be without adjudication of guilt and is not a 24127  
criminal conviction for purposes of any disqualification or 24128  
disability imposed by law and upon conviction of a crime, and the 24129  
court may order the sealing of records related to the offense in 24130  
question in the manner provided in sections 2953.31 to 2953.36 of 24131  
the Revised Code. 24132

(F) If the court grants an offender's request for 24133  
intervention in lieu of conviction and the offender fails to 24134  
comply with any term or condition imposed as part of the 24135  
intervention plan for the offender, the supervising authority for 24136  
the offender promptly shall advise the court of this failure, and 24137  
the court shall hold a hearing to determine whether the offender 24138  
failed to comply with any term or condition imposed as part of the 24139  
plan. If the court determines that the offender has failed to 24140  
comply with any of those terms and conditions, it shall enter a 24141

finding of guilty and shall impose an appropriate sanction under 24142  
Chapter 2929. of the Revised Code. If the court sentences the 24143  
offender to a prison term, the court, after consulting with the 24144  
department of rehabilitation and correction regarding the 24145  
availability of services, may order continued court-supervised 24146  
activity and treatment of the offender during the prison term and, 24147  
upon consideration of reports received from the department 24148  
concerning the offender's progress in the program of activity and 24149  
treatment, may consider judicial release under section 2929.20 of 24150  
the Revised Code. 24151

(G) As used in this section: 24152

(1) "Community addiction services provider" has the same 24153  
meaning as in section 5119.01 of the Revised Code. 24154

(2) "Community control sanction" has the same meaning as in 24155  
section 2929.01 of the Revised Code. 24156

~~(2)~~(3) "Intervention in lieu of conviction" means any 24157  
court-supervised activity that complies with this section. 24158

~~(3)~~(4) "Peace officer" has the same meaning as in section 24159  
2935.01 of the Revised Code. 24160

~~(4)~~(5) "Mental illness" and "psychiatrist" have the same 24161  
meanings as in section 5122.01 of the Revised Code. 24162

~~(5)~~(6) "Person with intellectual disability" means a person 24163  
having significantly subaverage general intellectual functioning 24164  
existing concurrently with deficiencies in adaptive behavior, 24165  
manifested during the developmental period. 24166

~~(6)~~(7) "Psychologist" has the same meaning as in section 24167  
4732.01 of the Revised Code. 24168

(H) Whenever the term "mentally retarded person" is used in 24169  
any statute, rule, contract, grant, or other document, the 24170  
reference shall be deemed to include a "person with intellectual 24171



disability," as defined in this section. 24172

**Sec. 2967.14.** (A) The department of rehabilitation and 24173  
correction or the adult parole authority may require or allow a 24174  
parolee, a releasee, or a prisoner otherwise released from a state 24175  
correctional institution to reside in a halfway house or other 24176  
suitable community residential center that has been licensed by 24177  
the division of parole and community services pursuant to division 24178  
(C) of this section during a part or for the entire period of the 24179  
offender's or parolee's conditional release or of the releasee's 24180  
term of post-release control. The court of common pleas that 24181  
placed an offender under a sanction consisting of a term in a 24182  
halfway house or in an alternative residential sanction may 24183  
require the offender to reside in a halfway house or other 24184  
suitable community residential center that is designated by the 24185  
court and that has been licensed by the division pursuant to 24186  
division (C) of this section during a part or for the entire 24187  
period of the offender's residential sanction. 24188

(B) The division of parole and community services may 24189  
negotiate and enter into agreements with any public or private 24190  
agency or a department or political subdivision of the state that 24191  
operates a halfway house, reentry center, or community residential 24192  
center that has been licensed by the division pursuant to division 24193  
(C) of this section. An agreement under this division shall 24194  
provide for the purchase of beds, shall set limits of supervision 24195  
and levels of occupancy, and shall determine the scope of services 24196  
for all eligible offenders, including those subject to a 24197  
residential sanction, as defined in rules adopted by the director 24198  
of rehabilitation and correction in accordance with Chapter 119. 24199  
of the Revised Code, or those released from prison without 24200  
supervision. The payments for beds and services shall not exceed 24201  
the total operating costs of the halfway house, reentry center, or 24202  
community residential center during the term of an agreement. The 24203

director of rehabilitation and correction shall adopt rules in 24204  
accordance with Chapter 119. of the Revised Code for determining 24205  
includable and excludable costs and income to be used in computing 24206  
the agency's average daily per capita costs with its facility at 24207  
full occupancy. 24208

The director of rehabilitation and correction shall adopt 24209  
rules providing for the use of no more than fifteen per cent of 24210  
the amount appropriated to the department each fiscal year for the 24211  
halfway house, reentry center, and community residential center 24212  
program to pay for contracts with licensed halfway houses for 24213  
nonresidential services for offenders under the supervision of the 24214  
adult parole authority, including but not limited to, offenders 24215  
supervised pursuant to an agreement entered into by the adult 24216  
parole authority and a court of common pleas under section 2301.32 24217  
of the Revised Code. The nonresidential services may include, but 24218  
are not limited to, treatment for substance abuse, mental health 24219  
counseling, counseling for sex offenders, electronic monitoring 24220  
services, aftercare, and other nonresidential services that the 24221  
director identifies by rule. 24222

(C) The division of parole and community services may license 24223  
a halfway house, reentry center, or community residential center 24224  
as a suitable facility for the care and treatment of adult 24225  
offenders, including offenders sentenced under section 2929.16 or 24226  
2929.26 of the Revised Code, only if the halfway house, reentry 24227  
center, or community residential center complies with the 24228  
standards that the division adopts in accordance with Chapter 119. 24229  
of the Revised Code for the licensure of halfway houses, reentry 24230  
centers, and community residential centers. The division shall 24231  
annually inspect each licensed halfway house, licensed reentry 24232  
center, and licensed community residential center to determine if 24233  
it is in compliance with the licensure standards. 24234

(D) The division of parole and community services may expend 24235

up to one-half per cent of the annual appropriation made for 24236  
halfway house programs, for goods or services that benefit those 24237  
programs. 24238

**Sec. 2969.14.** (A) If a separate account has been maintained 24239  
in the name of an offender in the crime victims recovery fund and 24240  
if there is no further requirement to pay into the fund money, or 24241  
the monetary value of property, pursuant to section 2929.32 of the 24242  
Revised Code, unless otherwise ordered by a court of record in 24243  
which a judgment has been rendered against the offender or the 24244  
representatives of the offender, the clerk of the court of claims 24245  
shall pay the money remaining in the separate account in 24246  
accordance with division (B) of this section, if all of the 24247  
following apply: 24248

(1) The applicable period of time that governs the making of 24249  
payments from the separate account, as set forth in division 24250  
(C)(1) of section 2969.12 of the Revised Code, has elapsed. 24251

(2) None of the civil actions against the offender or the 24252  
representatives of the offender of which the clerk of the court of 24253  
claims has been notified pursuant to division (B)(1) of section 24254  
2969.12 of the Revised Code is pending. 24255

(3) All judgments for which payment was requested pursuant to 24256  
division (B)(3) of section 2969.12 of the Revised Code have been 24257  
paid. 24258

(B) If the clerk of the court of claims is required by 24259  
division (A) of this section to pay the money remaining in the 24260  
separate account established in the name of an offender in 24261  
accordance with this division, the clerk shall pay the money as 24262  
follows: 24263

~~(1) If the offender was confined for a felony in a prison or~~ 24264  
~~other facility operated by the department of rehabilitation and~~ 24265

~~correction under a sanction imposed pursuant to section 2929.14 or 2929.16 of the Revised Code, the clerk shall pay the money to the treasurer of state, in accordance with division (C)(1) of section 2929.18 of the Revised Code, to cover the costs of the confinement. If any money remains in the separate account after the payment of the costs of the confinement pursuant to this division, the clerk shall pay the remaining money in accordance with divisions (B)(2), (3), and (5) of this section.~~

~~(2) If the offender was confined for a felony in a facility operated by a county or a municipal corporation, after payment of any costs required to be paid under division (B)(1) of this section, the clerk shall pay the money to the treasurer of the county or of the municipal corporation that operated the facility, in accordance with division (C)(2)(1) or (3)(2) of section 2929.18 of the Revised Code, to cover the costs of the confinement. If more than one county or municipal corporation operated a facility in which the offender was confined, the clerk shall equitably apportion the money among each of those counties and municipal corporations. If any money remains in the separate account after the payment of the costs of the confinement pursuant to this division, the clerk shall pay the remaining money in accordance with divisions (B)(3)(2) and (5)(4) of this section.~~

~~(3)(2) If the offender was sentenced for a felony to any community control sanction other than a sanction described in division (B)(2)(1) of this section, after payment of any costs required to be paid under division (B)(1) or (2) of this section, the clerk shall pay the money to the treasurer of the county or of the municipal corporation that incurred costs pursuant to the sanction, in accordance with division (C)(2)(1) or (3)(2) of section 2929.18 of the Revised Code, to cover the costs so incurred. If more than one county or municipal corporation incurred costs pursuant to the sanction, the clerk shall equitably~~

apportion the money among each of those counties and municipal 24298  
corporations. If any money remains in the separate account after 24299  
the payment of the costs of the sanction pursuant to this 24300  
division, the clerk shall pay the remaining money in accordance 24301  
with division (B)~~(5)~~(4) of this section. 24302

~~(4)~~(3) If the offender was imprisoned or incarcerated for a 24303  
misdemeanor, to the treasurer of the political subdivision that 24304  
operates the facility in which the offender was imprisoned or 24305  
incarcerated, to cover the costs of the imprisonment or 24306  
incarceration. If more than one political subdivision operated a 24307  
facility in which the offender was confined, the clerk shall 24308  
equitably apportion the money among each of those political 24309  
subdivisions. If any money remains in the separate account after 24310  
the payment of the costs of the imprisonment or incarceration 24311  
under this division, the clerk shall pay the remaining money in 24312  
accordance with division (B)~~(5)~~(4) of this section. 24313

~~(5)~~(4) If any money remains in the separate account after 24314  
payment of any costs required to be paid under division (B)(1), 24315  
(2), or (3), ~~or~~ (4) of this section, or if no provision of 24316  
division (B)(1), (2), or (3), ~~or~~ (4) of this section applies, the 24317  
clerk shall distribute the amount of the money remaining in the 24318  
separate account as otherwise provided by law for the distribution 24319  
of money paid in satisfaction of a fine, as if that amount was a 24320  
fine paid by the offender. 24321

**Sec. 2981.12.** (A) Unclaimed or forfeited property in the 24322  
custody of a law enforcement agency, other than property described 24323  
in division (A)(2) of section 2981.11 of the Revised Code, shall 24324  
be disposed of by order of any court of record that has 24325  
territorial jurisdiction over the political subdivision that 24326  
employs the law enforcement agency, as follows: 24327

(1) Drugs shall be disposed of pursuant to section 3719.11 of 24328

the Revised Code or placed in the custody of the secretary of the 24329  
treasury of the United States for disposal or use for medical or 24330  
scientific purposes under applicable federal law. 24331

(2) Firearms and dangerous ordnance suitable for police work 24332  
may be given to a law enforcement agency for that purpose. 24333  
Firearms suitable for sporting use or as museum pieces or 24334  
collectors' items may be sold at public auction pursuant to 24335  
division (B) of this section. The agency may sell other firearms 24336  
and dangerous ordnance to a federally licensed firearms dealer in 24337  
a manner that the court considers proper. The agency shall destroy 24338  
any firearms or dangerous ordnance not given to a law enforcement 24339  
agency or sold or shall send them to the bureau of criminal 24340  
identification and investigation for destruction by the bureau. 24341

(3) Obscene materials shall be destroyed. 24342

(4) Beer, intoxicating liquor, or alcohol seized from a 24343  
person who does not hold a permit issued under Chapters 4301. and 24344  
4303. of the Revised Code or otherwise forfeited to the state for 24345  
an offense under section 4301.45 or 4301.53 of the Revised Code 24346  
shall be sold by the division of liquor control if the division 24347  
determines that it is fit for sale or shall be placed in the 24348  
custody of the investigations unit in the department of public 24349  
safety and be used for training relating to law enforcement 24350  
activities. The department, with the assistance of the division of 24351  
liquor control, shall adopt rules in accordance with Chapter 119. 24352  
of the Revised Code to provide for the distribution to state or 24353  
local law enforcement agencies upon their request. If any tax 24354  
imposed under Title XLIII of the Revised Code has not been paid in 24355  
relation to the beer, intoxicating liquor, or alcohol, any moneys 24356  
acquired from the sale shall first be used to pay the tax. All 24357  
other money collected under this division shall be paid into the 24358  
state treasury. Any beer, intoxicating liquor, or alcohol that the 24359  
division determines to be unfit for sale shall be destroyed. 24360

(5) Money received by an inmate of a correctional institution 24361  
from an unauthorized source or in an unauthorized manner shall be 24362  
returned to the sender, if known, or deposited in the inmates' 24363  
industrial and entertainment fund of the institution if the sender 24364  
is not known. 24365

(6)(a) Any mobile instrumentality forfeited under this 24366  
chapter may be given to the law enforcement agency that initially 24367  
seized the mobile instrumentality for use in performing its 24368  
duties, if the agency wants the mobile instrumentality. The agency 24369  
shall take the mobile instrumentality subject to any security 24370  
interest or lien on the mobile instrumentality. 24371

(b) Vehicles and vehicle parts forfeited under sections 24372  
4549.61 to 4549.63 of the Revised Code may be given to a law 24373  
enforcement agency for use in performing its duties. Those parts 24374  
may be incorporated into any other official vehicle. Parts that do 24375  
not bear vehicle identification numbers or derivatives of them may 24376  
be sold or disposed of as provided by rules of the director of 24377  
public safety. Parts from which a vehicle identification number or 24378  
derivative of it has been removed, defaced, covered, altered, or 24379  
destroyed and that are not suitable for police work or 24380  
incorporation into an official vehicle shall be destroyed and sold 24381  
as junk or scrap. 24382

(7) Computers, computer networks, computer systems, and 24383  
computer software suitable for police work may be given to a law 24384  
enforcement agency for that purpose or disposed of under division 24385  
(B) of this section. 24386

(8) Money seized in connection with a violation of section 24387  
2905.32, 2907.21, or 2907.22 of the Revised Code shall be 24388  
deposited in the victims of human trafficking fund created by 24389  
section 5101.87 of the Revised Code. 24390

(B) Unclaimed or forfeited property that is not described in 24391

division (A) of this section or division (A)(2) of section 2981.11 24392  
of the Revised Code, with court approval, may be used by the law 24393  
enforcement agency in possession of it. If it is not used by the 24394  
agency, it may be sold without appraisal at a public auction to 24395  
the highest bidder for cash or disposed of in another manner that 24396  
the court considers proper. 24397

(C) Except as provided in divisions (A) and (F) of this 24398  
section and after compliance with division (D) of this section 24399  
when applicable, any moneys acquired from the sale of property 24400  
disposed of pursuant to this section shall be placed in the 24401  
general revenue fund of the state, or the general fund of the 24402  
county, the township, or the municipal corporation of which the 24403  
law enforcement agency involved is an agency. 24404

(D) If the property was in the possession of the law 24405  
enforcement agency in relation to a delinquent child proceeding in 24406  
a juvenile court, ten per cent of any moneys acquired from the 24407  
sale of property disposed of under this section shall be applied 24408  
to one or more community addiction ~~treatment~~ services providers 24409  
~~that are certified by the department of mental health and~~ 24410  
~~addiction services under section 5119.36, as defined in section~~ 24411  
5119.01 of the Revised Code. A juvenile court shall not specify a 24412  
services provider, except as provided in this division, unless the 24413  
services provider is in the same county as the court or in a 24414  
contiguous county. If no ~~certified~~ services provider is located in 24415  
any of those counties, the juvenile court may specify a ~~certified~~ 24416  
services provider anywhere in Ohio. The remaining ninety per cent 24417  
of the proceeds or cash shall be applied as provided in division 24418  
(C) of this section. 24419

Each services provider that receives in any calendar year 24420  
forfeited money under this division shall file an annual report 24421  
for that year with the attorney general and with the court of 24422  
common pleas and board of county commissioners of the county in 24423



which the services provider is located and of any other county 24424  
from which the services provider received forfeited money. The 24425  
services provider shall file the report on or before the first day 24426  
of March in the calendar year following the calendar year in which 24427  
the services provider received the money. The report shall include 24428  
statistics on the number of persons the services provider served, 24429  
identify the types of treatment services it provided to them, and 24430  
include a specific accounting of the purposes for which it used 24431  
the money so received. No information contained in the report 24432  
shall identify, or enable a person to determine the identity of, 24433  
any person served by the services provider. 24434

(E) Each ~~certified~~ community addiction services provider that 24435  
receives in any calendar year money under this section or under 24436  
section 2981.13 of the Revised Code as the result of a juvenile 24437  
forfeiture order shall file an annual report for that calendar 24438  
year with the attorney general and with the court of common pleas 24439  
and board of county commissioners of the county in which the 24440  
services provider is located and of any other county from which 24441  
the services provider received the money. The services provider 24442  
shall file the report on or before the first day of March in the 24443  
calendar year following the year in which the services provider 24444  
received the money. The report shall include statistics on the 24445  
number of persons served with the money, identify the types of 24446  
treatment services provided, and specifically account for how the 24447  
money was used. No information in the report shall identify or 24448  
enable a person to determine the identity of anyone served by the 24449  
services provider. 24450

As used in this division, "juvenile-related forfeiture order" 24451  
means any forfeiture order issued by a juvenile court under 24452  
section 2981.04 or 2981.05 of the Revised Code and any disposal of 24453  
property ordered by a court under section 2981.11 of the Revised 24454  
Code regarding property that was in the possession of a law 24455

enforcement agency in relation to a delinquent child proceeding in 24456  
a juvenile court. 24457

(F) Each board of county commissioners that recognizes a 24458  
citizens' reward program under section 9.92 of the Revised Code 24459  
shall notify each law enforcement agency of that county and of a 24460  
township or municipal corporation wholly located in that county of 24461  
the recognition by filing a copy of its resolution conferring that 24462  
recognition with each of those agencies. When the board recognizes 24463  
a citizens' reward program and the county includes a part, but not 24464  
all, of the territory of a municipal corporation, the board shall 24465  
so notify the law enforcement agency of that municipal corporation 24466  
of the recognition of the citizens' reward program only if the 24467  
county contains the highest percentage of the municipal 24468  
corporation's population. 24469

Upon being so notified, each law enforcement agency shall pay 24470  
twenty-five per cent of any forfeited proceeds or cash derived 24471  
from each sale of property disposed of pursuant to this section to 24472  
the citizens' reward program for use exclusively to pay rewards. 24473  
No part of the funds may be used to pay expenses associated with 24474  
the program. If a citizens' reward program that operates in more 24475  
than one county or in another state in addition to this state 24476  
receives funds under this section, the funds shall be used to pay 24477  
rewards only for tips and information to law enforcement agencies 24478  
concerning offenses committed in the county from which the funds 24479  
were received. 24480

Receiving funds under this section or section 2981.11 of the 24481  
Revised Code does not make the citizens' reward program a 24482  
governmental unit or public office for purposes of section 149.43 24483  
of the Revised Code. 24484

(G) Any property forfeited under this chapter shall not be 24485  
used to pay any fine imposed upon a person who is convicted of or 24486  
pleads guilty to an underlying criminal offense or a different 24487

offense arising out of the same facts and circumstances. 24488

(H) Any moneys acquired from the sale of personal effects, 24489  
tools, or other property seized because the personal effects, 24490  
tools, or other property were used in the commission of a 24491  
violation of section 2905.32, 2907.21, or 2907.22 of the Revised 24492  
Code or derived from the proceeds of the commission of a violation 24493  
of section 2905.32, 2907.21, or 2907.22 of the Revised Code and 24494  
disposed of pursuant to this section shall be placed in the 24495  
victims of human trafficking fund created by section 5101.87 of 24496  
the Revised Code. 24497

**Sec. 2981.13.** (A) Except as otherwise provided in this 24498  
section, property ordered forfeited as contraband, proceeds, or an 24499  
instrumentality pursuant to this chapter shall be disposed of, 24500  
used, or sold pursuant to section 2981.12 of the Revised Code. If 24501  
the property is to be sold under that section, the prosecutor 24502  
shall cause notice of the proposed sale to be given in accordance 24503  
with law. 24504

(B) If the contraband or instrumentality forfeited under this 24505  
chapter is sold, any moneys acquired from a sale and any proceeds 24506  
forfeited under this chapter shall be applied in the following 24507  
order: 24508

(1) First, to pay costs incurred in the seizure, storage, 24509  
maintenance, security, and sale of the property and in the 24510  
forfeiture proceeding; 24511

(2) Second, in a criminal forfeiture case, to satisfy any 24512  
restitution ordered to the victim of the offense or, in a civil 24513  
forfeiture case, to satisfy any recovery ordered for the person 24514  
harmful, unless paid from other assets; 24515

(3) Third, to pay the balance due on any security interest 24516  
preserved under this chapter; 24517

(4) Fourth, apply the remaining amounts as follows: 24518

(a) If the forfeiture was ordered by a juvenile court, ten 24519  
per cent to one or more ~~certified alcohol and drug~~ community 24520  
addiction ~~treatment programs~~ services providers as ~~provided~~ 24521  
specified in division (D) of section 2981.12 of the Revised Code; 24522

(b) If the forfeiture was ordered in a juvenile court, ninety 24523  
per cent, and if the forfeiture was ordered in a court other than 24524  
a juvenile court, one hundred per cent to the law enforcement 24525  
trust fund of the prosecutor and to the following fund supporting 24526  
the law enforcement agency that substantially conducted the 24527  
investigation: ~~the~~ 24528

(i) The law enforcement trust fund of the county sheriff, 24529  
municipal corporation, township, or park district created under 24530  
section 511.18 or 1545.01 of the Revised Code; ~~the~~ 24531

(ii) The state highway patrol contraband, forfeiture, and 24532  
other fund; ~~the~~ 24533

(iii) The department of public safety investigative unit 24534  
contraband, forfeiture, and other fund; ~~the~~ 24535

(iv) The department of taxation enforcement fund; ~~the~~ 24536

(v) The board of pharmacy drug law enforcement fund created 24537  
by division (B)(1) of section 4729.65 of the Revised Code; ~~the~~ 24538

(vi) The medicaid fraud investigation and prosecution fund; 24539  
~~the~~ 24540

(vii) The casino control commission enforcement fund created 24541  
by section 3772.36 of the Revised Code; ~~or the~~ 24542

(viii) The auditor of state investigation and forfeiture 24543  
trust fund established under section 117.54 of the Revised Code; 24544

(ix) The treasurer of state for deposit into the peace 24545  
officer training commission fund if any other state law 24546  
enforcement agency substantially conducted the investigation. ~~In~~ 24547

In the case of property forfeited for medicaid fraud, any 24548  
remaining amount shall be used by the attorney general to 24549  
investigate and prosecute medicaid fraud offenses. 24550

If the prosecutor declines to accept any of the remaining 24551  
amounts, the amounts shall be applied to the fund of the agency 24552  
that substantially conducted the investigation. 24553

(c) If more than one law enforcement agency is substantially 24554  
involved in the seizure of property forfeited under this chapter, 24555  
the court ordering the forfeiture shall equitably divide the 24556  
amounts, after calculating any distribution to the law enforcement 24557  
trust fund of the prosecutor pursuant to division (B)(4) of this 24558  
section, among the entities that the court determines were 24559  
substantially involved in the seizure. 24560

(C)(1) A law enforcement trust fund shall be established by 24561  
the prosecutor of each county who intends to receive any remaining 24562  
amounts pursuant to this section, by the sheriff of each county, 24563  
by the legislative authority of each municipal corporation, by the 24564  
board of township trustees of each township that has a township 24565  
police department, township or joint police district police force, 24566  
or office of the constable, and by the board of park commissioners 24567  
of each park district created pursuant to section 511.18 or 24568  
1545.01 of the Revised Code that has a park district police force 24569  
or law enforcement department, for the purposes of this section. 24570

There is hereby created in the state treasury the state 24571  
highway patrol contraband, forfeiture, and other fund, the 24572  
department of public safety investigative unit contraband, 24573  
forfeiture, and other fund, the medicaid fraud investigation and 24574  
prosecution fund, the department of taxation enforcement fund, and 24575  
the peace officer training commission fund, for the purposes of 24576  
this section. 24577

Amounts distributed to any municipal corporation, township, 24578

or park district law enforcement trust fund shall be allocated 24579  
from the fund by the legislative authority only to the police 24580  
department of the municipal corporation, by the board of township 24581  
trustees only to the township police department, township police 24582  
district police force, or office of the constable, by the joint 24583  
police district board only to the joint police district, and by 24584  
the board of park commissioners only to the park district police 24585  
force or law enforcement department. 24586

(2)(a) No amounts shall be allocated to a fund ~~created~~ under 24587  
this section or used by an agency unless the agency has adopted a 24588  
written internal control policy that addresses the use of moneys 24589  
received from the appropriate fund. The appropriate fund shall be 24590  
expended only in accordance with that policy and, subject to the 24591  
requirements specified in this section, only for the following 24592  
purposes: 24593

(i) To pay the costs of protracted or complex investigations 24594  
or prosecutions; 24595

(ii) To provide reasonable technical training or expertise; 24596

(iii) To provide matching funds to obtain federal grants to 24597  
aid law enforcement, in the support of DARE programs or other 24598  
programs designed to educate adults or children with respect to 24599  
the dangers associated with the use of drugs of abuse; 24600

(iv) To pay the costs of emergency action taken under section 24601  
3745.13 of the Revised Code relative to the operation of an 24602  
illegal methamphetamine laboratory if the forfeited property or 24603  
money involved was that of a person responsible for the operation 24604  
of the laboratory; 24605

(v) For other law enforcement purposes that the 24606  
superintendent of the state highway patrol, department of public 24607  
safety, auditor of state, prosecutor, county sheriff, legislative 24608  
authority, department of taxation, Ohio casino control commission, 24609

board of township trustees, or board of park commissioners 24610  
determines to be appropriate. 24611

(b) The board of pharmacy drug law enforcement fund shall be 24612  
expended only in accordance with the written internal control 24613  
policy so adopted by the board and only in accordance with section 24614  
4729.65 of the Revised Code, except that it also may be expended 24615  
to pay the costs of emergency action taken under section 3745.13 24616  
of the Revised Code relative to the operation of an illegal 24617  
methamphetamine laboratory if the forfeited property or money 24618  
involved was that of a person responsible for the operation of the 24619  
laboratory. 24620

(c) ~~The state highway patrol contraband, forfeiture, and 24621  
other fund, the department of public safety investigative unit 24622  
contraband, forfeiture, and other fund, the department of taxation 24623  
enforcement fund, the board of pharmacy drug law enforcement fund, 24624  
the casino control commission enforcement fund, and a law 24625  
enforcement trust~~ A fund listed in division (B)(4)(b) of this 24626  
section, other than the Medicaid fraud investigation and 24627  
prosecution fund, shall not be used to meet the operating costs of 24628  
the ~~state highway patrol, of the investigative unit of the 24629  
department of public safety, of the state board of pharmacy, of 24630  
any political subdivision, of the Ohio casino control commission, 24631  
or of any office of a prosecutor or county sheriff agency, office, 24632  
or political subdivision~~ that are unrelated to law enforcement. 24633

(d) Forfeited moneys that are paid into the state treasury to 24634  
be deposited into the peace officer training commission fund shall 24635  
be used by the commission only to pay the costs of peace officer 24636  
training. 24637

(3) Any of the following offices or agencies that receive 24638  
amounts under this section during any calendar year shall file a 24639  
report with the specified entity, not later than the thirty-first 24640  
day of January of the next calendar year, verifying that the 24641

moneys were expended only for the purposes authorized by this 24642  
section or other relevant statute and specifying the amounts 24643  
expended for each authorized purpose: 24644

(a) Any sheriff or prosecutor shall file the report with the 24645  
county auditor. 24646

(b) Any municipal corporation police department shall file 24647  
the report with the legislative authority of the municipal 24648  
corporation. 24649

(c) Any township police department, township or joint police 24650  
district police force, or office of the constable shall file the 24651  
report with the board of township trustees of the township. 24652

(d) Any park district police force or law enforcement 24653  
department shall file the report with the board of park 24654  
commissioners of the park district. 24655

(e) The superintendent of the state highway patrol, the 24656  
auditor of state, and the tax commissioner shall file the report 24657  
with the attorney general. 24658

(f) The executive director of the state board of pharmacy 24659  
shall file the report with the attorney general, verifying that 24660  
cash and forfeited proceeds paid into the board of pharmacy drug 24661  
law enforcement fund were used only in accordance with section 24662  
4729.65 of the Revised Code. 24663

(g) The peace officer training commission shall file a report 24664  
with the attorney general, verifying that cash and forfeited 24665  
proceeds paid into the peace officer training commission fund 24666  
pursuant to this section during the prior calendar year were used 24667  
by the commission during the prior calendar year only to pay the 24668  
costs of peace officer training. 24669

(h) The executive director of the Ohio casino control 24670  
commission shall file the report with the attorney general, 24671



verifying that cash and forfeited proceeds paid into the casino control commission enforcement fund were used only in accordance with section 3772.36 of the Revised Code.

(D) The written internal control policy of a county sheriff, prosecutor, municipal corporation police department, township police department, township or joint police district police force, office of the constable, or park district police force or law enforcement department shall provide that at least ten per cent of the first one hundred thousand dollars of amounts deposited during each calendar year in the agency's law enforcement trust fund under this section, and at least twenty per cent of the amounts exceeding one hundred thousand dollars that are so deposited, shall be used in connection with community preventive education programs. The manner of use shall be determined by the sheriff, prosecutor, department, police force, or office of the constable after receiving and considering advice on appropriate community preventive education programs from the county's board of alcohol, drug addiction, and mental health services, from the county's alcohol and drug addiction services board, or through appropriate community dialogue.

The financial records kept under the internal control policy shall specify the amount deposited during each calendar year in the portion of that amount that was used pursuant to this division, and the programs in connection with which the portion of that amount was so used.

As used in this division, "community preventive education programs" include, but are not limited to, DARE programs and other programs designed to educate adults or children with respect to the dangers associated with using drugs of abuse.

(E) Upon the sale, under this section or section 2981.12 of the Revised Code, of any property that is required by law to be titled or registered, the state shall issue an appropriate

certificate of title or registration to the purchaser. If the state is vested with title and elects to retain property that is required to be titled or registered under law, the state shall issue an appropriate certificate of title or registration.

(F) Any failure of a law enforcement officer or agency, prosecutor, court, or the attorney general to comply with this section in relation to any property seized does not affect the validity of the seizure and shall not be considered to be the basis for suppressing any evidence resulting from the seizure, provided the seizure itself was lawful.

**Sec. 3105.171.** (A) As used in this section:

(1) "Distributive award" means any payment or payments, in real or personal property, that are payable in a lump sum or over time, in fixed amounts, that are made from separate property or income, and that are not made from marital property and do not constitute payments of spousal support, as defined in section 3105.18 of the Revised Code.

(2) "During the marriage" means whichever of the following is applicable:

(a) Except as provided in division (A)(2)(b) of this section, the period of time from the date of the marriage through the date of the final hearing in an action for divorce or in an action for legal separation;

(b) If the court determines that the use of either or both of the dates specified in division (A)(2)(a) of this section would be inequitable, the court may select dates that it considers equitable in determining marital property. If the court selects dates that it considers equitable in determining marital property, "during the marriage" means the period of time between those dates selected and specified by the court.

(3)(a) "Marital property" means, subject to division	24734
(A)(3)(b) of this section, all of the following:	24735
(i) All real and personal property that currently is owned by either or both of the spouses, including, but not limited to, the retirement benefits of the spouses, and that was acquired by either or both of the spouses during the marriage;	24736 24737 24738 24739
(ii) All interest that either or both of the spouses currently has in any real or personal property, including, but not limited to, the retirement benefits of the spouses, and that was acquired by either or both of the spouses during the marriage;	24740 24741 24742 24743
(iii) Except as otherwise provided in this section, all income and appreciation on separate property, due to the labor, monetary, or in-kind contribution of either or both of the spouses that occurred during the marriage;	24744 24745 24746 24747
(iv) A participant account, as defined in section 148.01 of the Revised Code, of either of the spouses, to the extent of the following: the moneys that have been deferred by a continuing member or participating employee, as defined in that section, and that have been transmitted to the Ohio public employees deferred compensation board during the marriage and any income that is derived from the investment of those moneys during the marriage; the moneys that have been deferred by an officer or employee of a municipal corporation and that have been transmitted to the governing board, administrator, depository, or trustee of the deferred compensation program of the municipal corporation during the marriage and any income that is derived from the investment of those moneys during the marriage; or the moneys that have been deferred by an officer or employee of a government unit, as defined in section 148.06 of the Revised Code, and that have been transmitted to the governing board, as defined in that section, during the marriage and any income that is derived from the investment of those moneys during the marriage.	24748 24749 24750 24751 24752 24753 24754 24755 24756 24757 24758 24759 24760 24761 24762 24763 24764 24765

(b) "Marital property" does not include any separate property.	24766 24767
(4) "Passive income" means income acquired other than as a result of the labor, monetary, or in-kind contribution of either spouse.	24768 24769 24770
(5) "Personal property" includes both tangible and intangible personal property.	24771 24772
(6)(a) "Separate property" means all real and personal property and any interest in real or personal property that is found by the court to be any of the following:	24773 24774 24775
(i) An inheritance by one spouse by bequest, devise, or descent during the course of the marriage;	24776 24777
(ii) Any real or personal property or interest in real or personal property that was acquired by one spouse prior to the date of the marriage;	24778 24779 24780
(iii) Passive income and appreciation acquired from separate property by one spouse during the marriage;	24781 24782
(iv) Any real or personal property or interest in real or personal property acquired by one spouse after a decree of legal separation issued under section 3105.17 of the Revised Code;	24783 24784 24785
(v) Any real or personal property or interest in real or personal property that is excluded by a valid antenuptial agreement;	24786 24787 24788
(vi) Compensation to a spouse for the spouse's personal injury, except for loss of marital earnings and compensation for expenses paid from marital assets;	24789 24790 24791
(vii) Any gift of any real or personal property or of an interest in real or personal property that is made after the date of the marriage and that is proven by clear and convincing evidence to have been given to only one spouse.	24792 24793 24794 24795

(b) The commingling of separate property with other property 24796  
of any type does not destroy the identity of the separate property 24797  
as separate property, except when the separate property is not 24798  
traceable. 24799

(B) In divorce proceedings, the court shall, and in legal 24800  
separation proceedings upon the request of either spouse, the 24801  
court may, determine what constitutes marital property and what 24802  
constitutes separate property. In either case, upon making such a 24803  
determination, the court shall divide the marital and separate 24804  
property equitably between the spouses, in accordance with this 24805  
section. For purposes of this section, the court has jurisdiction 24806  
over all property, excluding the social security benefits of a 24807  
spouse other than as set forth in division (F)(9) of this section, 24808  
in which one or both spouses have an interest. 24809

(C)(1) Except as provided in this division or division (E) of 24810  
this section, the division of marital property shall be equal. If 24811  
an equal division of marital property would be inequitable, the 24812  
court shall not divide the marital property equally but instead 24813  
shall divide it between the spouses in the manner the court 24814  
determines equitable. In making a division of marital property, 24815  
the court shall consider all relevant factors, including those set 24816  
forth in division (F) of this section. 24817

(2) Each spouse shall be considered to have contributed 24818  
equally to the production and acquisition of marital property. 24819

(3) The court shall provide for an equitable division of 24820  
marital property under this section prior to making any award of 24821  
spousal support to either spouse under section 3105.18 of the 24822  
Revised Code and without regard to any spousal support so awarded. 24823

(4) If the marital property includes a participant account, 24824  
as defined in section 148.01 of the Revised Code, the court shall 24825  
not order the division or disbursement of the moneys and income 24826

described in division (A)(3)(a)(iv) of this section to occur in a 24827  
manner that is inconsistent with the law, rules, or plan governing 24828  
the deferred compensation program involved or prior to the time 24829  
that the spouse in whose name the participant account is 24830  
maintained commences receipt of the moneys and income credited to 24831  
the account in accordance with that law, rules, and plan. 24832

(D) Except as otherwise provided in division (E) of this 24833  
section or by another provision of this section, the court shall 24834  
disburse a spouse's separate property to that spouse. If a court 24835  
does not disburse a spouse's separate property to that spouse, the 24836  
court shall make written findings of fact that explain the factors 24837  
that it considered in making its determination that the spouse's 24838  
separate property should not be disbursed to that spouse. 24839

(E)(1) The court may make a distributive award to facilitate, 24840  
effectuate, or supplement a division of marital property. The 24841  
court may require any distributive award to be secured by a lien 24842  
on the payor's specific marital property or separate property. 24843

(2) The court may make a distributive award in lieu of a 24844  
division of marital property in order to achieve equity between 24845  
the spouses, if the court determines that a division of the 24846  
marital property in kind or in money would be impractical or 24847  
burdensome. 24848

(3) The court shall require each spouse to disclose in a full 24849  
and complete manner all marital property, separate property, and 24850  
other assets, debts, income, and expenses of the spouse. 24851

(4) If a spouse has engaged in financial misconduct, 24852  
including, but not limited to, the dissipation, destruction, 24853  
concealment, nondisclosure, or fraudulent disposition of assets, 24854  
the court may compensate the offended spouse with a distributive 24855  
award or with a greater award of marital property. 24856

(5) If a spouse has substantially and willfully failed to ~~12~~ 24857

disclose marital property, separate property, or other assets, ~~13~~ 24858  
debts, income, or expenses as required under division (E)(3) of ~~14~~ 24859  
this section, the court may compensate the offended spouse with ~~15~~ 24860  
a distributive award or with a greater award of marital property 24861  
~~16~~ not to exceed three times the value of the marital property, ~~17~~ 24862  
separate property, or other assets, debts, income, or expenses ~~18~~ 24863  
that are not disclosed by the other spouse. 24864

(F) In making a division of marital property and in 24865  
determining whether to make and the amount of any distributive 24866  
award under this section, the court shall consider all of the 24867  
following factors: 24868

(1) The duration of the marriage; 24869

(2) The assets and liabilities of the spouses; 24870

(3) The desirability of awarding the family home, or the 24871  
right to reside in the family home for reasonable periods of time, 24872  
to the spouse with custody of the children of the marriage; 24873

(4) The liquidity of the property to be distributed; 24874

(5) The economic desirability of retaining intact an asset or 24875  
an interest in an asset; 24876

(6) The tax consequences of the property division upon the 24877  
respective awards to be made to each spouse; 24878

(7) The costs of sale, if it is necessary that an asset be 24879  
sold to effectuate an equitable distribution of property; 24880

(8) Any division or disbursement of property made in a 24881  
separation agreement that was voluntarily entered into by the 24882  
spouses; 24883

(9) Any retirement benefits of the spouses, excluding the 24884  
social security benefits of a spouse except as may be relevant for 24885  
purposes of dividing a public pension; 24886

(10) Any other factor that the court expressly finds to be 24887

relevant and equitable. 24888

(G) In any order for the division or disbursement of property 24889  
or a distributive award made pursuant to this section, the court 24890  
shall make written findings of fact that support the determination 24891  
that the marital property has been equitably divided and shall 24892  
specify the dates it used in determining the meaning of "during 24893  
the marriage." 24894

(H) Except as otherwise provided in this section, the holding 24895  
of title to property by one spouse individually or by both spouses 24896  
in a form of co-ownership does not determine whether the property 24897  
is marital property or separate property. 24898

(I) A division or disbursement of property or a distributive 24899  
award made under this section is not subject to future 24900  
modification by the court except upon the express written consent 24901  
or agreement to the modification by both spouses. 24902

(J) The court may issue any orders under this section that it 24903  
determines equitable, including, but not limited to, either of the 24904  
following types of orders: 24905

(1) An order granting a spouse the right to use the marital 24906  
dwelling or any other marital property or separate property for 24907  
any reasonable period of time; 24908

(2) An order requiring the sale or encumbrancing of any real 24909  
or personal property, with the proceeds from the sale and the 24910  
funds from any loan secured by the encumbrance to be applied as 24911  
determined by the court. 24912

**Sec. 3107.0611.** Notice served under section 3107.067 of the 24913  
Revised Code shall be provided to the putative father of the child 24914  
in substantially the following form: 24915

"..... (putative father's name), who has 24916  
been named as the father of the unborn child of 24917



..... (birth mother's name), or who claims to 24918  
be the father of the unborn child, is notified that 24919  
..... (birth mother's name) has expressed an 24920  
intention to place the child for adoption. 24921

~~On receipt of this notice, If~~ ..... 24922  
(putative father's name) ~~may~~ seeks to preserve his right to 24923  
consent to the adoption of the unborn child, he must file an 24924  
action under section 3111.04 of the Revised Code. 24925

Under Ohio law, a putative father means a man, including one 24926  
under age eighteen, who may be a child's father and to whom all of 24927  
the following apply: 24928

(1) He is not married to the child's mother at the time of 24929  
the child's conception or birth. 24930

(2) He has not adopted the child. 24931

(3) He has not been determined, prior to the date a petition 24932  
to adopt the child is filed, to have a parent and child 24933  
relationship with the child by a court proceeding pursuant to 24934  
sections 3111.01 to 3111.18 of the Revised Code, a court 24935  
proceeding in another state, an administrative agency proceeding 24936  
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or an 24937  
administrative agency proceeding in another state. 24938

(4) He has not acknowledged paternity of the child pursuant 24939  
to sections 3111.20 to 3111.35 of the Revised Code. 24940

For purposes of this notice, ..... 24941  
(putative father's name) is a putative father under the laws in 24942  
Ohio regarding adoption. 24943

**Sec. 3107.0612.** A putative father who receives a notice as 24944  
provided in section 3107.067 of the Revised Code ~~may~~ and who 24945  
wishes to preserve his right to consent to the placement for 24946  
adoption of the child who is the subject of the notice shall file 24947

an action under section 3111.04 of the Revised Code. 24948

**Sec. 3119.27.** (A) A court that issues or modifies a court 24949  
support order, or an administrative agency that issues or modifies 24950  
an administrative child support order, shall impose on the obligor 24951  
under the support order a processing charge ~~that is the greater in~~ 24952  
the amount of two per cent of the support payment to be collected 24953  
under a support order ~~or one dollar per month~~. No court or agency 24954  
may call the charge a poundage fee. 24955

(B) In each child support case that is a Title IV-D case, the 24956  
department of job and family services shall annually claim 24957  
twenty-five dollars from the processing charge described in 24958  
division (A) of this section for federal reporting purposes if the 24959  
obligee has never received assistance under Title IV-A and the 24960  
department has collected at least five hundred dollars of child 24961  
support for the obligee. The director of job and family services 24962  
shall adopt rules under Chapter 119. of the Revised Code to 24963  
implement this division, and the department shall implement this 24964  
division not later than March 31, 2008. 24965

(C) As used in this section: 24966

(1) "Annual" means the period as defined in regulations 24967  
issued by the United States secretary of health and human services 24968  
to implement the Deficit Reduction Act of 2005 (P.L. 109-171). 24969

(2) "Title IV-A" has the same meaning as in section 5107.02 24970  
of the Revised Code. 24971

(3) "Title IV-D case" has the same meaning as in section 24972  
3125.01 of the Revised Code. 24973

**Sec. 3121.03.** If a court or child support enforcement agency 24974  
that issued or modified a support order, or the agency 24975  
administering the support order, is required by the Revised Code 24976

to issue one or more withholding or deduction notices described in 24977  
this section or other orders described in this section, the court 24978  
or agency shall issue one or more of the following types of 24979  
notices or orders, as appropriate, for payment of the support and 24980  
also, if required by the Revised Code or the court, to pay any 24981  
arrearages: 24982

(A)(1) If the court or the child support enforcement agency 24983  
determines that the obligor is receiving income from a payor, the 24984  
court or agency shall require the payor to do all of the 24985  
following: 24986

(a) Withhold from the obligor's income a specified amount for 24987  
support in satisfaction of the support order and begin the 24988  
withholding no later than fourteen business days following the 24989  
date the notice is mailed or transmitted to the payor under 24990  
section 3121.035, 3123.021, or 3123.06 of the Revised Code and 24991  
division (A)(2) of this section or, if the payor is an employer, 24992  
no later than the first pay period that occurs after fourteen 24993  
business days following the date the notice is mailed or 24994  
transmitted; 24995

(b) Send the amount withheld to the office of child support 24996  
in the department of job and family services pursuant to section 24997  
3121.43 of the Revised Code immediately but not later than seven 24998  
business days after the date the obligor is paid; 24999

(c) Continue the withholding at intervals specified in the 25000  
notice until further notice from the court or child support 25001  
enforcement agency. 25002

To the extent possible, the amount specified to be withheld 25003  
shall satisfy the amount ordered for support in the support order 25004  
plus any arrearages owed by the obligor under any prior support 25005  
order that pertained to the same child or spouse, notwithstanding 25006  
any applicable limitations of sections 2329.66, 2329.70, 2716.02, 25007

2716.041, and 2716.05 of the Revised Code. However, in no case 25008  
shall the sum of the amount to be withheld and any fee withheld by 25009  
the payor as a charge for its services exceed the maximum amount 25010  
permitted under section 303(b) of the "Consumer Credit Protection 25011  
Act," 15 U.S.C. 1673(b). 25012

(2) A court or agency that imposes an income withholding 25013  
requirement shall, within the applicable time specified in section 25014  
3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised 25015  
Code, send to the obligor's payor by regular mail or via secure 25016  
federally managed data transmission interface a notice that 25017  
contains all of the information applicable to withholding notices 25018  
set forth in section 3121.037 of the Revised Code. The notice is 25019  
final and is enforceable by the court. 25020

(B)(1) If the court or child support enforcement agency 25021  
determines that the obligor has funds that are not exempt under 25022  
the laws of this state or the United States from execution, 25023  
attachment, or other legal process and are on deposit in an 25024  
account in a financial institution under the jurisdiction of the 25025  
court that issued the court support order, or in the case of an 25026  
administrative child support order, under the jurisdiction of the 25027  
common pleas court of the county in which the agency that issued 25028  
or is administering the order is located, the court or agency may 25029  
require any financial institution in which the obligor's funds are 25030  
on deposit to do all of the following: 25031

(a) Deduct from the obligor's account a specified amount for 25032  
support in satisfaction of the support order and begin the 25033  
deduction no later than fourteen business days following the date 25034  
the notice was mailed or transmitted to the financial institution 25035  
under section 3121.035 or 3123.06 of the Revised Code and division 25036  
(B)(2) of this section; 25037

(b) Send the amount deducted to the office of child support 25038  
in the department of job and family services pursuant to section 25039

3121.43 of the Revised Code immediately but not later than seven 25040  
business days after the date the latest deduction was made; 25041

(c) Provide the date on which the amount was deducted; 25042

(d) Continue the deduction at intervals specified in the 25043  
notice until further notice from the court or child support 25044  
enforcement agency. 25045

To the extent possible, the amount to be deducted shall 25046  
satisfy the amount ordered for support in the support order plus 25047  
any arrearages that may be owed by the obligor under any prior 25048  
support order that pertained to the same child or spouse, 25049  
notwithstanding the limitations of sections 2329.66, 2329.70, and 25050  
2716.13 of the Revised Code. 25051

(2) A court or agency that imposes a deduction requirement 25052  
shall, within the applicable period of time specified in section 25053  
3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send 25054  
to the financial institution by regular mail or via secure 25055  
federally managed data transmission interface a notice that 25056  
contains all of the information applicable to deduction notices 25057  
set forth in section 3121.037 of the Revised Code. The notice is 25058  
final and is enforceable by the court. 25059

(C) With respect to any court support order it issues, a 25060  
court may issue an order requiring the obligor to enter into a 25061  
cash bond with the court. The court shall issue the order as part 25062  
of the court support order or, if the court support order has 25063  
previously been issued, as a separate order. The cash bond shall 25064  
be in a sum fixed by the court at not less than five hundred nor 25065  
more than ten thousand dollars, conditioned that the obligor will 25066  
make payment as previously ordered and will pay any arrearages 25067  
under any prior court support order that pertained to the same 25068  
child or spouse. 25069

The order, along with an additional order requiring the 25070

obligor to immediately notify the child support enforcement agency, in writing, if the obligor begins to receive income from a payor, shall be attached to and served on the obligor at the same time as service of the court support order or, if the court support order has previously been issued, as soon as possible after the issuance of the order under this section. The additional order requiring notice by the obligor shall state all of the following:

(1) That when the obligor begins to receive income from a payor the obligor may request that the court cancel its bond order and instead issue a notice requiring the withholding of an amount from income for support in accordance with this section;

(2) That when the obligor begins to receive income from a payor the court will proceed to collect on the bond if the court determines that payments due under the court support order have not been made and that the amount that has not been paid is at least equal to the support owed for one month under the court support order and will issue a notice requiring the withholding of an amount from income for support in accordance with this section. The notice required of the obligor shall include a description of the nature of any new employment, the name and business address of any new employer, and any other information reasonably required by the court.

The court shall not order an obligor to post a cash bond under this section unless the court determines that the obligor has the ability to do so.

A child support enforcement agency may not issue a cash bond order. If a child support enforcement agency is required to issue a withholding or deduction notice under this section with respect to a court support order but the agency determines that no withholding or deduction notice would be appropriate, the agency may request that the court issue a cash bond order under this

section, and upon the request, the court may issue the order. 25103

(D)(1) If the obligor under a court support order is 25104  
unemployed, has no income, and does not have an account at any 25105  
financial institution, or on request of a child support 25106  
enforcement agency under division (D)(1) or (2) of this section, 25107  
the court shall issue an order requiring the obligor, if able to 25108  
engage in employment, to seek employment or participate in a work 25109  
activity to which a recipient of assistance under Title IV-A of 25110  
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 25111  
as amended, may be assigned as specified in section 407(d) of the 25112  
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 25113  
shall include in the order ~~a requirement~~ requirements that the 25114  
obligor register with OhioMeansJobs and to notify the child 25115  
support enforcement agency on obtaining employment, obtaining any 25116  
income, or obtaining ownership of any asset with a value of five 25117  
hundred dollars or more. The court may issue the order regardless 25118  
of whether the obligee to whom the obligor owes support is a 25119  
recipient of assistance under Title IV-A of the "Social Security 25120  
Act." The court shall issue the order as part of a court support 25121  
order or, if a court support order has previously been issued, as 25122  
a separate order. If a child support enforcement agency is 25123  
required to issue a withholding or deduction notice under this 25124  
section with respect to a court support order but determines that 25125  
no withholding or deduction notice would be appropriate, the 25126  
agency may request that the court issue a court order under 25127  
division (D)(1) of this section, and, on the request, the court 25128  
may issue the order. 25129

(2) If the obligor under an administrative child support 25130  
order is unemployed, has no income, and does not have an account 25131  
at any financial institution, the agency shall issue an 25132  
administrative order requiring the obligor, if able to engage in 25133  
employment, to seek employment or participate in a work activity 25134

to which a recipient of assistance under Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, may be assigned as specified in section 407(d) of the "Social Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall include in the order ~~a requirement~~ requirements that the obligor register with OhioMeansJobs and to notify the agency on obtaining employment or income, or ownership of any asset with a value of five hundred dollars or more. The agency may issue the order regardless of whether the obligee to whom the obligor owes support is a recipient of assistance under Title IV-A of the "Social Security Act." If an obligor fails to comply with an administrative order issued pursuant to division (D)(2) of this section, the agency shall submit a request to a court for the court to issue an order under division (D)(1) of this section.

**Sec. 3301.078.** (A) No official or board of this state, whether appointed or elected, shall enter into any agreement or memorandum of understanding with any federal or private entity that would require the state to cede any measure of control over the development, adoption, or revision of academic content standards.

(B) No funds appropriated from the general revenue fund shall be used to purchase an assessment developed by the partnership for assessment of readiness for college and careers for use as the assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code.

**Sec. 3301.0711.** (A) The department of education shall:

(1) Annually furnish to, grade, and score all assessments required by divisions (A)(1) and (B)(1) of section 3301.0710 of the Revised Code to be administered by city, local, exempted village, and joint vocational school districts, except that each



district shall score any assessment administered pursuant to 25165  
division (B)(10) of this section. Each assessment so furnished 25166  
shall include the data verification code of the student to whom 25167  
the assessment will be administered, as assigned pursuant to 25168  
division (D)(2) of section 3301.0714 of the Revised Code. In 25169  
furnishing the practice versions of Ohio graduation tests 25170  
prescribed by division (D) of section 3301.0710 of the Revised 25171  
Code, the department shall make the tests available on its web 25172  
site for reproduction by districts. In awarding contracts for 25173  
grading assessments, the department shall give preference to 25174  
Ohio-based entities employing Ohio residents. 25175

(2) Adopt rules for the ethical use of assessments and 25176  
prescribing the manner in which the assessments prescribed by 25177  
section 3301.0710 of the Revised Code shall be administered to 25178  
students. 25179

(B) Except as provided in divisions (C) and (J) of this 25180  
section, the board of education of each city, local, and exempted 25181  
village school district shall, in accordance with rules adopted 25182  
under division (A) of this section: 25183

(1) Administer the English language arts assessments 25184  
prescribed under division (A)(1)(a) of section 3301.0710 of the 25185  
Revised Code twice annually to all students in the third grade who 25186  
have not attained the score designated for that assessment under 25187  
division (A)(2)(c) of section 3301.0710 of the Revised Code. 25188

(2) Administer the mathematics assessment prescribed under 25189  
division (A)(1)(a) of section 3301.0710 of the Revised Code at 25190  
least once annually to all students in the third grade. 25191

(3) Administer the assessments prescribed under division 25192  
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 25193  
annually to all students in the fourth grade. 25194

(4) Administer the assessments prescribed under division 25195

(A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	25196 25197
(5) Administer the assessments prescribed under division (A)(1)(d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.	25198 25199 25200
(6) Administer the assessments prescribed under division (A)(1)(e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.	25201 25202 25203
(7) Administer the assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.	25204 25205 25206
(8) Except as provided in division (B)(9) of this section, administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code as follows:	25207 25208 25209
(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;	25210 25211 25212 25213
(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such assessment, at any time such assessment is administered in the district.	25214 25215 25216 25217 25218 25219
(9) In lieu of the board of education of any city, local, or exempted village school district in which the student is also enrolled, the board of a joint vocational school district shall administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code at least twice annually to any student enrolled in the joint vocational school district who has not yet attained the score on that assessment designated under	25220 25221 25222 25223 25224 25225 25226

that division. A board of a joint vocational school district may 25227  
also administer such an assessment to any student described in 25228  
division (B)(8)(b) of this section. 25229

(10) If the district has a three-year average graduation rate 25230  
of not more than seventy-five per cent, administer each assessment 25231  
prescribed by division (D) of section 3301.0710 of the Revised 25232  
Code in September to all ninth grade students who entered ninth 25233  
grade prior to July 1, 2014. 25234

Except as provided in section 3313.614 of the Revised Code 25235  
for administration of an assessment to a person who has fulfilled 25236  
the curriculum requirement for a high school diploma but has not 25237  
passed one or more of the required assessments, the assessments 25238  
prescribed under division (B)(1) of section 3301.0710 of the 25239  
Revised Code shall not be administered after the date specified in 25240  
the rules adopted by the state board of education under division 25241  
(D)(1) of section 3301.0712 of the Revised Code. 25242

(11) Administer the assessments prescribed by division (B)(2) 25243  
of section 3301.0710 and section 3301.0712 of the Revised Code in 25244  
accordance with the timeline and plan for implementation of those 25245  
assessments prescribed by rule of the state board adopted under 25246  
division (D)(1) of section 3301.0712 of the Revised Code. 25247

(C)(1)(a) In the case of a student receiving special 25248  
education services under Chapter 3323. of the Revised Code, the 25249  
individualized education program developed for the student under 25250  
that chapter shall specify the manner in which the student will 25251  
participate in the assessments administered under this section. 25252  
The individualized education program may excuse the student from 25253  
taking any particular assessment required to be administered under 25254  
this section if it instead specifies an alternate assessment 25255  
method approved by the department of education as conforming to 25256  
requirements of federal law for receipt of federal funds for 25257  
disadvantaged pupils. To the extent possible, the individualized 25258

education program shall not excuse the student from taking an 25259  
assessment unless no reasonable accommodation can be made to 25260  
enable the student to take the assessment. 25261

(b) Any alternate assessment approved by the department for a 25262  
student under this division shall produce measurable results 25263  
comparable to those produced by the assessment it replaces in 25264  
order to allow for the student's results to be included in the 25265  
data compiled for a school district or building under section 25266  
3302.03 of the Revised Code. 25267

(c) Any student enrolled in a chartered nonpublic school who 25268  
has been identified, based on an evaluation conducted in 25269  
accordance with section 3323.03 of the Revised Code or section 504 25270  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 25271  
794, as amended, as a child with a disability shall be excused 25272  
from taking any particular assessment required to be administered 25273  
under this section if a plan developed for the student pursuant to 25274  
rules adopted by the state board excuses the student from taking 25275  
that assessment. In the case of any student so excused from taking 25276  
an assessment, the chartered nonpublic school shall not prohibit 25277  
the student from taking the assessment. 25278

(2) A district board may, for medical reasons or other good 25279  
cause, excuse a student from taking an assessment administered 25280  
under this section on the date scheduled, but that assessment 25281  
shall be administered to the excused student not later than nine 25282  
days following the scheduled date. The district board shall 25283  
annually report the number of students who have not taken one or 25284  
more of the assessments required by this section to the state 25285  
board not later than the thirtieth day of June. 25286

(3) As used in this division, "limited English proficient 25287  
student" has the same meaning as in 20 U.S.C. 7801. 25288

No school district board shall excuse any limited English 25289

proficient student from taking any particular assessment required 25290  
to be administered under this section, except that any limited 25291  
English proficient student who has been enrolled in United States 25292  
schools for less than one full school year shall not be required 25293  
to take any reading, writing, or English language arts assessment. 25294  
However, no board shall prohibit a limited English proficient 25295  
student who is not required to take an assessment under this 25296  
division from taking the assessment. A board may permit any 25297  
limited English proficient student to take an assessment required 25298  
to be administered under this section with appropriate 25299  
accommodations, as determined by the department. For each limited 25300  
English proficient student, each school district shall annually 25301  
assess that student's progress in learning English, in accordance 25302  
with procedures approved by the department. 25303

The governing authority of a chartered nonpublic school may 25304  
excuse a limited English proficient student from taking any 25305  
assessment administered under this section. However, no governing 25306  
authority shall prohibit a limited English proficient student from 25307  
taking the assessment. 25308

(D)(1) In the school year next succeeding the school year in 25309  
which the assessments prescribed by division (A)(1) or (B)(1) of 25310  
section 3301.0710 of the Revised Code or former division (A)(1), 25311  
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 25312  
existed prior to September 11, 2001, are administered to any 25313  
student, the board of education of any school district in which 25314  
the student is enrolled in that year shall provide to the student 25315  
intervention services commensurate with the student's performance, 25316  
including any intensive intervention required under section 25317  
3313.608 of the Revised Code, in any skill in which the student 25318  
failed to demonstrate at least a score at the proficient level on 25319  
the assessment. 25320

(2) Following any administration of the assessments 25321

prescribed by division (D) of section 3301.0710 of the Revised Code to ninth grade students, each school district that has a three-year average graduation rate of not more than seventy-five per cent shall determine for each high school in the district whether the school shall be required to provide intervention services to any students who took the assessments. In determining which high schools shall provide intervention services based on the resources available, the district shall consider each school's graduation rate and scores on the practice assessments. The district also shall consider the scores received by ninth grade students on the English language arts and mathematics assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code in the eighth grade in determining which high schools shall provide intervention services.

Each high school selected to provide intervention services under this division shall provide intervention services to any student whose results indicate that the student is failing to make satisfactory progress toward being able to attain scores at the proficient level on the Ohio graduation tests. Intervention services shall be provided in any skill in which a student demonstrates unsatisfactory progress and shall be commensurate with the student's performance. Schools shall provide the intervention services prior to the end of the school year, during the summer following the ninth grade, in the next succeeding school year, or at any combination of those times.

(E) Except as provided in section 3313.608 of the Revised Code and division (M) of this section, no school district board of education shall utilize any student's failure to attain a specified score on an assessment administered under this section as a factor in any decision to deny the student promotion to a higher grade level. However, a district board may choose not to promote to the next grade level any student who does not take an

assessment administered under this section or make up an 25354  
assessment as provided by division (C)(2) of this section and who 25355  
is not exempt from the requirement to take the assessment under 25356  
division (C)(3) of this section. 25357

(F) No person shall be charged a fee for taking any 25358  
assessment administered under this section. 25359

(G)(1) Each school district board shall designate one 25360  
location for the collection of assessments administered in the 25361  
spring under division (B)(1) of this section and those 25362  
administered under divisions (B)(2) to (7) of this section. Each 25363  
district board shall submit the assessments to the entity with 25364  
which the department contracts for the scoring of the assessments 25365  
as follows: 25366

(a) If the district's total enrollment in grades kindergarten 25367  
through twelve during the first full school week of October was 25368  
less than two thousand five hundred, not later than the Friday 25369  
after all of the assessments have been administered; 25370

(b) If the district's total enrollment in grades kindergarten 25371  
through twelve during the first full school week of October was 25372  
two thousand five hundred or more, but less than seven thousand, 25373  
not later than the Monday after all of the assessments have been 25374  
administered; 25375

(c) If the district's total enrollment in grades kindergarten 25376  
through twelve during the first full school week of October was 25377  
seven thousand or more, not later than the Tuesday after all of 25378  
the assessments have been administered. 25379

However, any assessment that a student takes during the 25380  
make-up period described in division (C)(2) of this section shall 25381  
be submitted not later than the Friday following the day the 25382  
student takes the assessment. 25383

(2) The department or an entity with which the department 25384

contracts for the scoring of the assessment shall send to each 25385  
school district board a list of the individual scores of all 25386  
persons taking an assessment prescribed by division (A)(1) or 25387  
(B)(1) of section 3301.0710 of the Revised Code within sixty days 25388  
after its administration, but in no case shall the scores be 25389  
returned later than the fifteenth day of June following the 25390  
administration. For assessments administered under this section by 25391  
a joint vocational school district, the department or entity shall 25392  
also send to each city, local, or exempted village school district 25393  
a list of the individual scores of any students of such city, 25394  
local, or exempted village school district who are attending 25395  
school in the joint vocational school district. 25396

(H) Individual scores on any assessments administered under 25397  
this section shall be released by a district board only in 25398  
accordance with section 3319.321 of the Revised Code and the rules 25399  
adopted under division (A) of this section. No district board or 25400  
its employees shall utilize individual or aggregate results in any 25401  
manner that conflicts with rules for the ethical use of 25402  
assessments adopted pursuant to division (A) of this section. 25403

(I) Except as provided in division (G) of this section, the 25404  
department or an entity with which the department contracts for 25405  
the scoring of the assessment shall not release any individual 25406  
scores on any assessment administered under this section. The 25407  
state board shall adopt rules to ensure the protection of student 25408  
confidentiality at all times. The rules may require the use of the 25409  
data verification codes assigned to students pursuant to division 25410  
(D)(2) of section 3301.0714 of the Revised Code to protect the 25411  
confidentiality of student scores. 25412

(J) Notwithstanding division (D) of section 3311.52 of the 25413  
Revised Code, this section does not apply to the board of 25414  
education of any cooperative education school district except as 25415  
provided under rules adopted pursuant to this division. 25416



(1) In accordance with rules that the state board shall 25417  
adopt, the board of education of any city, exempted village, or 25418  
local school district with territory in a cooperative education 25419  
school district established pursuant to divisions (A) to (C) of 25420  
section 3311.52 of the Revised Code may enter into an agreement 25421  
with the board of education of the cooperative education school 25422  
district for administering any assessment prescribed under this 25423  
section to students of the city, exempted village, or local school 25424  
district who are attending school in the cooperative education 25425  
school district. 25426

(2) In accordance with rules that the state board shall 25427  
adopt, the board of education of any city, exempted village, or 25428  
local school district with territory in a cooperative education 25429  
school district established pursuant to section 3311.521 of the 25430  
Revised Code shall enter into an agreement with the cooperative 25431  
district that provides for the administration of any assessment 25432  
prescribed under this section to both of the following: 25433

(a) Students who are attending school in the cooperative 25434  
district and who, if the cooperative district were not 25435  
established, would be entitled to attend school in the city, 25436  
local, or exempted village school district pursuant to section 25437  
3313.64 or 3313.65 of the Revised Code; 25438

(b) Persons described in division (B)(8)(b) of this section. 25439

Any assessment of students pursuant to such an agreement 25440  
shall be in lieu of any assessment of such students or persons 25441  
pursuant to this section. 25442

(K)(1)(a) Except as otherwise provided in division (K)(1)(a) 25443  
or (K)(1)(c) of this section, each chartered nonpublic school for 25444  
which at least sixty-five per cent of its total enrollment is made 25445  
up of students who are participating in state scholarship programs 25446  
shall administer the elementary assessments prescribed by section 25447

3301.0710 of the Revised Code. In accordance with procedures and 25448  
deadlines prescribed by the department, the parent or guardian of 25449  
a student enrolled in the school who is not participating in a 25450  
state scholarship program may submit notice to the chief 25451  
administrative officer of the school that the parent or guardian 25452  
does not wish to have the student take the elementary assessments 25453  
prescribed for the student's grade level under division (A) of 25454  
section 3301.0710 of the Revised Code. If a parent or guardian 25455  
submits an opt-out notice, the school shall not administer the 25456  
assessments to that student. This option does not apply to any 25457  
assessment required for a high school diploma under section 25458  
3313.612 of the Revised Code. 25459

(b) If a chartered nonpublic school is educating students in 25460  
grades nine through twelve, it shall administer the assessments 25461  
prescribed by divisions (B)(1) and (2) of section 3301.0710 of the 25462  
Revised Code ~~as a condition of compliance with section 3313.612 of~~ 25463  
~~the Revised Code. Except for a student attending a chartered~~ 25464  
~~nonpublic school under a state scholarship program, division~~ 25465  
~~(K)(1)(b) of this section shall not apply to the following:~~ 25466

(i) A chartered nonpublic school accredited through the 25467  
independent school association of the central states; 25468

(ii) A chartered nonpublic school that is not accredited 25469  
through the independent school association of the central states 25470  
but that is acting in accordance with division (D) of section 25471  
3313.612 of the Revised Code. 25472

(c) A chartered nonpublic school may submit to the 25473  
superintendent of public instruction a request for a waiver from 25474  
administering the elementary assessments prescribed by division 25475  
(A) of section 3301.0710 of the Revised Code. The state 25476  
superintendent shall approve or disapprove a request for a waiver 25477  
submitted under division (K)(1)(c) of this section. No waiver 25478  
shall be approved for any school year prior to the 2015-2016 25479

school year. 25480

To be eligible to submit a request for a waiver, a chartered 25481  
nonpublic school shall meet the following conditions: 25482

(i) At least ninety-five per cent of the students enrolled in 25483  
the school are children with disabilities, as defined under 25484  
section 3323.01 of the Revised Code, or have received a diagnosis 25485  
by a school district or from a physician, including a 25486  
neuropsychiatrist or psychiatrist, or a psychologist who is 25487  
authorized to practice in this or another state as having a 25488  
condition that impairs academic performance, such as dyslexia, 25489  
dyscalculia, attention deficit hyperactivity disorder, or 25490  
Asperger's syndrome. 25491

(ii) The school has solely served a student population 25492  
described in division (K)(1)(c)(i) of this section for at least 25493  
ten years. 25494

(iii) The school provides to the department at least five 25495  
years of records of internal testing conducted by the school that 25496  
affords the department data required for accountability purposes, 25497  
including diagnostic assessments and nationally standardized 25498  
norm-referenced achievement assessments that measure reading and 25499  
math skills. 25500

(d) Any chartered nonpublic school that is not subject to 25501  
division (K)(1)(a) of this section may participate in the 25502  
assessment program by administering any of the assessments 25503  
prescribed by division (A) of section 3301.0710 of the Revised 25504  
Code. The chief administrator of the school shall specify which 25505  
assessments the school will administer. Such specification shall 25506  
be made in writing to the superintendent of public instruction 25507  
prior to the first day of August of any school year in which 25508  
assessments are administered and shall include a pledge that the 25509  
nonpublic school will administer the specified assessments in the 25510

same manner as public schools are required to do under this 25511  
section and rules adopted by the department. 25512

(2) The department of education shall furnish the assessments 25513  
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 25514  
to each chartered nonpublic school that is subject to division 25515  
(K)(1)(a) of this section or participates under division (K)(1)(b) 25516  
of this section. 25517

(L)(1) The superintendent of the state school for the blind 25518  
and the superintendent of the state school for the deaf shall 25519  
administer the assessments described by sections 3301.0710 and 25520  
3301.0712 of the Revised Code. Each superintendent shall 25521  
administer the assessments in the same manner as district boards 25522  
are required to do under this section and rules adopted by the 25523  
department of education and in conformity with division (C)(1)(a) 25524  
of this section. 25525

(2) The department of education shall furnish the assessments 25526  
described by sections 3301.0710 and 3301.0712 of the Revised Code 25527  
to each superintendent. 25528

(M) Notwithstanding division (E) of this section, a school 25529  
district may use a student's failure to attain a score in at least 25530  
the proficient range on the mathematics assessment described by 25531  
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 25532  
an assessment described by division (A)(1)(b), (c), (d), (e), or 25533  
(f) of section 3301.0710 of the Revised Code as a factor in 25534  
retaining that student in the current grade level. 25535

(N)(1) In the manner specified in divisions (N)(3), (4), and 25536  
(6) of this section, the assessments required by division (A)(1) 25537  
of section 3301.0710 of the Revised Code shall become public 25538  
records pursuant to section 149.43 of the Revised Code on the 25539  
thirty-first day of July following the school year that the 25540  
assessments were administered. 25541

(2) The department may field test proposed questions with 25542  
samples of students to determine the validity, reliability, or 25543  
appropriateness of questions for possible inclusion in a future 25544  
year's assessment. The department also may use anchor questions on 25545  
assessments to ensure that different versions of the same 25546  
assessment are of comparable difficulty. 25547

Field test questions and anchor questions shall not be 25548  
considered in computing scores for individual students. Field test 25549  
questions and anchor questions may be included as part of the 25550  
administration of any assessment required by division (A)(1) or 25551  
(B) of section 3301.0710 and division (B) of section 3301.0712 of 25552  
the Revised Code. 25553

(3) Any field test question or anchor question administered 25554  
under division (N)(2) of this section shall not be a public 25555  
record. Such field test questions and anchor questions shall be 25556  
redacted from any assessments which are released as a public 25557  
record pursuant to division (N)(1) of this section. 25558

(4) This division applies to the assessments prescribed by 25559  
division (A) of section 3301.0710 of the Revised Code. 25560

(a) The first administration of each assessment, as specified 25561  
in former section 3301.0712 of the Revised Code, shall be a public 25562  
record. 25563

(b) For subsequent administrations of each assessment prior 25564  
to the 2011-2012 school year, not less than forty per cent of the 25565  
questions on the assessment that are used to compute a student's 25566  
score shall be a public record. The department shall determine 25567  
which questions will be needed for reuse on a future assessment 25568  
and those questions shall not be public records and shall be 25569  
redacted from the assessment prior to its release as a public 25570  
record. However, for each redacted question, the department shall 25571  
inform each city, local, and exempted village school district of 25572

the statewide academic standard adopted by the state board under 25573  
section 3301.079 of the Revised Code and the corresponding 25574  
benchmark to which the question relates. The preceding sentence 25575  
does not apply to field test questions that are redacted under 25576  
division (N)(3) of this section. 25577

(c) The administrations of each assessment in the 2011-2012, 25578  
2012-2013, and 2013-2014 school years shall not be a public 25579  
record. 25580

(5) Each assessment prescribed by division (B)(1) of section 25581  
3301.0710 of the Revised Code shall not be a public record. 25582

(6) Beginning with the spring administration for the 25583  
2014-2015 school year, questions on the assessments prescribed 25584  
under division (A) of section 3301.0710 and division (B)(2) of 25585  
section 3301.0712 of the Revised Code and the corresponding 25586  
preferred answers that are used to compute a student's score shall 25587  
become a public record as follows: 25588

(a) Forty per cent of the questions and preferred answers on 25589  
the assessments on the thirty-first day of July following the 25590  
administration of the assessment; 25591

(b) Twenty per cent of the questions and preferred answers on 25592  
the assessment on the thirty-first day of July one year after the 25593  
administration of the assessment; 25594

(c) The remaining forty per cent of the questions and 25595  
preferred answers on the assessment on the thirty-first day of 25596  
July two years after the administration of the assessment. 25597

The entire content of an assessment shall become a public 25598  
record within three years of its administration. 25599

The department shall make the questions that become a public 25600  
record under this division readily accessible to the public on the 25601  
department's web site. Questions on the spring administration of 25602

each assessment shall be released on an annual basis, in 25603  
accordance with this division. 25604

(0) As used in this section: 25605

(1) "Three-year average" means the average of the most recent 25606  
consecutive three school years of data. 25607

(2) "Dropout" means a student who withdraws from school 25608  
before completing course requirements for graduation and who is 25609  
not enrolled in an education program approved by the state board 25610  
of education or an education program outside the state. "Dropout" 25611  
does not include a student who has departed the country. 25612

(3) "Graduation rate" means the ratio of students receiving a 25613  
diploma to the number of students who entered ninth grade four 25614  
years earlier. Students who transfer into the district are added 25615  
to the calculation. Students who transfer out of the district for 25616  
reasons other than dropout are subtracted from the calculation. If 25617  
a student who was a dropout in any previous year returns to the 25618  
same school district, that student shall be entered into the 25619  
calculation as if the student had entered ninth grade four years 25620  
before the graduation year of the graduating class that the 25621  
student joins. 25622

(4) "State scholarship programs" means the educational choice 25623  
scholarship pilot program established under sections 3310.01 to 25624  
3310.17 of the Revised Code, the autism scholarship program 25625  
established under section 3310.41 of the Revised Code, the Jon 25626  
Peterson special needs scholarship program established under 25627  
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 25628  
project scholarship program established under sections 3313.974 to 25629  
3313.979 of the Revised Code. 25630

**Sec. 3301.0712.** (A) The state board of education, the 25631  
superintendent of public instruction, and the chancellor of the 25632

Ohio board of regents shall develop a system of college and work ready assessments as described in division (B) of this section to assess whether each student upon graduating from high school is ready to enter college or the workforce. Beginning with students who enter the ninth grade for the first time on or after July 1, 2014, the system shall replace the Ohio graduation tests prescribed in division (B)(1) of section 3301.0710 of the Revised Code as a measure of student academic performance and one determinant of eligibility for a high school diploma in the manner prescribed by rule of the state board adopted under division (D) of this section.

(B) The college and work ready assessment system shall consist of the following:

(1) Nationally standardized assessments that measure college and career readiness and are used for college admission. The assessments shall be selected jointly by the state superintendent and the chancellor, and one of which shall be selected by each school district or school to administer to its students. The assessments prescribed under division (B)(1) of this section shall be administered to all eleventh-grade students in the spring of the school year.

(2) Seven end-of-course examinations, one in each of the areas of English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government. The end-of-course examinations shall be selected jointly by the state superintendent and the chancellor in consultation with faculty in the appropriate subject areas at institutions of higher education of the university system of Ohio. Advanced placement examinations and international baccalaureate examinations, as prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American



government may be used as end-of-course examinations in accordance 25664  
with division (B)(4)(a)(i) of this section. Final course grades 25665  
for courses taken under any other advanced standing program, as 25666  
prescribed under section 3313.6013 of the Revised Code, in the 25667  
areas of science, American history, and American government may be 25668  
used in lieu of end-of-course examinations in accordance with 25669  
division (B)(4)(a)(ii) of this section. 25670

(3)(a) Not later than July 1, 2013, each school district 25671  
board of education shall adopt interim end-of-course examinations 25672  
that comply with the requirements of divisions (B)(3)(b)(i) and 25673  
(ii) of this section to assess mastery of American history and 25674  
American government standards adopted under division (A)(1)(b) of 25675  
section 3301.079 of the Revised Code and the topics required under 25676  
division (M) of section 3313.603 of the Revised Code. Each high 25677  
school of the district shall use the interim examinations until 25678  
the state superintendent and chancellor select end-of-course 25679  
examinations in American history and American government under 25680  
division (B)(2) of this section. 25681

(b) Not later than July 1, 2014, the state superintendent and 25682  
the chancellor shall select the end-of-course examinations in 25683  
American history and American government. 25684

(i) The end-of-course examinations in American history and 25685  
American government shall require demonstration of mastery of the 25686  
American history and American government content for social 25687  
studies standards adopted under division (A)(1)(b) of section 25688  
3301.079 of the Revised Code and the topics required under 25689  
division (M) of section 3313.603 of the Revised Code. 25690

(ii) At least twenty per cent of the end-of-course 25691  
examination in American government shall address the topics on 25692  
American history and American government described in division (M) 25693  
of section 3313.603 of the Revised Code. 25694

(4)(a) Notwithstanding anything to the contrary in this section, beginning with the 2014-2015 school year, both of the following shall apply:

(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B)(2) of this section. The state board shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.

(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B)(2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end-of-course examination prescribed under that section. The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.

Division (B)(4)(a)(ii) of this section shall apply only to courses for which students receive transcribed credit, as defined in division (U) of section 3365.01 of the Revised Code. It shall not apply to remedial or developmental courses.

(b) No student shall take a substitute examination or examination prescribed under division (B)(4)(a) of this section in place of the end-of-course examinations in English language arts

I, English language arts II, Algebra I, or geometry prescribed	25727
under division (B)(2) of this section.	25728
(c) The state board shall consider additional assessments	25729
that may be used, beginning with the 2016-2017 school year, as	25730
substitute examinations in lieu of the end-of-course examinations	25731
prescribed under division (B)(2) of this section.	25732
(5) The state board shall do all of the following:	25733
(a) Determine and designate at least five ranges of scores on	25734
each of the end-of-course examinations prescribed under division	25735
(B)(2) of this section, and substitute examinations prescribed	25736
under division (B)(4) of this section. Each range of scores shall	25737
be considered to demonstrate a level of achievement so that any	25738
student attaining a score within such range has achieved one of	25739
the following:	25740
(i) An advanced level of skill;	25741
(ii) An accelerated level of skill;	25742
(iii) A proficient level of skill;	25743
(iv) A basic level of skill;	25744
(v) A limited level of skill.	25745
(b) Determine a method by which to calculate a cumulative	25746
performance score based on the results of a student's	25747
end-of-course examinations or substitute examinations;	25748
(c) Determine the minimum cumulative performance score that	25749
demonstrates the level of academic achievement necessary to earn a	25750
high school diploma;	25751
(d) Develop a table of corresponding score equivalents for	25752
the end-of-course examinations and substitute examinations in	25753
order to calculate student performance consistently across the	25754
different examinations.	25755

(6)(a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:	25756
(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.	25757
(ii) The examination was not available for administration prior to July 1, 2015.	25758
Receipt of credit for the course described in division (B)(6)(a)(i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B)(6)(a) of this section may take the applicable end-of-course examination at a later date.	25759
(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B)(6)(a) of this section has attained the cumulative score prescribed by division (B)(5)(c) of this section, such student shall select either of the following:	25760
(i) The student is considered to have attained a proficient score on the end-of-course examination from which the student is exempt;	25761
(ii) The student's final course grade shall be used in lieu of a score on the end-of-course examination from which the student is exempt.	25761
The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.	25763
(7)(a) Notwithstanding anything to the contrary in this section, the state board may replace the algebra I end-of-course	25764
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examination prescribed under division (B)(2) of this section with 25786  
an algebra II end-of-course examination, beginning with the 25787  
2016-2017 school year for students who enter ninth grade on or 25788  
after July 1, 2016. 25789

(b) If the state board replaces the algebra I end-of-course 25790  
examination with an algebra II end-of-course examination as 25791  
authorized under division (B)(7)(a) of this section, both of the 25792  
following shall apply: 25793

(i) A student who is enrolled in an advanced placement or 25794  
international baccalaureate course in algebra II shall take the 25795  
advanced placement or international baccalaureate examination in 25796  
lieu of the algebra II end-of-course examination. 25797

(ii) A student who is enrolled in an algebra II course under 25798  
any other advanced standing program, as described in section 25799  
3313.6013 of the Revised Code, shall not be required to take the 25800  
algebra II end-of-course examination. Instead, that student's 25801  
final course grade shall be used in lieu of the examination. 25802

(c) If a school district or school utilizes an integrated 25803  
approach to mathematics instruction, the district or school may do 25804  
either or both of the following: 25805

(i) Administer an integrated mathematics I end-of-course 25806  
examination in lieu of the prescribed algebra I end-of-course 25807  
examination; 25808

(ii) Administer an integrated mathematics II end-of-course 25809  
examination in lieu of the prescribed geometry end-of-course 25810  
examination. 25811

(8)(a) For students entering the ninth grade for the first 25812  
time on or after July 1, 2014, but prior to July 1, 2015, the 25813  
assessment in the area of science shall be physical science or 25814  
biology. For students entering the ninth grade for the first time 25815  
on or after July 1, 2015, the assessment in the area of science 25816

shall be biology. 25817

(b) Until July 1, 2019, the department of education shall 25818  
make available the end-of-course examination in physical science 25819  
for students who entered the ninth grade for the first time on or 25820  
after July 1, 2014, but prior to July 1, 2015, and who wish to 25821  
retake the examination. 25822

(c) Not later than July 1, 2016, the state board shall adopt 25823  
rules prescribing the requirements for the end-of-course 25824  
examination in science for students who entered the ninth grade 25825  
for the first time on or after July 1, 2014, but prior to July 1, 25826  
2015, and who have not met the requirement prescribed by section 25827  
3313.618 of the Revised Code by July 1, 2019, due to a student's 25828  
failure to satisfy division (A)(2) of section 3313.618 of the 25829  
Revised Code. 25830

(9) Neither the state board nor the department of education 25831  
shall develop or administer an end-of-course examination in the 25832  
area of world history. 25833

(C) The state board shall convene a group of national 25834  
experts, state experts, and local practitioners to provide advice, 25835  
guidance, and recommendations for the alignment of standards and 25836  
model curricula to the assessments and in the design of the 25837  
end-of-course examinations prescribed by this section. 25838

(D) Upon completion of the development of the assessment 25839  
system, the state board shall adopt rules prescribing all of the 25840  
following: 25841

(1) A timeline and plan for implementation of the assessment 25842  
system, including a phased implementation if the state board 25843  
determines such a phase-in is warranted; 25844

(2) The date after which a person shall meet the requirements 25845  
of the entire assessment system as a prerequisite for a diploma of 25846  
adult education under section 3313.611 of the Revised Code; 25847

(3) Whether and the extent to which a person may be excused 25848  
from an American history end-of-course examination and an American 25849  
government end-of-course examination under division (H) of section 25850  
3313.61 and division (B)~~(3)~~(4) of section 3313.612 of the Revised 25851  
Code; 25852

(4) The date after which a person who has fulfilled the 25853  
curriculum requirement for a diploma but has not passed one or 25854  
more of the required assessments at the time the person fulfilled 25855  
the curriculum requirement shall meet the requirements of the 25856  
entire assessment system as a prerequisite for a high school 25857  
diploma under division (B) of section 3313.614 of the Revised 25858  
Code; 25859

(5) The extent to which the assessment system applies to 25860  
students enrolled in a dropout recovery and prevention program for 25861  
purposes of division (F) of section 3313.603 and section 3314.36 25862  
of the Revised Code. 25863

(E) Not later than forty-five days prior to the state board's 25864  
adoption of a resolution directing the department to file the 25865  
rules prescribed by division (D) of this section in final form 25866  
under section 119.04 of the Revised Code, the superintendent of 25867  
public instruction shall present the assessment system developed 25868  
under this section to the respective committees of the house of 25869  
representatives and senate that consider education legislation. 25870

(F)(1) Any person enrolled in a nonchartered nonpublic school 25871  
or any person who has been excused from attendance at school for 25872  
the purpose of home instruction under section 3321.04 of the 25873  
Revised Code may choose to participate in the system of 25874  
assessments administered under divisions (B)(1) and (2) of this 25875  
section. However, no such person shall be required to participate 25876  
in the system of assessments. 25877

(2) The department shall adopt rules for the administration 25878

and scoring of any assessments under division (F)(1) of this 25879  
section. 25880

(G) Not later than December 31, 2014, the state board shall 25881  
select at least one nationally recognized job skills assessment. 25882  
Each school district shall administer that assessment to those 25883  
students who opt to take it. The state shall reimburse a school 25884  
district for the costs of administering that assessment. The state 25885  
board shall establish the minimum score a student must attain on 25886  
the job skills assessment in order to demonstrate a student's 25887  
workforce readiness and employability. The administration of the 25888  
job skills assessment to a student under this division shall not 25889  
exempt a school district from administering the assessments 25890  
prescribed in division (B) of this section to that student. 25891

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the 25892  
Revised Code: 25893

(A) "Preschool program" means either of the following: 25894

(1) A child care program for preschool children that is 25895  
operated by a school district board of education or an eligible 25896  
nonpublic school. 25897

(2) A child care program for preschool children age three or 25898  
older that is operated by a county DD board or a community school. 25899

(B) "Preschool child" or "child" means a child who has not 25900  
entered kindergarten and is not of compulsory school age. 25901

(C) "Parent, guardian, or custodian" means the person or 25902  
government agency that is or will be responsible for a child's 25903  
school attendance under section 3321.01 of the Revised Code. 25904

(D) "Superintendent" means the superintendent of a school 25905  
district or the chief administrative officer of a community school 25906  
or an eligible nonpublic school. 25907

(E) "Director" means the director, head teacher, elementary 25908



principal, or site administrator who is the individual on site and 25909  
responsible for supervision of a preschool program. 25910

(F) "Preschool staff member" means a preschool employee whose 25911  
primary responsibility is care, teaching, or supervision of 25912  
preschool children. 25913

(G) "Nonteaching employee" means a preschool program or 25914  
school child program employee whose primary responsibilities are 25915  
duties other than care, teaching, and supervision of preschool 25916  
children or school children. 25917

(H) "Eligible nonpublic school" means a nonpublic school 25918  
chartered as described in division (B)(8) of section 5104.02 of 25919  
the Revised Code or chartered by the state board of education for 25920  
any combination of grades one through twelve, regardless of 25921  
whether it also offers kindergarten. 25922

(I) "County DD board" means a county board of developmental 25923  
disabilities. 25924

(J) "School child program" means a child care program for 25925  
only school children that is operated by a school district board 25926  
of education, county DD board, community school, or eligible 25927  
nonpublic school. 25928

(K) "School child" means a child who is enrolled in or is 25929  
eligible to be enrolled in a grade of kindergarten or above but is 25930  
less than fifteen years old. 25931

(L) "School child program staff member" means an employee 25932  
whose primary responsibility is the care, teaching, or supervision 25933  
of children in a school child program. 25934

(M) "Child care" means administering to the needs of infants, 25935  
toddlers, preschool children, and school children outside of 25936  
school hours by persons other than their parents or guardians, 25937  
custodians, or relatives by blood, marriage, or adoption for any 25938

part of the twenty-four-hour day in a place or residence other than a child's own home. 25939  
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(N) "Child day-care center," "publicly funded child care," and "school-age child care center" have the same meanings as in section 5104.01 of the Revised Code. 25941  
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(O)(1) "Community school" means a community school established under Chapter 3314. of the Revised Code that is sponsored by an entity that is rated "exemplary" under section 3314.016 of the Revised Code. 25944  
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(2) A community school established under Chapter 3314. of the Revised Code that has received, on its most recent report card, either of the following: 25948  
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(a) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code; 25951  
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(b) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code. 25956  
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**Sec. 3301.53.** (A) The state board of education, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county DD boards, community schools, or eligible nonpublic schools. The rules shall include the following: 25960  
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(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment 25967  
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of the program, is of the quality to support the growth and 25969  
development of the children according to the program objectives, 25970  
and meets the requirements of section 3301.55 of the Revised Code; 25971

(2) Standards ensuring that supervision, discipline, and 25972  
programs will be administered according to established objectives 25973  
and procedures; 25974

(3) Standards ensuring that preschool staff members and 25975  
nonteaching employees are recruited, employed, assigned, 25976  
evaluated, and provided inservice education without discrimination 25977  
on the basis of age, color, national origin, race, or sex; and 25978  
that preschool staff members and nonteaching employees are 25979  
assigned responsibilities in accordance with written position 25980  
descriptions commensurate with their training and experience; 25981

(4) A requirement that boards of education intending to 25982  
establish a preschool program demonstrate a need for a preschool 25983  
program prior to establishing the program; 25984

(5) Requirements that children participating in preschool 25985  
programs have been immunized to the extent considered appropriate 25986  
by the state board to prevent the spread of communicable disease; 25987

(6) Requirements that the parents of preschool children 25988  
complete the emergency medical authorization form specified in 25989  
section 3313.712 of the Revised Code. 25990

(B) The state board of education in consultation with the 25991  
director of job and family services shall ensure that the rules 25992  
adopted by the state board under sections 3301.52 to 3301.58 of 25993  
the Revised Code are consistent with and meet or exceed the 25994  
requirements of Chapter 5104. of the Revised Code with regard to 25995  
child day-care centers. The state board and the director of job 25996  
and family services shall review all such rules at least once 25997  
every five years. 25998

(C) The state board of education, in consultation with the 25999

director of job and family services, shall adopt rules for school 26000  
child programs that are consistent with and meet or exceed the 26001  
requirements of the rules adopted for school-age child care 26002  
centers under Chapter 5104. of the Revised Code. 26003

**Sec. 3301.541.** (A)(1) The director, head teacher, elementary 26004  
principal, or site administrator of a preschool program shall 26005  
request the superintendent of the bureau of criminal 26006  
identification and investigation to conduct a criminal records 26007  
check with respect to any applicant who has applied to the 26008  
preschool program for employment as a person responsible for the 26009  
care, custody, or control of a child. If the applicant does not 26010  
present proof that the applicant has been a resident of this state 26011  
for the five-year period immediately prior to the date upon which 26012  
the criminal records check is requested or does not provide 26013  
evidence that within that five-year period the superintendent has 26014  
requested information about the applicant from the federal bureau 26015  
of investigation in a criminal records check, the director, head 26016  
teacher, or elementary principal shall request that the 26017  
superintendent obtain information from the federal bureau of 26018  
investigation as a part of the criminal records check for the 26019  
applicant. If the applicant presents proof that the applicant has 26020  
been a resident of this state for that five-year period, the 26021  
director, head teacher, or elementary principal may request that 26022  
the superintendent include information from the federal bureau of 26023  
investigation in the criminal records check. 26024

(2) Any director, head teacher, elementary principal, or site 26025  
administrator required by division (A)(1) of this section to 26026  
request a criminal records check shall provide to each applicant a 26027  
copy of the form prescribed pursuant to division (C)(1) of section 26028  
109.572 of the Revised Code, provide to each applicant a standard 26029  
impression sheet to obtain fingerprint impressions prescribed 26030  
pursuant to division (C)(2) of section 109.572 of the Revised 26031

Code, obtain the completed form and impression sheet from each 26032  
applicant, and forward the completed form and impression sheet to 26033  
the superintendent of the bureau of criminal identification and 26034  
investigation at the time the person requests a criminal records 26035  
check pursuant to division (A)(1) of this section. 26036

(3) Any applicant who receives pursuant to division (A)(2) of 26037  
this section a copy of the form prescribed pursuant to division 26038  
(C)(1) of section 109.572 of the Revised Code and a copy of an 26039  
impression sheet prescribed pursuant to division (C)(2) of that 26040  
section and who is requested to complete the form and provide a 26041  
set of fingerprint impressions shall complete the form or provide 26042  
all the information necessary to complete the form and provide the 26043  
impression sheet with the impressions of the applicant's 26044  
fingerprints. If an applicant, upon request, fails to provide the 26045  
information necessary to complete the form or fails to provide 26046  
impressions of the applicant's fingerprints, the preschool program 26047  
shall not employ that applicant for any position for which a 26048  
criminal records check is required by division (A)(1) of this 26049  
section. 26050

(B)(1) Except as provided in rules adopted by the department 26051  
of education in accordance with division (E) of this section, no 26052  
preschool program shall employ a person as a person responsible 26053  
for the care, custody, or control of a child if the person 26054  
previously has been convicted of or pleaded guilty to any of the 26055  
following: 26056

(a) A violation of section 2903.01, 2903.02, 2903.03, 26057  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 26058  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 26059  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 26060  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 26061  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 26062  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 26063

2925.06, or 3716.11 of the Revised Code, a violation of section 26064  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 26065  
violation of section 2919.23 of the Revised Code that would have 26066  
been a violation of section 2905.04 of the Revised Code as it 26067  
existed prior to July 1, 1996, had the violation occurred prior to 26068  
that date, a violation of section 2925.11 of the Revised Code that 26069  
is not a minor drug possession offense, or felonious sexual 26070  
penetration in violation of former section 2907.12 of the Revised 26071  
Code; 26072

(b) A violation of an existing or former law of this state, 26073  
any other state, or the United States that is substantially 26074  
equivalent to any of the offenses or violations described in 26075  
division (B)(1)(a) of this section. 26076

(2) A preschool program may employ an applicant conditionally 26077  
until the criminal records check required by this section is 26078  
completed and the preschool program receives the results of the 26079  
criminal records check. If the results of the criminal records 26080  
check indicate that, pursuant to division (B)(1) of this section, 26081  
the applicant does not qualify for employment, the preschool 26082  
program shall release the applicant from employment. 26083

(C)(1) Each preschool program shall pay to the bureau of 26084  
criminal identification and investigation the fee prescribed 26085  
pursuant to division (C)(3) of section 109.572 of the Revised Code 26086  
for each criminal records check conducted in accordance with that 26087  
section upon the request pursuant to division (A)(1) of this 26088  
section of the director, head teacher, elementary principal, or 26089  
site administrator of the preschool program. 26090

(2) A preschool program may charge an applicant a fee for the 26091  
costs it incurs in obtaining a criminal records check under this 26092  
section. A fee charged under this division shall not exceed the 26093  
amount of fees the preschool program pays under division (C)(1) of 26094  
this section. If a fee is charged under this division, the 26095

preschool program shall notify the applicant at the time of the 26096  
applicant's initial application for employment of the amount of 26097  
the fee and that, unless the fee is paid, the applicant will not 26098  
be considered for employment. 26099

(D) The report of any criminal records check conducted by the 26100  
bureau of criminal identification and investigation in accordance 26101  
with section 109.572 of the Revised Code and pursuant to a request 26102  
under division (A)(1) of this section is not a public record for 26103  
the purposes of section 149.43 of the Revised Code and shall not 26104  
be made available to any person other than the applicant who is 26105  
the subject of the criminal records check or the applicant's 26106  
representative, the preschool program requesting the criminal 26107  
records check or its representative, and any court, hearing 26108  
officer, or other necessary individual in a case dealing with the 26109  
denial of employment to the applicant. 26110

(E) The department of education shall adopt rules pursuant to 26111  
Chapter 119. of the Revised Code to implement this section, 26112  
including rules specifying circumstances under which a preschool 26113  
program may hire a person who has been convicted of an offense 26114  
listed in division (B)(1) of this section but who meets standards 26115  
in regard to rehabilitation set by the department. 26116

(F) Any person required by division (A)(1) of this section to 26117  
request a criminal records check shall inform each person, at the 26118  
time of the person's initial application for employment, that the 26119  
person is required to provide a set of impressions of the person's 26120  
fingerprints and that a criminal records check is required to be 26121  
conducted and satisfactorily completed in accordance with section 26122  
109.572 of the Revised Code if the person comes under final 26123  
consideration for appointment or employment as a precondition to 26124  
employment for that position. 26125

(G) As used in this section: 26126

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with a preschool program as a person responsible for the care, custody, or control of a child, except that "applicant" does not include a person already employed by a board of education, community school, or chartered nonpublic school in a position of care, custody, or control of a child who is under consideration for a different position with such board or school.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

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

(H) If the board of education of a local school district adopts a resolution requesting the assistance of the educational service center in which the local district has territory in conducting criminal records checks of substitute teachers under this section, the appointing or hiring officer of such educational service center governing board shall serve for purposes of this section as the appointing or hiring officer of the local board in the case of hiring substitute teachers for employment in the local district.

**Sec. 3301.55.** (A) A school district, county DD board, community school, or eligible nonpublic school operating a preschool program shall house the program in buildings that meet the following requirements:

(1) The building is operated by the district, county DD board, community school, or eligible nonpublic school and has been approved by the division of industrial compliance in the department of commerce or a certified municipal, township, or county building department for the purpose of operating a program for preschool children. Any such structure shall be constructed,



equipped, repaired, altered, and maintained in accordance with 26158  
applicable provisions of Chapters 3781. and 3791. and with rules 26159  
adopted by the board of building standards under Chapter 3781. of 26160  
the Revised Code for the safety and sanitation of structures 26161  
erected for this purpose. 26162

(2) The building is in compliance with fire and safety laws 26163  
and regulations as evidenced by reports of annual school fire and 26164  
safety inspections as conducted by appropriate local authorities. 26165

(3) The school is in compliance with rules established by the 26166  
state board of education regarding school food services. 26167

(4) The facility includes not less than thirty-five square 26168  
feet of indoor space for each child in the program. Safe play 26169  
space, including both indoor and outdoor play space, totaling not 26170  
less than sixty square feet for each child using the space at any 26171  
one time, shall be regularly available and scheduled for use. 26172

(5) First aid facilities and space for temporary placement or 26173  
isolation of injured or ill children are provided. 26174

(B) Each school district, county DD board, community school, 26175  
or eligible nonpublic school that operates, or proposes to 26176  
operate, a preschool program shall submit a building plan 26177  
including all information specified by the state board of 26178  
education to the board not later than the first day of September 26179  
of the school year in which the program is to be initiated. The 26180  
board shall determine whether the buildings meet the requirements 26181  
of this section and section 3301.53 of the Revised Code, and 26182  
notify the superintendent of its determination. If the board 26183  
determines, on the basis of the building plan or any other 26184  
information, that the buildings do not meet those requirements, it 26185  
shall cause the buildings to be inspected by the department of 26186  
education. The department shall make a report to the 26187  
superintendent specifying any aspects of the building that are not 26188

in compliance with the requirements of this section and section 26189  
3301.53 of the Revised Code and the time period that will be 26190  
allowed the district, county DD board, or school to meet the 26191  
requirements. 26192

**Sec. 3301.56.** (A) The director, head teacher, elementary 26193  
principal, or site administrator who is on site and responsible 26194  
for supervision of each preschool program shall be responsible for 26195  
the following: 26196

(1) Ensuring that the health and safety of the children are 26197  
safeguarded by an organized program of school health services 26198  
designed to identify child health problems and to coordinate 26199  
school and community health resources for children, as evidenced 26200  
by but not limited to: 26201

(a) Requiring immunization and compliance with emergency 26202  
medical authorization requirements in accordance with rules 26203  
adopted by the state board of education under section 3301.53 of 26204  
the Revised Code; 26205

(b) Providing procedures for emergency situations, including 26206  
fire drills, rapid dismissals, tornado drills, and school safety 26207  
drills in accordance with section 3737.73 of the Revised Code, and 26208  
keeping records of such drills or dismissals; 26209

(c) Posting emergency procedures in preschool rooms and 26210  
making them available to school personnel, children, and parents; 26211

(d) Posting emergency numbers by each telephone; 26212

(e) Supervising grounds, play areas, and other facilities 26213  
when scheduled for use by children; 26214

(f) Providing first-aid facilities and materials. 26215

(2) Maintaining cumulative records for each child; 26216

(3) Supervising each child's admission, placement, and 26217

withdrawal according to established procedures; 26218

(4) Preparing at least once annually for each group of 26219  
children in the program a roster of names and telephone numbers of 26220  
parents, guardians, and custodians of children in the group and, 26221  
on request, furnishing the roster for each group to the parents, 26222  
guardians, and custodians of children in that group. The director 26223  
may prepare a similar roster of all children in the program and, 26224  
on request, make it available to the parents, guardians, and 26225  
custodians, of children in the program. The director shall not 26226  
include in either roster the name or telephone number of any 26227  
parent, guardian, or custodian who requests that the parent's, 26228  
guardian's, or custodian's name or number not be included, and 26229  
shall not furnish any roster to any person other than a parent, 26230  
guardian, or custodian of a child in the program. 26231

(5) Ensuring that clerical and custodial services are 26232  
provided for the program; 26233

(6) Supervising the instructional program and the daily 26234  
operation of the program; 26235

(7) Supervising and evaluating preschool staff members 26236  
according to a planned sequence of observations and evaluation 26237  
conferences, and supervising nonteaching employees. 26238

(B)(1) In each program the maximum number of children per 26239  
preschool staff member and the maximum group size by age category 26240  
of children shall be as follows: 26241

	Maximum		
Age Group	Group	Staff Member/ Child Ratio	
Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room	26242 26243 26244 26245 26246 26247 26248

12 months to less than 18 months	12	1:6	26249
18 months to less than 30 months	14	1:7	26250
30 months to less than 3 years	16	1:8	26251
3-year-olds	24	1:12	26252
4- and 5-year-olds not in school	28	1:14	26253

(2) When age groups are combined, the maximum number of 26254  
children per preschool staff member shall be determined by the age 26255  
of the youngest child in the group, except that when no more than 26256  
one child thirty months of age or older receives child care in a 26257  
group in which all the other children are in the next older age 26258  
group, the maximum number of children per child-care staff member 26259  
and maximum group size requirements of the older age group 26260  
established under division (B)(1) of this section shall apply. 26261

(3) In a room where children are napping, if all the children 26262  
are at least eighteen months of age, the maximum number of 26263  
children per preschool staff member shall, for a period not to 26264  
exceed one and one-half hours in any twenty-four hour day, be 26265  
twice the maximum number of children per preschool staff member 26266  
established under division (B)(1) of this section if all the 26267  
following criteria are met: 26268

(a) At least one preschool staff member is present in the 26269  
room; 26270

(b) Sufficient preschool staff members are present on the 26271  
preschool program premises to comply with division (B)(1) of this 26272  
section; 26273

(c) Naptime preparations have been completed and the children 26274  
are resting or napping. 26275

(4) Any accredited program that uses the Montessori method 26276  
endorsed by the American Montessori society or the association 26277  
Montessori internationale as its primary method of instruction and 26278  
is licensed as a preschool program under section 3301.58 of the 26279

Revised Code may combine preschool children of ages three to five 26280  
years old with children enrolled in kindergarten. Notwithstanding 26281  
anything to the contrary in division (B)(2) of this section, when 26282  
such age groups are combined, the maximum number of children per 26283  
preschool staff member shall be twelve and the maximum group size 26284  
shall be twenty-four children. 26285

(C) In each building in which a preschool program is operated 26286  
there shall be on the premises, and readily available at all 26287  
times, at least one employee who has completed a course in first 26288  
aid and in the prevention, recognition, and management of 26289  
communicable diseases which is approved by the state department of 26290  
health, and an employee who has completed a course in child abuse 26291  
recognition and prevention. 26292

(D) Any parent, guardian, or custodian of a child enrolled in 26293  
a preschool program shall be permitted unlimited access to the 26294  
school during its hours of operation to contact the parent's, 26295  
guardian's, or custodian's child, evaluate the care provided by 26296  
the program, or evaluate the premises, or for other purposes 26297  
approved by the director. Upon entering the premises, the parent, 26298  
guardian, or custodian shall report to the school office. 26299

**Sec. 3301.57.** (A) For the purpose of improving programs, 26300  
facilities, and implementation of the standards promulgated by the 26301  
state board of education under section 3301.53 of the Revised 26302  
Code, the state department of education shall provide consultation 26303  
and technical assistance to school districts, county DD boards, 26304  
community schools, and eligible nonpublic schools operating 26305  
preschool programs or school child programs, and inservice 26306  
training to preschool staff members, school child program staff 26307  
members, and nonteaching employees. 26308

(B) The department and the school district board of 26309  
education, county DD board, community school, or eligible 26310

nonpublic school shall jointly monitor each preschool program and 26311  
each school child program. 26312

If the program receives any grant or other funding from the 26313  
state or federal government, the department annually shall monitor 26314  
all reports on attendance, financial support, and expenditures 26315  
according to provisions for use of the funds. 26316

(C) The department of education, at least once during every 26317  
twelve-month period of operation of a preschool program or a 26318  
licensed school child program, shall inspect the program and 26319  
provide a written inspection report to the superintendent of the 26320  
school district, county DD board, community school, or eligible 26321  
nonpublic school. The department may inspect any program more than 26322  
once, as considered necessary by the department, during any 26323  
twelve-month period of operation. All inspections may be 26324  
unannounced. No person shall interfere with any inspection 26325  
conducted pursuant to this division or to the rules adopted 26326  
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 26327

Upon receipt of any complaint that a preschool program or a 26328  
licensed school child program is out of compliance with the 26329  
requirements in sections 3301.52 to 3301.59 of the Revised Code or 26330  
the rules adopted under those sections, the department shall 26331  
investigate and may inspect the program. 26332

(D) If a preschool program or a licensed school child program 26333  
is determined to be out of compliance with the requirements of 26334  
sections 3301.52 to 3301.59 of the Revised Code or the rules 26335  
adopted under those sections, the department of education shall 26336  
notify the appropriate superintendent, county DD board, community 26337  
school, or eligible nonpublic school in writing regarding the 26338  
nature of the violation, what must be done to correct the 26339  
violation, and by what date the correction must be made. If the 26340  
correction is not made by the date established by the department, 26341  
it may commence action under Chapter 119. of the Revised Code to 26342

close the program or to revoke the license of the program. If a 26343  
program does not comply with an order to cease operation issued in 26344  
accordance with Chapter 119. of the Revised Code, the department 26345  
shall notify the attorney general, the prosecuting attorney of the 26346  
county in which the program is located, or the city attorney, 26347  
village solicitor, or other chief legal officer of the municipal 26348  
corporation in which the program is located that the program is 26349  
operating in violation of sections 3301.52 to 3301.59 of the 26350  
Revised Code or the rules adopted under those sections and in 26351  
violation of an order to cease operation issued in accordance with 26352  
Chapter 119. of the Revised Code. Upon receipt of the 26353  
notification, the attorney general, prosecuting attorney, city 26354  
attorney, village solicitor, or other chief legal officer shall 26355  
file a complaint in the court of common pleas of the county in 26356  
which the program is located requesting the court to issue an 26357  
order enjoining the program from operating. The court shall grant 26358  
the requested injunctive relief upon a showing that the program 26359  
named in the complaint is operating in violation of sections 26360  
3301.52 to 3301.59 of the Revised Code or the rules adopted under 26361  
those sections and in violation of an order to cease operation 26362  
issued in accordance with Chapter 119. of the Revised Code. 26363

(E) The department of education shall prepare an annual 26364  
report on inspections conducted under this section. The report 26365  
shall include the number of inspections conducted, the number and 26366  
types of violations found, and the steps taken to address the 26367  
violations. The department shall file the report with the 26368  
governor, the president and minority leader of the senate, and the 26369  
speaker and minority leader of the house of representatives on or 26370  
before the first day of January of each year, beginning in 1999. 26371

**Sec. 3301.58.** (A) The department of education is responsible 26372  
for the licensing of preschool programs and school child programs 26373  
and for the enforcement of sections 3301.52 to 3301.59 of the 26374

Revised Code and of any rules adopted under those sections. No 26375  
school district board of education, county DD board, community 26376  
school, or eligible nonpublic school shall operate, establish, 26377  
manage, conduct, or maintain a preschool program without a license 26378  
issued under this section. A school district board of education, 26379  
county DD board, community school, or eligible nonpublic school 26380  
may obtain a license under this section for a school child 26381  
program. The school district board of education, county DD board, 26382  
community school, or eligible nonpublic school shall post the 26383  
license for each preschool program and licensed school child 26384  
program it operates, establishes, manages, conducts, or maintains 26385  
in a conspicuous place in the preschool program or licensed school 26386  
child program that is accessible to parents, custodians, or 26387  
guardians and employees and staff members of the program at all 26388  
times when the program is in operation. 26389

(B) Any school district board of education, county DD board, 26390  
community school, or eligible nonpublic school that desires to 26391  
operate, establish, manage, conduct, or maintain a preschool 26392  
program shall apply to the department of education for a license 26393  
on a form that the department shall prescribe by rule. Any school 26394  
district board of education, county DD board, community school, or 26395  
eligible nonpublic school that desires to obtain a license for a 26396  
school child program shall apply to the department for a license 26397  
on a form that the department shall prescribe by rule. The 26398  
department shall provide at no charge to each applicant for a 26399  
license under this section a copy of the requirements under 26400  
sections 3301.52 to 3301.59 of the Revised Code and any rules 26401  
adopted under those sections. The department may establish 26402  
application fees by rule adopted under Chapter 119. of the Revised 26403  
Code, and all applicants for a license shall pay any fee 26404  
established by the department at the time of making an application 26405  
for a license. All fees collected pursuant to this section shall 26406  
be paid into the state treasury to the credit of the general 26407



revenue fund. 26408

(C) Upon the filing of an application for a license, the 26409  
department of education shall investigate and inspect the 26410  
preschool program or school child program to determine the license 26411  
capacity for each age category of children of the program and to 26412  
determine whether the program complies with sections 3301.52 to 26413  
3301.59 of the Revised Code and any rules adopted under those 26414  
sections. When, after investigation and inspection, the department 26415  
of education is satisfied that sections 3301.52 to 3301.59 of the 26416  
Revised Code and any rules adopted under those sections are 26417  
complied with by the applicant, the department of education shall 26418  
issue the program a provisional license as soon as practicable in 26419  
the form and manner prescribed by the rules of the department. The 26420  
provisional license shall be valid for one year from the date of 26421  
issuance unless revoked. 26422

(D) The department of education shall investigate and inspect 26423  
a preschool program or school child program that has been issued a 26424  
provisional license at least once during operation under the 26425  
provisional license. If, after the investigation and inspection, 26426  
the department of education determines that the requirements of 26427  
sections 3301.52 to 3301.59 of the Revised Code and any rules 26428  
adopted under those sections are met by the provisional licensee, 26429  
the department of education shall issue the program a license. The 26430  
license shall remain valid unless revoked or the program ceases 26431  
operations. 26432

(E) The department of education annually shall investigate 26433  
and inspect each preschool program or school child program 26434  
licensed under division (D) of this section to determine if the 26435  
requirements of sections 3301.52 to 3301.59 of the Revised Code 26436  
and any rules adopted under those sections are met by the program, 26437  
and shall notify the program of the results. 26438

(F) The license or provisional license shall state the name 26439

of the school district board of education, county DD board, 26440  
community school, or eligible nonpublic school that operates the 26441  
preschool program or school child program and the license capacity 26442  
of the program. 26443

(G) The department of education may revoke the license of any 26444  
preschool program or school child program that is not in 26445  
compliance with the requirements of sections 3301.52 to 3301.59 of 26446  
the Revised Code and any rules adopted under those sections. 26447

(H) If the department of education revokes a license, the 26448  
department shall not issue a license to the program within two 26449  
years from the date of the revocation. All actions of the 26450  
department with respect to licensing preschool programs and school 26451  
child programs shall be in accordance with Chapter 119. of the 26452  
Revised Code. 26453

**Sec. 3302.02.** Not later than one year after the adoption of 26454  
rules under division (D) of section 3301.0712 of the Revised Code 26455  
and at least every sixth year thereafter, upon recommendations of 26456  
the superintendent of public instruction, the state board of 26457  
education shall establish a set of performance indicators that 26458  
considered as a unit will be used as one of the performance 26459  
categories for the report cards required by section 3302.03 of the 26460  
Revised Code. In establishing these indicators, the superintendent 26461  
shall consider inclusion of student performance on assessments 26462  
prescribed under section 3301.0710 or 3301.0712 of the Revised 26463  
Code, rates of student improvement on such assessments, the 26464  
breadth of coursework available within the district, and other 26465  
indicators of student success. 26466

Beginning with the report card for the 2014-2015 school year, 26467  
the performance indicators shall include an indicator that 26468  
reflects the level of services provided to, and the performance 26469  
of, students identified as gifted under Chapter 3324. of the 26470

Revised Code. The indicator shall include the performance of 26471  
students identified as gifted on state assessments and value-added 26472  
growth measure disaggregated for students identified as gifted. 26473

For the 2013-2014 school year, except as otherwise provided 26474  
in this section, for any indicator based on the percentage of 26475  
students attaining a proficient score on the assessments 26476  
prescribed by divisions (A) and (B)(1) of section 3301.0710 of the 26477  
Revised Code, a school district or building shall be considered to 26478  
have met the indicator if at least eighty per cent of the tested 26479  
students attain a score of proficient or higher on the assessment. 26480  
A school district or building shall be considered to have met the 26481  
indicator for the assessments prescribed by division (B)(1) of 26482  
section 3301.0710 of the Revised Code and only as administered to 26483  
eleventh grade students, if at least eighty-five per cent of the 26484  
tested students attain a score of proficient or higher on the 26485  
assessment. ~~Not later than July 1, 2014, the~~ 26486

~~The~~ state board ~~may~~ shall adopt rules, under Chapter 119. of 26487  
the Revised Code, to establish ~~different~~ proficiency percentages 26488  
to meet each indicator that is based on a state assessment, 26489  
prescribed under section 3301.0710 or 3301.0712 of the Revised 26490  
Code, for the 2014-2015 school year and thereafter by the 26491  
following dates: 26492

(A) Not later than December 31, 2015, for the 2014-2015 26493  
school year; 26494

(B) Not later than July 1, 2016, for the 2015-2016 school 26495  
year; 26496

(C) Not later than July 1, 2017, for the 2016-2017 school 26497  
year, and for each school year thereafter. 26498

~~The superintendent shall not establish any performancee~~ 26499  
~~indicator for passage of the third or fourth grade English~~ 26500  
~~language arts assessment that is solely based on the assessment~~ 26501

~~given in the fall for the purpose of determining whether students 26502  
have met the reading guarantee provisions of section 3313.608 of 26503  
the Revised Code. 26504~~

**Sec. 3302.03.** Annually, not later than the fifteenth day of 26505  
September or the preceding Friday when that day falls on a 26506  
Saturday or Sunday, the department of education shall assign a 26507  
letter grade for overall academic performance and for each 26508  
separate performance measure for each school district, and each 26509  
school building in a district, in accordance with this section. 26510  
The state board shall adopt rules pursuant to Chapter 119. of the 26511  
Revised Code to establish performance criteria for each letter 26512  
grade and prescribe a method by which the department assigns each 26513  
letter grade. For a school building to which any of the 26514  
performance measures do not apply, due to grade levels served by 26515  
the building, the state board shall designate the performance 26516  
measures that are applicable to the building and that must be 26517  
calculated separately and used to calculate the building's overall 26518  
grade. The department shall issue annual report cards reflecting 26519  
the performance of each school district, each building within each 26520  
district, and for the state as a whole using the performance 26521  
measures and letter grade system described in this section. The 26522  
department shall include on the report card for each district and 26523  
each building within each district the most recent two-year trend 26524  
data in student achievement for each subject and each grade. 26525

(A)(1) For the 2012-2013 school year, the department shall 26526  
issue grades as described in division (E) of this section for each 26527  
of the following performance measures: 26528

(a) Annual measurable objectives; 26529

(b) Performance index score for a school district or 26530  
building. Grades shall be awarded as a percentage of the total 26531  
possible points on the performance index system as adopted by the 26532

state board. In adopting benchmarks for assigning letter grades 26533  
under division (A)(1)(b) of this section, the state board of 26534  
education shall designate ninety per cent or higher for an "A," at 26535  
least seventy per cent but not more than eighty per cent for a 26536  
"C," and less than fifty per cent for an "F." 26537

(c) The extent to which the school district or building meets 26538  
each of the applicable performance indicators established by the 26539  
state board under section 3302.02 of the Revised Code and the 26540  
percentage of applicable performance indicators that have been 26541  
achieved. In adopting benchmarks for assigning letter grades under 26542  
division (A)(1)(c) of this section, the state board shall 26543  
designate ninety per cent or higher for an "A." 26544

(d) The four- and five-year adjusted cohort graduation rates. 26545

In adopting benchmarks for assigning letter grades under 26546  
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 26547  
department shall designate a four-year adjusted cohort graduation 26548  
rate of ninety-three per cent or higher for an "A" and a five-year 26549  
cohort graduation rate of ninety-five per cent or higher for an 26550  
"A." 26551

(e) The overall score under the value-added progress 26552  
dimension of a school district or building, for which the 26553  
department shall use up to three years of value-added data as 26554  
available. The letter grade assigned for this growth measure shall 26555  
be as follows: 26556

(i) A score that is at least two standard errors of measure 26557  
above the mean score shall be designated as an "A." 26558

(ii) A score that is at least one standard error of measure 26559  
but less than two standard errors of measure above the mean score 26560  
shall be designated as a "B." 26561

(iii) A score that is less than one standard error of measure 26562  
above the mean score but greater than or equal to one standard 26563

error of measure below the mean score shall be designated as a 26564  
"C." 26565

(iv) A score that is not greater than one standard error of 26566  
measure below the mean score but is greater than or equal to two 26567  
standard errors of measure below the mean score shall be 26568  
designated as a "D." 26569

(v) A score that is not greater than two standard errors of 26570  
measure below the mean score shall be designated as an "F." 26571

Whenever the value-added progress dimension is used as a 26572  
graded performance measure, whether as an overall measure or as a 26573  
measure of separate subgroups, the grades for the measure shall be 26574  
calculated in the same manner as prescribed in division (A)(1)(e) 26575  
of this section. 26576

(f) The value-added progress dimension score for a school 26577  
district or building disaggregated for each of the following 26578  
subgroups: students identified as gifted, students with 26579  
disabilities, and students whose performance places them in the 26580  
lowest quintile for achievement on a statewide basis. Each 26581  
subgroup shall be a separate graded measure. 26582

(2) Not later than April 30, 2013, the state board of 26583  
education shall adopt a resolution describing the performance 26584  
measures, benchmarks, and grading system for the 2012-2013 school 26585  
year and, not later than June 30, 2013, shall adopt rules in 26586  
accordance with Chapter 119. of the Revised Code that prescribe 26587  
the methods by which the performance measures under division 26588  
(A)(1) of this section shall be assessed and assigned a letter 26589  
grade, including performance benchmarks for each letter grade. 26590

At least forty-five days prior to the state board's adoption 26591  
of rules to prescribe the methods by which the performance 26592  
measures under division (A)(1) of this section shall be assessed 26593  
and assigned a letter grade, the department shall conduct a public 26594

presentation before the standing committees of the house of 26595  
representatives and the senate that consider education legislation 26596  
describing such methods, including performance benchmarks. 26597

(3) There shall not be an overall letter grade for a school 26598  
district or building for the 2012-2013 school year. 26599

(B)(1) For the 2013-2014 and 2014-2015 school ~~year~~ years, the 26600  
department shall issue grades as described in division (E) of this 26601  
section for each of the following performance measures: 26602

(a) Annual measurable objectives; 26603

(b) Performance index score for a school district or 26604  
building. Grades shall be awarded as a percentage of the total 26605  
possible points on the performance index system as created by the 26606  
department. In adopting benchmarks for assigning letter grades 26607  
under division (B)(1)(b) of this section, the state board shall 26608  
designate ninety per cent or higher for an "A," at least seventy 26609  
per cent but not more than eighty per cent for a "C," and less 26610  
than fifty per cent for an "F." 26611

(c) The extent to which the school district or building meets 26612  
each of the applicable performance indicators established by the 26613  
state board under section 3302.03 of the Revised Code and the 26614  
percentage of applicable performance indicators that have been 26615  
achieved. In adopting benchmarks for assigning letter grades under 26616  
division (B)(1)(c) of this section, the state board shall 26617  
designate ninety per cent or higher for an "A." 26618

(d) The four- and five-year adjusted cohort graduation rates; 26619

(e) The overall score under the value-added progress 26620  
dimension of a school district or building, for which the 26621  
department shall use up to three years of value-added data as 26622  
available. 26623

(f) The value-added progress dimension score for a school 26624

district or building disaggregated for each of the following 26625  
subgroups: students identified as gifted in superior cognitive 26626  
ability and specific academic ability fields under Chapter 3324. 26627  
of the Revised Code, students with disabilities, and students 26628  
whose performance places them in the lowest quintile for 26629  
achievement on a statewide basis. Each subgroup shall be a 26630  
separate graded measure. 26631

(g) Whether a school district or building is making progress 26632  
in improving literacy in grades kindergarten through three, as 26633  
determined using a method prescribed by the state board. The state 26634  
board shall adopt rules to prescribe benchmarks and standards for 26635  
assigning grades to districts and buildings for purposes of 26636  
division (B)(1)(g) of this section. In adopting benchmarks for 26637  
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 26638  
this section, the state board shall determine progress made based 26639  
on the reduction in the total percentage of students scoring below 26640  
grade level, or below proficient, compared from year to year on 26641  
the reading and writing diagnostic assessments administered under 26642  
section 3301.0715 of the Revised Code and the third grade English 26643  
language arts assessment under section 3301.0710 of the Revised 26644  
Code, as applicable. The state board shall designate for a "C" 26645  
grade a value that is not lower than the statewide average value 26646  
for this measure. No grade shall be issued under divisions 26647  
(B)(1)(g) and (C)(1)(g) of this section for a district or building 26648  
in which less than five per cent of students have scored below 26649  
grade level on the diagnostic assessment administered to students 26650  
in kindergarten under division (B)(1) of section 3313.608 of the 26651  
Revised Code. 26652

(h) For a high mobility school district or building, an 26653  
additional value-added progress dimension score. For this measure, 26654  
the department shall use value-added data from the most recent 26655  
school year available and shall use assessment scores for only 26656



those students to whom the district or building has administered 26657  
the assessments prescribed by section 3301.0710 of the Revised 26658  
Code for each of the two most recent consecutive school years. 26659

As used in this division, "high mobility school district or 26660  
building" means a school district or building where at least 26661  
twenty-five per cent of its total enrollment is made up of 26662  
students who have attended that school district or building for 26663  
less than one year. 26664

(2) In addition to the graded measures in division (B)(1) of 26665  
this section, the department shall include on a school district's 26666  
or building's report card all of the following without an assigned 26667  
letter grade: 26668

(a) The percentage of students enrolled in a district or 26669  
building participating in advanced placement classes and the 26670  
percentage of those students who received a score of three or 26671  
better on advanced placement examinations; 26672

(b) The number of a district's or building's students who 26673  
have earned at least three college credits through dual enrollment 26674  
or advanced standing programs, such as the post-secondary 26675  
enrollment options program under Chapter 3365. of the Revised Code 26676  
and state-approved career-technical courses offered through dual 26677  
enrollment or statewide articulation, that appear on a student's 26678  
transcript or other official document, either of which is issued 26679  
by the institution of higher education from which the student 26680  
earned the college credit. The credits earned that are reported 26681  
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 26682  
include any that are remedial or developmental and shall include 26683  
those that count toward the curriculum requirements established 26684  
for completion of a degree. 26685

(c) The percentage of students enrolled in a district or 26686  
building who have taken a national standardized test used for 26687

college admission determinations and the percentage of those 26688  
students who are determined to be remediation-free in accordance 26689  
with standards adopted under division (F) of section 3345.061 of 26690  
the Revised Code; 26691

(d) The percentage of the district's or the building's 26692  
students who receive industry-recognized credentials. The state 26693  
board shall adopt criteria for acceptable industry-recognized 26694  
credentials. 26695

(e) The percentage of students enrolled in a district or 26696  
building who are participating in an international baccalaureate 26697  
program and the percentage of those students who receive a score 26698  
of four or better on the international baccalaureate examinations. 26699

(f) The percentage of the district's or building's students 26700  
who receive an honors diploma under division (B) of section 26701  
3313.61 of the Revised Code. 26702

(3) Not later than December 31, 2013, the state board shall 26703  
adopt rules in accordance with Chapter 119. of the Revised Code 26704  
that prescribe the methods by which the performance measures under 26705  
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 26706  
and assigned a letter grade, including performance benchmarks for 26707  
each grade. 26708

At least forty-five days prior to the state board's adoption 26709  
of rules to prescribe the methods by which the performance 26710  
measures under division (B)(1) of this section shall be assessed 26711  
and assigned a letter grade, the department shall conduct a public 26712  
presentation before the standing committees of the house of 26713  
representatives and the senate that consider education legislation 26714  
describing such methods, including performance benchmarks. 26715

(4) There shall not be an overall letter grade for a school 26716  
district or building for the 2013-2014, 2014-2015, and 2015-2016 26717  
school ~~year~~ years. 26718

(C)(1) For the ~~2014-2015~~ 2016-2017 school year and each 26719  
school year thereafter, the department shall issue grades as 26720  
described in division (E) of this section for each of the 26721  
performance measures prescribed in division (C)(1) of this section 26722  
and an overall letter grade based on an aggregate of those 26723  
measures, except for the performance measure set forth in division 26724  
(C)(1)(h) of this section. The graded measures are as follows: 26725

(a) Annual measurable objectives; 26726

(b) Performance index score for a school district or 26727  
building. Grades shall be awarded as a percentage of the total 26728  
possible points on the performance index system as created by the 26729  
department. In adopting benchmarks for assigning letter grades 26730  
under division (C)(1)(b) of this section, the state board shall 26731  
designate ninety per cent or higher for an "A," at least seventy 26732  
per cent but not more than eighty per cent for a "C," and less 26733  
than fifty per cent for an "F." 26734

(c) The extent to which the school district or building meets 26735  
each of the applicable performance indicators established by the 26736  
state board under section 3302.03 of the Revised Code and the 26737  
percentage of applicable performance indicators that have been 26738  
achieved. In adopting benchmarks for assigning letter grades under 26739  
division (C)(1)(c) of this section, the state board shall 26740  
designate ninety per cent or higher for an "A." 26741

(d) The four- and five-year adjusted cohort graduation rates; 26742

(e) The overall score under the value-added progress 26743  
dimension, or another measure of student academic progress if 26744  
adopted by the state board, of a school district or building, for 26745  
which the department shall use up to three years of value-added 26746  
data as available. 26747

In adopting benchmarks for assigning letter grades for 26748  
overall score on value-added progress dimension under division 26749

(C)(1)(e) of this section, the state board shall prohibit the 26750  
assigning of a grade of "A" for that measure unless the district's 26751  
or building's grade assigned for value-added progress dimension 26752  
for all subgroups under division (C)(1)(f) of this section is a 26753  
"B" or higher. 26754

For the metric prescribed by division (C)(1)(e) of this 26755  
section, the state board may adopt a student academic progress 26756  
measure to be used instead of the value-added progress dimension. 26757  
If the state board adopts such a measure, it also shall prescribe 26758  
a method for assigning letter grades for the new measure that is 26759  
comparable to the method prescribed in division (A)(1)(e) of this 26760  
section. 26761

(f) The value-added progress dimension score of a school 26762  
district or building disaggregated for each of the following 26763  
subgroups: students identified as gifted in superior cognitive 26764  
ability and specific academic ability fields under Chapter 3324. 26765  
of the Revised Code, students with disabilities, and students 26766  
whose performance places them in the lowest quintile for 26767  
achievement on a statewide basis, as determined by a method 26768  
prescribed by the state board. Each subgroup shall be a separate 26769  
graded measure. 26770

The state board may adopt student academic progress measures 26771  
to be used instead of the value-added progress dimension. If the 26772  
state board adopts such measures, it also shall prescribe a method 26773  
for assigning letter grades for the new measures that is 26774  
comparable to the method prescribed in division (A)(1)(e) of this 26775  
section. 26776

(g) Whether a school district or building is making progress 26777  
in improving literacy in grades kindergarten through three, as 26778  
determined using a method prescribed by the state board. The state 26779  
board shall adopt rules to prescribe benchmarks and standards for 26780  
assigning grades to a district or building for purposes of 26781

division (C)(1)(g) of this section. The state board shall 26782  
designate for a "C" grade a value that is not lower than the 26783  
statewide average value for this measure. No grade shall be issued 26784  
under division (C)(1)(g) of this section for a district or 26785  
building in which less than five per cent of students have scored 26786  
below grade level on the kindergarten diagnostic assessment under 26787  
division (B)(1) of section 3313.608 of the Revised Code. 26788

(h) For a high mobility school district or building, an 26789  
additional value-added progress dimension score. For this measure, 26790  
the department shall use value-added data from the most recent 26791  
school year available and shall use assessment scores for only 26792  
those students to whom the district or building has administered 26793  
the assessments prescribed by section 3301.0710 of the Revised 26794  
Code for each of the two most recent consecutive school years. 26795

As used in this division, "high mobility school district or 26796  
building" means a school district or building where at least 26797  
twenty-five per cent of its total enrollment is made up of 26798  
students who have attended that school district or building for 26799  
less than one year. 26800

(2) In addition to the graded measures in division (C)(1) of 26801  
this section, the department shall include on a school district's 26802  
or building's report card all of the following without an assigned 26803  
letter grade: 26804

(a) The percentage of students enrolled in a district or 26805  
building who have taken a national standardized test used for 26806  
college admission determinations and the percentage of those 26807  
students who are determined to be remediation-free in accordance 26808  
with the standards adopted under division (F) of section 3345.061 26809  
of the Revised Code; 26810

(b) The percentage of students enrolled in a district or 26811  
building participating in advanced placement classes and the 26812

percentage of those students who received a score of three or better on advanced placement examinations; 26813  
26814

(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree. 26815  
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(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code; 26827  
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(e) The percentage of the district's or building's students who receive industry-recognized credentials; 26830  
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(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations; 26832  
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(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code. 26836  
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(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2014-2015 school year and each school year thereafter. The rules shall group the performance measures in divisions (C)(1) and (2) 26839  
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of this section into the following components: 26844

(a) Gap closing, which shall include the performance measure 26845  
in division (C)(1)(a) of this section; 26846

(b) Achievement, which shall include the performance measures 26847  
in divisions (C)(1)(b) and (c) of this section; 26848

(c) Progress, which shall include the performance measures in 26849  
divisions (C)(1)(e) and (f) of this section; 26850

(d) Graduation, which shall include the performance measure 26851  
in division (C)(1)(d) of this section; 26852

(e) Kindergarten through third-grade literacy, which shall 26853  
include the performance measure in division (C)(1)(g) of this 26854  
section; 26855

(f) Prepared for success, which shall include the performance 26856  
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 26857  
this section. The state board shall develop a method to determine 26858  
a grade for the component in division (C)(3)(f) of this section 26859  
using the performance measures in divisions (C)(2)(a), (b), (c), 26860  
(d), (e), and (f) of this section. When available, the state board 26861  
may incorporate the performance measure under division (C)(2)(g) 26862  
of this section into the component under division (C)(3)(f) of 26863  
this section. When determining the overall grade for the prepared 26864  
for success component prescribed by division (C)(3)(f) of this 26865  
section, no individual student shall be counted in more than one 26866  
performance measure. However, if a student qualifies for more than 26867  
one performance measure in the component, the state board may, in 26868  
its method to determine a grade for the component, specify an 26869  
additional weight for such a student that is not greater than or 26870  
equal to 1.0. In determining the overall score under division 26871  
(C)(3)(f) of this section, the state board shall ensure that the 26872  
pool of students included in the performance measures aggregated 26873  
under that division are all of the students included in the four- 26874

and five-year adjusted graduation cohort. 26875

In the rules adopted under division (C)(3) of this section, 26876  
the state board shall adopt a method for determining a grade for 26877  
each component in divisions (C)(3)(a) to (f) of this section. The 26878  
state board also shall establish a method to assign an overall 26879  
grade of "A," "B," "C," "D," or "F" using the grades assigned for 26880  
each component. The method the state board adopts for assigning an 26881  
overall grade shall give equal weight to the components in 26882  
divisions (C)(3)(b) and (c) of this section. 26883

At least forty-five days prior to the state board's adoption 26884  
of rules to prescribe the methods for calculating the overall 26885  
grade for the report card, as required by this division, the 26886  
department shall conduct a public presentation before the standing 26887  
committees of the house of representatives and the senate that 26888  
consider education legislation describing the format for the 26889  
report card, weights that will be assigned to the components of 26890  
the overall grade, and the method for calculating the overall 26891  
grade. 26892

(D) ~~Not later~~ On or after than July 1, 2015, the state board 26893  
~~shall~~ may develop a measure of student academic progress for high 26894  
school students using only data from assessments in English 26895  
language arts and mathematics. ~~For the 2014-2015 school year, the~~ 26896  
~~department shall include this measure on a school district or~~ 26897  
~~building's report card, as applicable, without an assigned letter~~ 26898  
~~grade. Beginning with the report card for the 2015-2016 school~~ 26899  
~~year~~ If the state board develops this measure, each school 26900  
district and applicable school building shall be assigned a 26901  
separate letter grade for ~~this measure and the~~ if not sooner than 26902  
the 2017-2018 school year. The district's or building's grade for 26903  
that measure shall not be included in determining the district's 26904  
or building's overall letter grade. ~~This measure shall be included~~ 26905  
~~within the measure prescribed in division (C)(3)(c) of this~~ 26906



<del>section in the calculation for the overall letter grade.</del>	26907
(E) The letter grades assigned to a school district or building under this section shall be as follows:	26908
(1) "A" for a district or school making excellent progress;	26910
(2) "B" for a district or school making above average progress;	26911
(3) "C" for a district or school making average progress;	26913
(4) "D" for a district or school making below average progress;	26914
(5) "F" for a district or school failing to meet minimum progress.	26916
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	26918
(1) Performance of students by grade-level;	26921
(2) Performance of students by race and ethnic group;	26922
(3) Performance of students by gender;	26923
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	26924
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	26926
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	26927
(7) Performance of students grouped by those who are economically disadvantaged;	26928
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314.	26930
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of the Revised Code;	26935
(9) Performance of students grouped by those who are classified as limited English proficient;	26936 26937
(10) Performance of students grouped by those who have disabilities;	26938 26939
(11) Performance of students grouped by those who are classified as migrants;	26940 26941
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	26942 26943 26944 26945 26946 26947 26948 26949 26950
(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.	26951 26952 26953
The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (F)(1) to (13) of this section that it deems relevant.	26954 26955 26956 26957 26958 26959
In reporting data pursuant to division (F) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (F) of this section that	26960 26961 26962 26963 26964 26965

contains less than ten students. If the department does not report 26966  
student performance data for a group because it contains less than 26967  
ten students, the department shall indicate on the report card 26968  
that is why data was not reported. 26969

(G) The department may include with the report cards any 26970  
additional education and fiscal performance data it deems 26971  
valuable. 26972

(H) The department shall include on each report card a list 26973  
of additional information collected by the department that is 26974  
available regarding the district or building for which the report 26975  
card is issued. When available, such additional information shall 26976  
include student mobility data disaggregated by race and 26977  
socioeconomic status, college enrollment data, and the reports 26978  
prepared under section 3302.031 of the Revised Code. 26979

The department shall maintain a site on the world wide web. 26980  
The report card shall include the address of the site and shall 26981  
specify that such additional information is available to the 26982  
public at that site. The department shall also provide a copy of 26983  
each item on the list to the superintendent of each school 26984  
district. The district superintendent shall provide a copy of any 26985  
item on the list to anyone who requests it. 26986

(I) Division (I) of this section does not apply to conversion 26987  
community schools that primarily enroll students between sixteen 26988  
and twenty-two years of age who dropped out of high school or are 26989  
at risk of dropping out of high school due to poor attendance, 26990  
disciplinary problems, or suspensions. 26991

(1) For any district that sponsors a conversion community 26992  
school under Chapter 3314. of the Revised Code, the department 26993  
shall combine data regarding the academic performance of students 26994  
enrolled in the community school with comparable data from the 26995  
schools of the district for the purpose of determining the 26996

performance of the district as a whole on the report card issued 26997  
for the district under this section or section 3302.033 of the 26998  
Revised Code. 26999

(2) Any district that leases a building to a community school 27000  
located in the district or that enters into an agreement with a 27001  
community school located in the district whereby the district and 27002  
the school endorse each other's programs may elect to have data 27003  
regarding the academic performance of students enrolled in the 27004  
community school combined with comparable data from the schools of 27005  
the district for the purpose of determining the performance of the 27006  
district as a whole on the district report card. Any district that 27007  
so elects shall annually file a copy of the lease or agreement 27008  
with the department. 27009

(3) Any municipal school district, as defined in section 27010  
3311.71 of the Revised Code, that sponsors a community school 27011  
located within the district's territory, or that enters into an 27012  
agreement with a community school located within the district's 27013  
territory whereby the district and the community school endorse 27014  
each other's programs, may exercise either or both of the 27015  
following elections: 27016

(a) To have data regarding the academic performance of 27017  
students enrolled in that community school combined with 27018  
comparable data from the schools of the district for the purpose 27019  
of determining the performance of the district as a whole on the 27020  
district's report card; 27021

(b) To have the number of students attending that community 27022  
school noted separately on the district's report card. 27023

The election authorized under division (I)(3)(a) of this 27024  
section is subject to approval by the governing authority of the 27025  
community school. 27026

Any municipal school district that exercises an election to 27027

combine or include data under division (I)(3) of this section, by 27028  
the first day of October of each year, shall file with the 27029  
department documentation indicating eligibility for that election, 27030  
as required by the department. 27031

(J) The department shall include on each report card the 27032  
percentage of teachers in the district or building who are highly 27033  
qualified, as defined by the No Child Left Behind Act of 2001, and 27034  
a comparison of that percentage with the percentages of such 27035  
teachers in similar districts and buildings. 27036

(K)(1) In calculating English language arts, mathematics, 27037  
social studies, or science assessment passage rates used to 27038  
determine school district or building performance under this 27039  
section, the department shall include all students taking an 27040  
assessment with accommodation or to whom an alternate assessment 27041  
is administered pursuant to division (C)(1) or (3) of section 27042  
3301.0711 of the Revised Code. 27043

(2) In calculating performance index scores, rates of 27044  
achievement on the performance indicators established by the state 27045  
board under section 3302.02 of the Revised Code, and annual 27046  
measurable objectives for determining adequate yearly progress for 27047  
school districts and buildings under this section, the department 27048  
shall do all of the following: 27049

(a) Include for each district or building only those students 27050  
who are included in the ADM certified for the first full school 27051  
week of October and are continuously enrolled in the district or 27052  
building through the time of the spring administration of any 27053  
assessment prescribed by division (A)(1) or (B)(1) of section 27054  
3301.0710 or division (B) of section 3301.0712 of the Revised Code 27055  
that is administered to the student's grade level; 27056

(b) Include cumulative totals from both the fall and spring 27057  
administrations of the third grade English language arts 27058

achievement assessment; 27059

(c) Except as required by the No Child Left Behind Act of 27060  
2001, exclude for each district or building any limited English 27061  
proficient student who has been enrolled in United States schools 27062  
for less than one full school year. 27063

(L) Beginning with the 2015-2016 school year and at least 27064  
once every three years thereafter, the state board of education 27065  
shall review and may adjust the benchmarks for assigning letter 27066  
grades to the performance measures and components prescribed under 27067  
divisions (C)(3) and (D) of this section. 27068

**Sec. 3302.036.** (A) Notwithstanding anything in the Revised 27069  
Code to the contrary, the department of education shall not assign 27070  
an overall letter grade under division (C)(3) of section 3302.03 27071  
of the Revised Code for any school district or building for the 27072  
2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years, may, at the 27073  
discretion of the state board of education, not assign an 27074  
individual grade to any component prescribed under division (C)(3) 27075  
of section 3302.03 of the Revised Code, and shall not rank school 27076  
districts, community schools established under Chapter 3314. of 27077  
the Revised Code, or STEM schools established under Chapter 3326. 27078  
of the Revised Code under section 3302.21 of the Revised Code for 27079  
~~that those~~ school year years. The report card ratings issued for 27080  
the 2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years shall not 27081  
be considered in determining whether a school district or a school 27082  
is subject to sanctions or penalties. However, the report card 27083  
ratings of any previous or subsequent years shall be considered in 27084  
determining whether a school district or building is subject to 27085  
sanctions or penalties. Accordingly, the report card ratings for 27086  
the 2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years shall 27087  
have no effect in determining sanctions or penalties, but shall 27088  
not create a new starting point for determinations that are based 27089

on ratings over multiple years. 27090

(B) The provisions from which a district or school is exempt 27091  
under division (A) of this section shall be the following: 27092

(1) Any restructuring provisions established under this 27093  
chapter, except as required under the "No Child Left Behind Act of 27094  
2001"; 27095

(2) Provisions for the Columbus city school pilot project 27096  
under section 3302.042 of the Revised Code; 27097

(3) Provisions for academic distress commissions under 27098  
section 3302.10 of the Revised Code; 27099

(4) Provisions prescribing new buildings where students are 27100  
eligible for the educational choice scholarships under section 27101  
3310.03 of the Revised Code; 27102

(5) Provisions defining "challenged school districts" in 27103  
which new start-up community schools may be located, as prescribed 27104  
in section 3314.02 of the Revised Code; 27105

(6) Provisions prescribing community school closure 27106  
requirements under section 3314.35 or 3314.351 of the Revised 27107  
Code. 27108

(C) Notwithstanding anything in the Revised Code to the 27109  
contrary and except as provided in Section 3 of H.B. 7 of the 27110  
131st general assembly, no school district, community school, or 27111  
STEM school shall utilize at any time during a student's academic 27112  
career a student's score on any assessment administered under 27113  
division (A) of section 3301.0710 or division (B)(2) of section 27114  
3301.0712 of the Revised Code in the 2014-2015, 2015-2016, or 27115  
2016-2017 school year as a factor in any decision to promote or to 27116  
deny the student promotion to a higher grade level or in any 27117  
decision to grant course credit. No individual student score 27118  
reports on such assessments administered in the 2014-2015, 27119

2015-2016, or 2016-2017 school ~~year~~ years shall be released, 27120  
except to a student's school district or school or to the student 27121  
or the student's parent or guardian. 27122

**Sec. 3302.05.** The state board of education shall adopt rules 27123  
freeing school districts from specified state mandates if one of 27124  
the following applies: 27125

(A) For the 2011-2012 school year, the school district was 27126  
declared to be excellent under section 3302.03 of the Revised 27127  
Code, as that section existed prior to ~~the effective date of this~~ 27128  
~~section~~ March 22, 2013, and had above expected growth in the 27129  
overall value-added measure. 27130

(B) For the 2012-2013 school year, the school district 27131  
received a grade of "A" for the number of performance indicators 27132  
met under division (A)(1)(c) of section 3302.03 of the Revised 27133  
Code and for the value-added dimension under division (A)(1)(e) of 27134  
section 3302.03 of the Revised Code. 27135

(C) For the 2013-2014, 2014-2015, or 2015-2016 school year, 27136  
the school district received a grade of "A" for the number of 27137  
performance indicators met under division (B)(1)(c) of section 27138  
3302.03 of the Revised Code and for the value-added dimension 27139  
under division (B)(1)(e) of section 3302.03 of the Revised Code. 27140

(D) For the ~~2014-2015~~ 2016-2017 school year and for each 27141  
school year thereafter, the school district received an overall 27142  
grade of "A" under division (C)(3) of section 3302.03 of the 27143  
Revised Code. 27144

Any mandates included in the rules shall be only those 27145  
statutes or rules pertaining to state education requirements. The 27146  
rules shall not exempt districts from any operating standard 27147  
adopted under division (D)(3) of section 3301.07 of the Revised 27148  
Code. 27149



**Sec. 3302.15.** (A) Notwithstanding anything to the contrary in Chapter 3301. or 3302. of the Revised Code, the board of education of a school district, governing authority of a community school established under Chapter 3314. of the Revised Code, or governing body of a STEM school established under Chapter 3326. of the Revised Code may submit to the superintendent of public instruction, during the 2015-2016 school year, a request for a waiver for up to five school years from administering the state achievement assessments required under sections 3301.0710 and 3301.0712 of the Revised Code and related requirements specified under division ~~(C)~~(B)(2) of this section. A district or school that obtains a waiver under this section shall use the alternative assessment system, as proposed by the district or school and as approved by the state superintendent, in place of the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code.

~~(B) To be eligible to submit a request for a waiver under this section, a school district shall be a member of the Ohio innovation lab network.~~

~~(C)~~(1) A request for a waiver under this section shall contain the following:

(a) A timeline to develop and implement an alternative assessment system for the ~~school~~ district or school;

(b) An overview of the proposed innovative educational programs or strategies to be offered by the ~~school~~ district or school;

(c) An overview of the proposed alternative assessment system, ~~including links to state accepted and nationally accepted metrics, assessments, and evaluations~~;

(d) An overview of planning details that have been

implemented or proposed and any documented support from 27180  
educational networks, established educational consultants, state 27181  
institutions of higher education as defined under section 3345.011 27182  
of the Revised Code, and employers or workforce development 27183  
partners; 27184

(e) An overview of the capacity to implement the alternative 27185  
assessments, conduct the evaluation of teachers with alternative 27186  
assessments, and the reporting of student achievement data with 27187  
alternative assessments for the purpose of the report card ratings 27188  
prescribed under section 3302.03 of the Revised Code, all of which 27189  
shall include any prior success in implementing innovative 27190  
educational programs or strategies, teaching practices, or 27191  
assessment practices; 27192

(f) An acknowledgement by the ~~school~~ district or school of 27193  
federal funding that may be impacted by obtaining a waiver. 27194

(2) The request for a waiver shall indicate the extent to 27195  
which exemptions from state or federal requirements regarding the 27196  
administration of the assessments required under sections 27197  
3301.0710 and 3301.0712 of the Revised Code are sought. Such items 27198  
from which a ~~school~~ district or school may be exempt are as 27199  
follows: 27200

(a) The required administration of state assessments under 27201  
sections 3301.0710 and 3301.0712 of the Revised Code; 27202

(b) The evaluation of teachers and administrators under 27203  
sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 27204  
of the Revised Code; 27205

(c) The reporting of student achievement data for the purpose 27206  
of the report card ratings prescribed under section 3302.03 of the 27207  
Revised Code. 27208

~~(D)~~(C) Each request for a waiver shall include the signature 27209  
of all of the following: 27210

(1) The superintendent of the school district or the equivalent for a community school or STEM school; 27211  
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(2) The president of the district board or the equivalent for a community school or STEM school; 27213  
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(3) The presiding officer of the labor organization representing the district's or school's teachers, if any; 27215  
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(4) If the district's or school's teachers are not represented by a labor organization, the principal and a majority of the administrators and teachers of the district or school. 27217  
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~~(E) Not later than thirty days after receiving~~ (D) Upon receipt of a request for a waiver, the state superintendent shall approve or deny the waiver or may request additional information from the district or school. The state superintendent shall not grant waivers to more than a total of ten ~~school~~ districts, community schools, or STEM schools, based on requests for a waiver received during the 2015-2016 school year. A waiver granted to a ~~school~~ district or school shall be contingent on an ongoing review and evaluation by the state superintendent of the program for which the waiver was granted. 27220  
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~~(F)~~(E)(1) For the purpose of this section, the department of education shall seek a waiver from the testing requirements prescribed under the "No Child Left Behind Act of 2001," if necessary to implement this section. 27230  
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(2) The department shall create a mechanism for the comparison of the alternative assessments prescribed under division ~~(C)~~(B) of this section and the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code as it relates to the evaluation of teachers and student achievement data for the purpose of state report card ratings. 27234  
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(F) For purposes of this section, "innovative educational program or strategy" means a program or strategy using a new idea 27240  
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or method aimed at increasing student engagement and preparing 27242  
students to be college or career ready. 27243

Sec. 3302.16. (A) As used in this section, "high-performing 27244  
school district" means a city, local, or exempted village school 27245  
district, including a municipal school district as defined in 27246  
section 3311.71 of the Revised Code, or a joint vocational school 27247  
district that meets all of the following performance criteria for 27248  
the two most recent school years for which data is available: 27249

(1) The district received a grade of "A" for the overall 27250  
value-added progress dimension under division (C)(1)(e) of section 27251  
3302.03 of the Revised Code. 27252

(2) Not less than ninety-five per cent of third grade 27253  
students enrolled in the district scored proficient or higher on 27254  
the third grade English language arts assessment prescribed by 27255  
division (A)(1)(a) of section 3301.0710 of the Revised Code. 27256

(3) The district had a four-year cohort graduation rate of 27257  
ninety-three per cent or higher. 27258

For the purpose of determining whether a joint vocational 27259  
school district is considered a high-performing school district 27260  
under this division, the department of education shall develop 27261  
performance criteria that are equivalent to those described in 27262  
divisions (A)(1) to (3) of this section for joint vocational 27263  
school districts, based on report cards issued under section 27264  
3302.033 of Revised Code. 27265

(B) Beginning with the 2017-2018 school year, in addition to 27266  
the conditions prescribed in division (A) of this section, to be 27267  
qualified as a "high-performing school district," for purposes of 27268  
this section, not less than seventy-five per cent of students 27269  
enrolled in the district included in the four-year adjusted cohort 27270  
graduation rate shall be remediation-free in accordance with 27271

standards adopted under division (F) of section 3345.061 of the 27272  
Revised Code on the nationally standardized assessments prescribed 27273  
by division (B)(1) of section 3301.0712 of the Revised Code. 27274

(C) A school district that meets the requirements prescribed 27275  
by division (A), and division (B) when applicable, of this section 27276  
shall be considered high-performing for three years unless the 27277  
district fails to meet the requirement in division (A)(2) of this 27278  
section. Failure to meet that measure shall result in an immediate 27279  
loss of high-performing status for the district. 27280

(D) Notwithstanding anything to the contrary in the Revised 27281  
Code, beginning in the 2016-2017 school year, the board of 27282  
education of a high-performing school district shall be exempt 27283  
from both of the following: 27284

(1) The teacher credential qualification requirements under 27285  
the third-grade reading guarantee, as prescribed under divisions 27286  
(B)(3)(c) and (H) of section 3313.608 of the Revised Code. This 27287  
exemption does not relieve a teacher from holding a valid Ohio 27288  
license, as defined in section 3319.31 of the Revised Code, in a 27289  
subject area and grade level determined appropriate by the board 27290  
of education of that district. 27291

(2) Any provision of the Revised Code or rule or standard of 27292  
the state board of education prescribing a minimum or maximum 27293  
class size. 27294

(E) A high-performing school district may permit qualified 27295  
individuals who do not have a valid Ohio license, as defined in 27296  
section 3319.31 of the Revised Code, to teach classes for not more 27297  
than a total of forty hours a week in accordance with section 27298  
3319.301 of the Revised Code. 27299

In order to qualify for an exemption from the provisions 27300  
listed in divisions (D) and (E) of this section, the board of 27301  
education of a high-performing school district must elect to do so 27302

by resolution. 27303

(F) Beginning in the 2016-2017 school year, a high-performing school district may apply for, and the superintendent of public instruction may issue, a waiver that exempts a high-performing school district from provisions of the Revised Code or rules or standards of the state board not specified in this section. The state superintendent shall consider every application for a waiver and determine whether to grant or deny a waiver on a case-by-case basis. 27304  
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(G) Notwithstanding anything to the contrary in the Revised Code, noncompliance with any of the requirements listed in divisions (D) and (E) of this section shall not disqualify a high-performing school district from receiving funds under Chapter 3317. of the Revised Code. 27312  
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**Sec. 3304.171.** (A) As used in this section, "OhioMeansJobs" has the same meaning as in section 6301.01 of the Revised Code. 27317  
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(B) Beginning January 1, 2016, each recipient of vocational rehabilitation services provided under section 3304.17 of the Revised Code shall create an account with OhioMeansJobs upon initiation of a job search as a part of receiving those services. 27319  
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(C) Division (B) of this section does not apply to any individual who is legally prohibited from using a computer, has a physical or visual impairment that makes the individual unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which OhioMeansJobs is available. 27323  
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**Sec. 3310.03.** A student is an "eligible student" for purposes of the educational choice scholarship pilot program if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code and the student satisfies 27328  
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one of the conditions in division (A), (B), (C), or (D) of this 27333  
section: 27334

(A)(1) The student is enrolled in a school building operated 27335  
by the student's resident district that, on the report card issued 27336  
under section 3302.03 of the Revised Code published prior to the 27337  
first day of July of the school year for which a scholarship is 27338  
sought, did not receive a rating as described in division (H) of 27339  
this section, and to which any or a combination of any of the 27340  
following apply for two of the three most recent report cards 27341  
published prior to the first day of July of the school year for 27342  
which a scholarship is sought: 27343

(a) The building was declared to be in a state of academic 27344  
emergency or academic watch under section 3302.03 of the Revised 27345  
Code as that section existed prior to March 22, 2013. 27346

(b) The building received a grade of "D" or "F" for the 27347  
performance index score under division (A)(1)(b) or (B)(1)(b) of 27348  
section 3302.03 of the Revised Code and for the value-added 27349  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 27350  
section 3302.03 of the Revised Code for the 2012-2013 ~~or~~, 27351  
2013-2014, 2014-2015, or 2015-2016 school year, ~~or both~~; or if the 27352  
building serves only grades ten through twelve, the building 27353  
received a grade of "D" or "F" for the performance index score 27354  
under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the 27355  
Revised Code and had a four-year adjusted cohort graduation rate 27356  
of less than seventy-five per cent. 27357

(c) The building received an overall grade of "D" or "F" 27358  
under division (C)(3) of section 3302.03 of the Revised Code or a 27359  
grade of "F" for the value-added progress dimension under division 27360  
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 27361  
2016-2017 school year or any school year thereafter. 27362

(2) The student will be enrolling in any of grades 27363

kindergarten through twelve in this state for the first time in 27364  
the school year for which a scholarship is sought, will be at 27365  
least five years of age by the first day of January of the school 27366  
year for which a scholarship is sought, and otherwise would be 27367  
assigned under section 3319.01 of the Revised Code in the school 27368  
year for which a scholarship is sought, to a school building 27369  
described in division (A)(1) of this section. 27370

(3) The student is enrolled in a community school established 27371  
under Chapter 3314. of the Revised Code but otherwise would be 27372  
assigned under section 3319.01 of the Revised Code to a building 27373  
described in division (A)(1) of this section. 27374

(4) The student is enrolled in a school building operated by 27375  
the student's resident district or in a community school 27376  
established under Chapter 3314. of the Revised Code and otherwise 27377  
would be assigned under section 3319.01 of the Revised Code to a 27378  
school building described in division (A)(1) of this section in 27379  
the school year for which the scholarship is sought. 27380

(5) The student will be both enrolling in any of grades 27381  
kindergarten through twelve in this state for the first time and 27382  
at least five years of age by the first day of January of the 27383  
school year for which a scholarship is sought, or is enrolled in a 27384  
community school established under Chapter 3314. of the Revised 27385  
Code, and all of the following apply to the student's resident 27386  
district: 27387

(a) The district has in force an intradistrict open 27388  
enrollment policy under which no student in the student's grade 27389  
level is automatically assigned to a particular school building; 27390

(b) In the most recent rating published prior to the first 27391  
day of July of the school year for which scholarship is sought, 27392  
the district did not receive a rating described in division (H) of 27393  
this section, and in at least two of the three most recent report 27394



cards published prior to the first day of July of that school year, any or a combination of the following apply to the district:

(i) The district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code as it existed prior to March 22, 2013.

(ii) The district received a grade of "D" or "F" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013 ~~or~~ 2013-2014, 2014-2015, or 2015-2016 school year, ~~or both.~~

(c) The district received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code or a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 2016-2017 school year or any school year thereafter.

(6) Beginning in the 2016-2017 school year, the student is enrolled in or will be enrolling in a building in the school year for which the scholarship is sought that serves any of grades nine through twelve and that received a grade of "D" or "F" for the four-year adjusted cohort graduation rate under division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of section 3302.03 of the Revised Code in two of the three most recent report cards published prior to the first day of July of the school year for which a scholarship is sought.

(B)(1) The student is enrolled in a school building operated by the student's resident district and to which both of the following apply:

(a) The building was ranked, for at least two of the three most recent rankings ~~published under section 3302.21 of the Revised Code~~ prior to the first day of July of the school year for

which a scholarship is sought, in the lowest ten per cent of all 27426  
~~public school~~ buildings operated by city, local, and exempted 27427  
village school districts according to performance index score 27428  
~~under section 3302.21 of the Revised Code~~ as determined by the 27429  
department of education. 27430

(b) The building was not declared to be excellent or 27431  
effective, or the equivalent of such ratings as determined by the 27432  
department ~~of education~~, under section 3302.03 of the Revised Code 27433  
in the most recent rating published prior to the first day of July 27434  
of the school year for which a scholarship is sought. 27435

(2) The student will be enrolling in any of grades 27436  
kindergarten through twelve in this state for the first time in 27437  
the school year for which a scholarship is sought, will be at 27438  
least five years of age, as defined in section 3321.01 of the 27439  
Revised Code, by the first day of January of the school year for 27440  
which a scholarship is sought, and otherwise would be assigned 27441  
under section 3319.01 of the Revised Code in the school year for 27442  
which a scholarship is sought, to a school building described in 27443  
division (B)(1) of this section. 27444

(3) The student is enrolled in a community school established 27445  
under Chapter 3314. of the Revised Code but otherwise would be 27446  
assigned under section 3319.01 of the Revised Code to a building 27447  
described in division (B)(1) of this section. 27448

(4) The student is enrolled in a school building operated by 27449  
the student's resident district or in a community school 27450  
established under Chapter 3314. of the Revised Code and otherwise 27451  
would be assigned under section 3319.01 of the Revised Code to a 27452  
school building described in division (B)(1) of this section in 27453  
the school year for which the scholarship is sought. 27454

(C) The student is enrolled in a nonpublic school at the time 27455  
the school is granted a charter by the state board of education 27456

under section 3301.16 of the Revised Code and the student meets 27457  
the standards of division (B) of section 3310.031 of the Revised 27458  
Code. 27459

(D) For the 2016-2017 school year and each school year 27460  
thereafter, the student is in any of grades kindergarten through 27461  
three, is enrolled in a school building that is operated by the 27462  
student's resident district or will be enrolling in any of grades 27463  
kindergarten through twelve in this state for the first time in 27464  
the school year for which a scholarship is sought, and to which 27465  
both of the following apply: 27466

(1) The building, in at least two of the three most recent 27467  
ratings of school buildings published prior to the first day of 27468  
July of the school year for which a scholarship is sought, 27469  
received a grade of "D" or "F" for making progress in improving 27470  
literacy in grades kindergarten through three under division 27471  
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 27472

(2) The building did not receive a grade of "A" for making 27473  
progress in improving literacy in grades kindergarten through 27474  
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 27475  
the Revised Code in the most recent rating published prior to the 27476  
first day of July of the school year for which a scholarship is 27477  
sought. 27478

(E) A student who receives a scholarship under the 27479  
educational choice scholarship pilot program remains an eligible 27480  
student and may continue to receive scholarships in subsequent 27481  
school years until the student completes grade twelve, so long as 27482  
all of the following apply: 27483

(1) The student's resident district remains the same, or the 27484  
student transfers to a new resident district and otherwise would 27485  
be assigned in the new resident district to a school building 27486  
described in division (A)(1), (B)(1), or (D) of this section; 27487

(2) The student takes each assessment prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school;

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences.

(F)(1) The department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(1) of this section. The department shall cease awarding first-time scholarships pursuant to division (A)(5) of this section with respect to a school district that, in the most recent ratings of school districts published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(5) of this section.

(2) The department shall cease awarding first-time scholarships pursuant to divisions (B)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (B)(1) of this section.

(3) The department shall cease awarding first-time scholarships pursuant to division (D) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (D) of this section.

(4) However, students who have received scholarships in the 27519  
prior school year remain eligible students pursuant to division 27520  
(E) of this section. 27521

(G) The state board of education shall adopt rules defining 27522  
excused absences for purposes of division (E)(3) of this section. 27523

(H)(1) A student who satisfies only the conditions prescribed 27524  
in divisions (A)(1) to (4) of this section shall not be eligible 27525  
for a scholarship if the student's resident building meets any of 27526  
the following in the most recent rating under section 3302.03 of 27527  
the Revised Code published prior to the first day of July of the 27528  
school year for which a scholarship is sought: 27529

(a) The building has an overall designation of excellent or 27530  
effective under section 3302.03 of the Revised Code as it existed 27531  
prior to March 22, 2013. 27532

(b) For the 2012-2013 ~~or~~, 2013-2014, 2014-2015, or 2015-2016 27533  
school year ~~or both~~, the building has a grade of "A" or "B" for 27534  
the performance index score under division (A)(1)(b) or (B)(1)(b) 27535  
of section 3302.03 of the Revised Code and for the value-added 27536  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 27537  
section 3302.03 of the Revised Code; or if the building serves 27538  
only grades ten through twelve, the building received a grade of 27539  
"A" or "B" for the performance index score under division 27540  
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 27541  
had a four-year adjusted cohort graduation rate of greater than or 27542  
equal to seventy-five per cent. 27543

(c) For the ~~2014-2015~~ 2016-2017 school year or any school 27544  
year thereafter, the building has a grade of "A" or "B" under 27545  
division (C)(3) of section 3302.03 of the Revised Code and a grade 27546  
of "A" for the value-added progress dimension under division 27547  
(C)(1)(e) of section 3302.03 of the Revised Code; or if the 27548  
building serves only grades ten through twelve, the building 27549

received a grade of "A" or "B" for the performance index score 27550  
under division (C)(1)(b) of section 3302.03 of the Revised Code 27551  
and had a four-year adjusted cohort graduation rate of greater 27552  
than or equal to seventy-five per cent. 27553

(2) A student who satisfies only the conditions prescribed in 27554  
division (A)(5) of this section shall not be eligible for a 27555  
scholarship if the student's resident district meets any of the 27556  
following in the most recent rating under section 3302.03 of the 27557  
Revised Code published prior to the first day of July of the 27558  
school year for which a scholarship is sought: 27559

(a) The district has an overall designation of excellent or 27560  
effective under section 3302.03 of the Revised Code as it existed 27561  
prior to March 22, 2013. 27562

(b) The district has a grade of "A" or "B" for the 27563  
performance index score under division (A)(1)(b) or (B)(1)(b) of 27564  
section 3302.03 of the Revised Code and for the value-added 27565  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 27566  
section 3302.03 of the Revised Code for the 2012-2013 ~~and,~~ 27567  
2013-2014, 2014-2015, and 2015-2016 school years. 27568

(c) The district has an overall grade of "A" or "B" under 27569  
division (C)(3) of section 3302.03 of the Revised Code and a grade 27570  
of "A" for the value-added progress dimension under division 27571  
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 27572  
2016-2017 school year or any school year thereafter. 27573

**Sec. 3310.09.** The maximum amount awarded to an eligible 27574  
student under the educational choice scholarship pilot program 27575  
shall be as follows: 27576

(A) For grades kindergarten through eight, four thousand two 27577  
hundred fifty dollars; 27578

(B) For grades nine through twelve, five thousand seven 27579

hundred dollars. 27580

**Sec. 3311.19.** (A) The management and control of a joint 27581  
vocational school district shall be vested in the joint vocational 27582  
school district board of education which, beginning on ~~the~~ 27583  
~~effective date of this amendment~~ September 29, 2013, shall be 27584  
appointed under division (C) of this section. 27585

All members of a joint vocational school district board 27586  
serving unexpired terms on ~~the effective date of this amendment~~ 27587  
September 29, 2013, may continue in office until the expiration of 27588  
their terms. If a member leaves office for any reason prior to the 27589  
expiration of that member's term, the vacancy shall be filled only 27590  
in the manner provided in division (C) of this section. 27591

(B) ~~Members~~ Except as provided in section 3311.191 of the 27592  
Revised Code, members of the joint vocational school district 27593  
board appointed on or after ~~the effective date of this amendment~~ 27594  
September 29, 2013, shall serve for three-year terms of office. No 27595  
member shall hold office for a period of longer than two 27596  
consecutive terms. Terms shall be considered consecutive unless 27597  
separated by three or more years. 27598

Members of the board shall be selected based on the diversity 27599  
of the employers from the geographical region of the state in 27600  
which the territory of the joint vocational school district is 27601  
located represented by the members. Not less than three-fifths of 27602  
the members of the board shall reside in or be employed within the 27603  
territory of the joint vocational school district board upon which 27604  
the member serves. 27605

(C) The manner of appointment and the total number of members 27606  
appointed to the joint vocational school district board shall be 27607  
in accordance with the most recent plan for the joint vocational 27608  
school district on file with the department of education. An 27609  
individual shall not be a member of an appointing board, unless 27610

the individual meets the criteria in division (C)(2) of this 27611  
section. 27612

(1) Appointments under this section shall be made as the 27613  
terms of members of each joint vocational school district board 27614  
who are serving unexpired terms on ~~the effective date of this~~ 27615  
~~amendment~~ September 29, 2013, expire or as those offices are 27616  
otherwise vacated prior to the expiration date. 27617

(2) Members of the joint vocational board shall have 27618  
experience as chief financial officers, chief executive officers, 27619  
human resources managers, or other business, industry, or career 27620  
counseling professionals who are qualified to discuss the labor 27621  
needs of the region with respect to the regional economy. The 27622  
appointing board shall appoint individuals who represent employers 27623  
in the region served by the joint vocational school district who 27624  
are qualified to consider the state's workforce needs with an 27625  
understanding of the skills, training, and education needed for 27626  
current and future employment opportunities in the state. The 27627  
appointing board may give preference to individuals who have 27628  
served as members on a joint vocational school business advisory 27629  
committee who meet the qualifications in division (C)(2) of this 27630  
section. 27631

(D) The vocational schools in the joint vocational school 27632  
district shall be available to all youth of school age within the 27633  
joint vocational school district subject to the rules adopted by 27634  
the joint vocational school district board of education in regard 27635  
to the standards requisite to admission. A joint vocational school 27636  
district board of education shall have the same powers, duties, 27637  
and authority for the management and operation of such joint 27638  
vocational school district as is granted by law, except by this 27639  
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised 27640  
Code, to a board of education of a city school district, and shall 27641  
be subject to all the provisions of law that apply to a city 27642



school district, except such provisions in this chapter and 27643  
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 27644

(E) The superintendent of schools of a joint vocational 27645  
school district shall exercise the duties and authority vested by 27646  
law in a superintendent of schools pertaining to the operation of 27647  
a school district and the employment and supervision of its 27648  
personnel. The joint vocational school district board of education 27649  
shall appoint a treasurer of the joint vocational school district 27650  
who shall be the fiscal officer for such district and who shall 27651  
have all the powers, duties, and authority vested by law in a 27652  
treasurer of a board of education. 27653

(F) Each member of a joint vocational school district board 27654  
of education may be paid such compensation as the board provides 27655  
by resolution, but it shall not exceed one hundred twenty-five 27656  
dollars per member for each meeting attended plus mileage, at the 27657  
rate per mile provided by resolution of the board, to and from 27658  
meetings of the board. 27659

The board may provide by resolution for the deduction of 27660  
amounts payable for benefits under section 3313.202 of the Revised 27661  
Code. 27662

Each member of a joint vocational school district board may 27663  
be paid such compensation as the board provides by resolution for 27664  
attendance at an approved training program, provided that such 27665  
compensation shall not exceed sixty dollars per day for attendance 27666  
at a training program three hours or fewer in length and one 27667  
hundred twenty-five dollars a day for attendance at a training 27668  
program longer than three hours in length. However, no board 27669  
member shall be compensated for the same training program under 27670  
this section and section 3313.12 of the Revised Code. 27671

Sec. 3311.191. (A) Subject to division (B) of this section, 27672  
if a joint vocational school district has an even number of member 27673

districts each appointing a member to the joint vocational school 27674  
district board of education and the joint vocational school 27675  
district's plan on file with the department of education provides 27676  
for one additional board member to be appointed on a rotating 27677  
basis by one of the appointing boards, the term of that additional 27678  
member shall be for one year. The additional member shall 27679  
otherwise meet the requirements for joint vocational school board 27680  
members prescribed by section 3311.19 of the Revised Code. 27681

(B) If an additional member of a joint vocational school 27682  
district board appointed on a rotating basis, as described in 27683  
division (A) of this section, was appointed on or after September 27684  
29, 2013, but prior to the effective date of this section, that 27685  
member may continue in office until the expiration of the member's 27686  
current term of office. If such member vacates that office for any 27687  
reason prior to the expiration of that member's term, a new 27688  
additional member shall be appointed according to the rotational 27689  
basis prescribed by the district's plan, and that member shall 27690  
serve for the remainder of the vacating member's term. Thereafter, 27691  
the term of office of the additional member shall be as prescribed 27692  
by division (A) of this section. 27693

**Sec. 3313.411.** (A) As used in this section: 27694

(1) "College-preparatory boarding school" means a 27695  
college-preparatory boarding school established under Chapter 27696  
3328. of the Revised Code. 27697

(2) "Community school" means a community school established 27698  
under Chapter 3314. of the Revised Code. 27699

(3) "Unused school facilities" means any real property that 27700  
has been used by a school district for school operations, 27701  
including, but not limited to, academic instruction or 27702  
administration, since July 1, 1998, but has not been used in that 27703

capacity for two years. 27704

(B)(1) Except as provided in section 3313.412 of the Revised 27705  
Code, on and after June 30, 2011, any school district board of 27706  
education shall offer any unused school facilities it owns in its 27707  
corporate capacity for lease or sale to the governing authorities 27708  
of community schools, and the board of trustees of any 27709  
college-preparatory boarding school, that are located within the 27710  
territory of the district. 27711

(2) At the same time that a district board makes the offer 27712  
required under division (B)(1) of this section, the board also 27713  
may, but shall not be required to, offer that property for sale or 27714  
lease to the governing authorities of community schools with 27715  
plans, stipulated in their contracts entered into under section 27716  
3314.03 of the Revised Code, either to relocate their operations 27717  
to the territory of the district or to add facilities, as 27718  
authorized by division (B)(3) or (4) of section 3314.05 of the 27719  
Revised Code, to be located within the territory of the district. 27720

(C)(1) If, not later than sixty days after the district board 27721  
makes the offer, only one qualified party offered the property 27722  
under division (B) of this section notifies the district treasurer 27723  
in writing of the intention to purchase the property, the district 27724  
board shall sell the property to that party for the appraised fair 27725  
market value of the property as determined in an appraisal of the 27726  
property that is not more than one year old. 27727

(2) If, not later than sixty days after the district board 27728  
makes the offer, more than one qualified party offered the 27729  
property under division (B) of this section notifies the district 27730  
treasurer in writing of the intention to purchase the property, 27731  
the board shall conduct a public auction in the manner required 27732  
for auctions of district property under division (A) of section 27733  
3313.41 of the Revised Code. Only the parties offered the property 27734  
under division (B) of this section that notify the district 27735

treasurer of the intention to purchase the property are eligible 27736  
to bid at the auction. The district board is not obligated to 27737  
accept any bid for the property that is lower than the appraised 27738  
fair market value of the property as determined in an appraisal 27739  
that is not more than one year old. 27740

(3) If more than one qualified party offered the property 27741  
under division (B) of this section notifies the district treasurer 27742  
in writing of the intention to lease the property, the district 27743  
board shall conduct a lottery to select from among those parties 27744  
the one qualified party to which the district board shall lease 27745  
the property. 27746

(4) The lease price offered by a district board to a 27747  
community school or college-preparatory boarding school under this 27748  
section shall not be higher than the fair market value for such a 27749  
leasehold as determined in an appraisal that is not more than one 27750  
year old. 27751

(5) If no qualified party offered the property under division 27752  
(B) of this section accepts the offer to lease or buy the property 27753  
within sixty days after the offer is made, the district board may 27754  
offer the property to any other entity in accordance with 27755  
divisions (A) to (F) of section 3313.41 of the Revised Code. 27756

(D) Notwithstanding division (B) of this section, a school 27757  
district board may renew any agreement it originally entered into 27758  
prior to June 30, 2011, to lease real property to an entity other 27759  
than a community school or college-preparatory boarding school. 27760  
Nothing in this section shall affect the leasehold arrangements 27761  
between the district board and that other entity. 27762

(E)(1) Except as provided in division (E)(2) of this section, 27763  
the governing authority of a community school or the board of 27764  
trustees of a college-preparatory boarding school shall not sell 27765  
any property purchased under division (B) of this section within 27766

five years of purchasing that property. 27767

(2) The governing authority or board of trustees may sell a 27768  
property purchased under division (B) of this section within five 27769  
years of the purchase, only if the governing authority or board of 27770  
trustees sells or transfers that property to another entity 27771  
described in that division. 27772

**Sec. 3313.46.** (A) In addition to any other law governing the 27773  
bidding for contracts by the board of education of any school 27774  
district, when any such board determines to build, repair, 27775  
enlarge, improve, or demolish any school building, the cost of 27776  
which will exceed ~~twenty-five~~ fifty thousand dollars, except in 27777  
cases of urgent necessity, or for the security and protection of 27778  
school property, and except as otherwise provided in division (D) 27779  
of section 713.23 and in section 125.04 of the Revised Code, all 27780  
of the following shall apply: 27781

(1) The board shall cause to be prepared the plans, 27782  
specifications, and related information as required in divisions 27783  
(A)(1), (2), and (3) of section 153.01 of the Revised Code unless 27784  
the board determines that other information is sufficient to 27785  
inform any bidders of the board's requirements. However, if the 27786  
board determines that such other information is sufficient for 27787  
bidding a project, the board shall not engage in the construction 27788  
of any such project involving the practice of professional 27789  
engineering, professional surveying, or architecture, for which 27790  
plans, specifications, and estimates have not been made by, and 27791  
the construction thereof inspected by, a licensed professional 27792  
engineer, licensed professional surveyor, or registered architect. 27793

(2) The board shall advertise for bids once each week for a 27794  
period of not less than two consecutive weeks, or as provided in 27795  
section 7.16 of the Revised Code, in a newspaper of general 27796  
circulation in the district before the date specified by the board 27797

for receiving bids. The board may also cause notice to be inserted 27798  
in trade papers or other publications designated by it or to be 27799  
distributed by electronic means, including posting the notice on 27800  
the board's internet web site. If the board posts the notice on 27801  
its web site, it may eliminate the second notice otherwise 27802  
required to be published in a newspaper of general circulation 27803  
within the school district, provided that the first notice 27804  
published in such newspaper meets all of the following 27805  
requirements: 27806

(a) It is published at least two weeks before the opening of 27807  
bids. 27808

(b) It includes a statement that the notice is posted on the 27809  
board of education's internet web site. 27810

(c) It includes the internet address of the board's internet 27811  
web site. 27812

(d) It includes instructions describing how the notice may be 27813  
accessed on the board's internet web site. 27814

(3) Unless the board extends the time for the opening of bids 27815  
they shall be opened at the time and place specified by the board 27816  
in the advertisement for the bids. 27817

(4) Each bid shall contain the name of every person 27818  
interested therein. Each bid shall meet the requirements of 27819  
section 153.54 of the Revised Code. 27820

(5) When both labor and materials are embraced in the work 27821  
bid for, the board may require that each be separately stated in 27822  
the bid, with the price thereof, or may require that bids be 27823  
submitted without such separation. 27824

(6) None but the lowest responsible bid shall be accepted. 27825  
The board may reject all the bids, or accept any bid for both 27826  
labor and material for such improvement or repair, which is the 27827

lowest in the aggregate. In all other respects, the award of 27828  
contracts for improvement or repair, but not for purchases made 27829  
under section 3327.08 of the Revised Code, shall be pursuant to 27830  
section 153.12 of the Revised Code. 27831

(7) The contract shall be between the board and the bidders. 27832  
The board shall pay the contract price for the work pursuant to 27833  
sections 153.13 and 153.14 of the Revised Code. The board shall 27834  
approve and retain the estimates referred to in section 153.13 of 27835  
the Revised Code and make them available to the auditor of state 27836  
upon request. 27837

(8) When two or more bids are equal, in the whole, or in any 27838  
part thereof, and are lower than any others, either may be 27839  
accepted, but in no case shall the work be divided between such 27840  
bidders. 27841

(9) When there is reason to believe there is collusion or 27842  
combination among the bidders, or any number of them, the bids of 27843  
those concerned therein shall be rejected. 27844

(B) Division (A) of this section does not apply to the board 27845  
of education of any school district in any of the following 27846  
situations: 27847

(1) The acquisition of educational materials used in 27848  
teaching. 27849

(2) If the board determines and declares by resolution 27850  
adopted by two-thirds of all its members that any item is 27851  
available and can be acquired only from a single source. 27852

(3) If the board declares by resolution adopted by two-thirds 27853  
of all its members that division (A) of this section does not 27854  
apply to any installation, modification, or remodeling involved in 27855  
any energy conservation measure undertaken through an installment 27856  
payment contract under section 3313.372 of the Revised Code or 27857  
undertaken pursuant to division (G) of section 133.06 of the 27858

Revised Code.	27859
(4) The acquisition of computer software for instructional purposes and computer hardware for instructional purposes pursuant to division (B)(4) of section 3313.37 of the Revised Code.	27860 27861 27862
(C) No resolution adopted pursuant to division (B)(2) or (3) of this section shall have any effect on whether sections 153.12 to 153.14 and 153.54 of the Revised Code apply to the board of education of any school district with regard to any item.	27863 27864 27865 27866
<b>Sec. 3313.536.</b> (A) As used in this section:	27867
(1) "Administrator" means the superintendent, principal, chief administrative officer, or other person having supervisory authority of any of the following:	27868 27869 27870
(a) A city, exempted village, local, or joint vocational school district;	27871 27872
(b) A community school established under Chapter 3314. of the Revised Code, as required through reference in division (A)(11)(d) of section 3314.03 of the Revised Code;	27873 27874 27875
(c) A STEM school established under Chapter 3326. of the Revised Code, as required through reference in section 3326.11 of the Revised Code;	27876 27877 27878
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	27879 27880
(e) A district or school operating a career-technical education program approved by the department of education under section 3317.161 of the Revised Code;	27881 27882 27883
(f) A chartered nonpublic school;	27884
(g) An educational service center;	27885
(h) A preschool program or school-age child care program licensed by the department of education;	27886 27887



(i) Any other facility that primarily provides educational services to children subject to regulation by the department of education.	27888 27889 27890
(2) "Emergency management test" means a regularly scheduled drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section.	27891 27892 27893
(3) "Building" means any school, school building, facility, program, or center.	27894 27895
(B)(1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted by the state board of education pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The administrator shall incorporate remediation strategies into the plan for any building where documented safety problems have occurred.	27896 27897 27898 27899 27900 27901 27902 27903 27904 27905 27906 27907 27908 27909 27910
(2) Each administrator shall also incorporate into the emergency management plan adopted under division (B)(1) of this section all of the following:	27911 27912 27913
(a) A protocol for addressing serious threats to the safety of property, students, employees, or administrators;	27914 27915
(b) A protocol for responding to any emergency events that occur and compromise the safety of property, students, employees, or administrators. This protocol shall include, but not be limited	27916 27917 27918

to, all of the following: 27919

(i) A floor plan that is unique to each floor of the building; 27920  
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(ii) A site plan that includes all building property and surrounding property; 27922  
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(iii) An emergency contact information sheet. 27924

The administrator also may incorporate protocols for any of the situations listed in division (D)(1)(a) of section 3737.73 of the Revised Code or for any emergency event that requires students either to be secured in the building or rapidly evacuated in response to a threat. 27925  
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(3) Each protocol described in divisions (B)(2)(a) and (b) of this section shall include procedures determined to be appropriate by the administrator for responding to threats and emergency events, respectively, including such things as notification of appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing parents of affected students. 27930  
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Prior to the opening day of each school year, the administrator shall inform each student or child enrolled in the school and the student's or child's parent of the parental notification procedures included in the protocol. 27937  
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(4) Notwithstanding anything to the contrary in the Revised Code in the state fire code, or in rules or standards of the state board, as part of the plan adopted under this section, an administrator may approve the installation of security devices, including devices that prevent both ingress and egress through a door in a building, in buildings under the administrator's control. If an administrator approves the installation of such devices in the plan, the devices may be installed only if approved by the police chief, or equivalent, of the law enforcement agency 27941  
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that has jurisdiction over the school building and the fire chief, 27950  
or equivalent, of the fire department that serves the political 27951  
subdivision in which the building is located. 27952

(5) Each administrator shall keep a copy of the emergency 27953  
management plan adopted pursuant to this section in a secure 27954  
place. 27955

(C)(1) The administrator shall submit to the department of 27956  
education, in accordance with rules adopted by the state board of 27957  
education pursuant to division (F) of this section, an electronic 27958  
copy of the emergency management plan prescribed by division (B) 27959  
of this section not less than once every three years, whenever a 27960  
major modification to the building requires changes in the 27961  
procedures outlined in the plan, and whenever information on the 27962  
emergency contact information sheet changes. 27963

(2) The administrator also shall file a copy of the plan with 27964  
each law enforcement agency that has jurisdiction over the school 27965  
building and, upon request, to any of the following: 27966

(a) The fire department that serves the political subdivision 27967  
in which the building is located; 27968

(b) The emergency medical service organization that serves 27969  
the political subdivision in which the building is located; 27970

(c) The county emergency management agency for the county in 27971  
which the building is located. 27972

(3) Upon receipt of an emergency management plan, the 27973  
department of education shall submit the information in accordance 27974  
with rules adopted by the state board of education pursuant to 27975  
division (F) of this section, to both of the following: 27976

(a) The attorney general, who shall post that information on 27977  
the Ohio law enforcement gateway or its successor; 27978

(b) The director of public safety, who shall post the 27979

information on the contact and information management system. 27980

(4) Any department or entity to which copies of an emergency 27981  
management plan are filed under this section shall keep the copies 27982  
in a secure place. 27983

(D)(1) Not later than the first day of July of each year, 27984  
each administrator shall review the emergency management plan and 27985  
certify to the department of education that the plan is current 27986  
and accurate. 27987

(2) Anytime that an administrator updates the emergency 27988  
management plan pursuant to division (C)(1) of this section, the 27989  
administrator shall file copies, not later than the tenth day 27990  
after the revision is adopted and in accordance with rules adopted 27991  
by the state board pursuant to division (F) of this section, to 27992  
the department of education and to any entity with which the 27993  
administrator filed a copy under division (C)(2) of this section. 27994

(E) Each administrator shall do both of the following: 27995

(1) Prepare and conduct at least one annual emergency 27996  
management test, as defined in division (A)(2) of this section, in 27997  
accordance with rules adopted by the state board pursuant to 27998  
division (F) of this section; 27999

(2) Grant access to each building under the control of the 28000  
administrator to law enforcement personnel and to entities 28001  
described in division (C)(2) of this section, to enable the 28002  
personnel and entities to hold training sessions for responding to 28003  
threats and emergency events affecting the building, provided that 28004  
the access occurs outside of student instructional hours and the 28005  
administrator, or the administrator's designee, is present in the 28006  
building during the training sessions. 28007

(F) The state board of education, in accordance with Chapter 28008  
119. of the Revised Code, shall adopt rules regarding emergency 28009  
management plans under this section, including the content of the 28010

plans and procedures for filing the plans. The rules shall specify 28011  
that plans and information required under division (B) of this 28012  
section be submitted on standardized forms developed by the 28013  
department of education for such purpose. The rules shall also 28014  
specify the requirements and procedures for emergency management 28015  
tests conducted pursuant to division (E)(1) of this section. 28016  
Failure to comply with the rules may result in discipline pursuant 28017  
to section 3319.31 of the Revised Code or any other action against 28018  
the administrator as prescribed by rule. 28019

(G) Division (B) of section 3319.31 of the Revised Code 28020  
applies to any administrator who is subject to the requirements of 28021  
this section and is not exempt under division (H) of this section 28022  
and who is an applicant for a license or holds a license from the 28023  
state board pursuant to section 3319.22 of the Revised Code. 28024

(H) The superintendent of public instruction may exempt any 28025  
administrator from the requirements of this section, if the 28026  
superintendent determines that the requirements do not otherwise 28027  
apply to a building or buildings under the control of that 28028  
administrator. 28029

(I) Copies of the emergency management plan and information 28030  
required under division (B) of this section are security records 28031  
and are not public records pursuant to section 149.433 of the 28032  
Revised Code. In addition, the information posted to the contact 28033  
and information management system, pursuant to division (C)(3)(b) 28034  
of this section, is exempt from public disclosure or release in 28035  
accordance with sections 149.43, 149.433, and 5502.03 of the 28036  
Revised Code. 28037

Notwithstanding section 149.433 of the Revised Code, a floor 28038  
plan filed with the attorney general pursuant to this section is 28039  
not a public record to the extent it is a record kept by the 28040  
attorney general. 28041

Sec. 3313.603. (A) As used in this section:	28042
(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.	28043 28044 28045 28046
(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.	28047 28048 28049 28050
(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:	28051 28052 28053 28054 28055
(1) English language arts, four units;	28056
(2) Health, one-half unit;	28057
(3) Mathematics, three units;	28058
(4) Physical education, one-half unit;	28059
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	28060 28061 28062
(a) Biological sciences, one unit;	28063
(b) Physical sciences, one unit.	28064
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	28065 28066 28067
(a) American history, one-half unit;	28068
(b) American government, one-half unit.	28069

(7) Social studies, two units. 28070

Beginning with students who enter ninth grade for the first 28071  
time on or after July 1, 2017, the two units of instruction 28072  
prescribed by division (B)(7) of this section shall include at 28073  
least one-half unit of instruction in the study of world history 28074  
and civilizations. 28075

(8) Elective units, seven units until September 15, 2003, and 28076  
six units thereafter. 28077

Each student's electives shall include at least one unit, or 28078  
two half units, chosen from among the areas of 28079  
business/technology, fine arts, and/or foreign language. 28080

(C) Beginning with students who enter ninth grade for the 28081  
first time on or after July 1, 2010, except as provided in 28082  
divisions (D) to (F) of this section, the requirements for 28083  
graduation from every public and chartered nonpublic high school 28084  
shall include twenty units that are designed to prepare students 28085  
for the workforce and college. The units shall be distributed as 28086  
follows: 28087

(1) English language arts, four units; 28088

(2) Health, one-half unit, which shall include instruction in 28089  
nutrition and the benefits of nutritious foods and physical 28090  
activity for overall health; 28091

(3) Mathematics, four units, which shall include one unit of 28092  
algebra II or the equivalent of algebra II~~±~~. However, students who 28093  
enter ninth grade for the first time on or after July 1, 2015, and 28094  
who are pursuing a career-technical instructional track shall not 28095  
be required to take algebra II, and instead may complete a 28096  
career-based pathway mathematics course as an alternative. 28097

(4) Physical education, one-half unit; 28098

(5) Science, three units with inquiry-based laboratory 28099

experience that engages students in asking valid scientific	28100
questions and gathering and analyzing information, which shall	28101
include the following, or their equivalent:	28102
(a) Physical sciences, one unit;	28103
(b) Life sciences, one unit;	28104
(c) Advanced study in one or more of the following sciences,	28105
one unit:	28106
(i) Chemistry, physics, or other physical science;	28107
(ii) Advanced biology or other life science;	28108
(iii) Astronomy, physical geology, or other earth or space	28109
science.	28110
(6) History and government, one unit, which shall comply with	28111
division (M) of this section and shall include both of the	28112
following:	28113
(a) American history, one-half unit;	28114
(b) American government, one-half unit.	28115
(7) Social studies, two units.	28116
Each school shall integrate the study of economics and	28117
financial literacy, as expressed in the social studies academic	28118
content standards adopted by the state board of education under	28119
division (A)(1) of section 3301.079 of the Revised Code and the	28120
academic content standards for financial literacy and	28121
entrepreneurship adopted under division (A)(2) of that section,	28122
into one or more existing social studies credits required under	28123
division (C)(7) of this section, or into the content of another	28124
class, so that every high school student receives instruction in	28125
those concepts. In developing the curriculum required by this	28126
paragraph, schools shall use available public-private partnerships	28127
and resources and materials that exist in business, industry, and	28128
through the centers for economics education at institutions of	28129



higher education in the state. 28130

Beginning with students who enter ninth grade for the first 28131  
time on or after July 1, 2017, the two units of instruction 28132  
prescribed by division (C)(7) of this section shall include at 28133  
least one-half unit of instruction in the study of world history 28134  
and civilizations. 28135

(8) Five units consisting of one or any combination of 28136  
foreign language, fine arts, business, career-technical education, 28137  
family and consumer sciences, technology, agricultural education, 28138  
a junior reserve officer training corps (JROTC) program approved 28139  
by the congress of the United States under title 10 of the United 28140  
States Code, or English language arts, mathematics, science, or 28141  
social studies courses not otherwise required under division (C) 28142  
of this section. 28143

Ohioans must be prepared to apply increased knowledge and 28144  
skills in the workplace and to adapt their knowledge and skills 28145  
quickly to meet the rapidly changing conditions of the 28146  
twenty-first century. National studies indicate that all high 28147  
school graduates need the same academic foundation, regardless of 28148  
the opportunities they pursue after graduation. The goal of Ohio's 28149  
system of elementary and secondary education is to prepare all 28150  
students for and seamlessly connect all students to success in 28151  
life beyond high school graduation, regardless of whether the next 28152  
step is entering the workforce, beginning an apprenticeship, 28153  
engaging in post-secondary training, serving in the military, or 28154  
pursuing a college degree. 28155

The requirements for graduation prescribed in division (C) of 28156  
this section are the standard expectation for all students 28157  
entering ninth grade for the first time at a public or chartered 28158  
nonpublic high school on or after July 1, 2010. A student may 28159  
satisfy this expectation through a variety of methods, including, 28160  
but not limited to, integrated, applied, career-technical, and 28161

traditional coursework. 28162

Whereas teacher quality is essential for student success when 28163  
completing the requirements for graduation, the general assembly 28164  
shall appropriate funds for strategic initiatives designed to 28165  
strengthen schools' capacities to hire and retain highly qualified 28166  
teachers in the subject areas required by the curriculum. Such 28167  
initiatives are expected to require an investment of \$120,000,000 28168  
over five years. 28169

Stronger coordination between high schools and institutions 28170  
of higher education is necessary to prepare students for more 28171  
challenging academic endeavors and to lessen the need for academic 28172  
remediation in college, thereby reducing the costs of higher 28173  
education for Ohio's students, families, and the state. The state 28174  
board and the ~~chancellor of the Ohio board of regents~~ director of 28175  
higher education shall develop policies to ensure that only in 28176  
rare instances will students who complete the requirements for 28177  
graduation prescribed in division (C) of this section require 28178  
academic remediation after high school. 28179

School districts, community schools, and chartered nonpublic 28180  
schools shall integrate technology into learning experiences 28181  
across the curriculum in order to maximize efficiency, enhance 28182  
learning, and prepare students for success in the 28183  
technology-driven twenty-first century. Districts and schools 28184  
shall use distance and web-based course delivery as a method of 28185  
providing or augmenting all instruction required under this 28186  
division, including laboratory experience in science. Districts 28187  
and schools shall utilize technology access and electronic 28188  
learning opportunities provided by the broadcast educational media 28189  
commission, ~~chancellor~~ director of higher education, the Ohio 28190  
learning network, education technology centers, public television 28191  
stations, and other public and private providers. 28192

(D) Except as provided in division (E) of this section, a 28193

student who enters ninth grade on or after July 1, 2010, and 28194  
before July 1, 2016, may qualify for graduation from a public or 28195  
chartered nonpublic high school even though the student has not 28196  
completed the requirements for graduation prescribed in division 28197  
(C) of this section if all of the following conditions are 28198  
satisfied: 28199

(1) During the student's third year of attending high school, 28200  
as determined by the school, the student and the student's parent, 28201  
guardian, or custodian sign and file with the school a written 28202  
statement asserting the parent's, guardian's, or custodian's 28203  
consent to the student's graduating without completing the 28204  
requirements for graduation prescribed in division (C) of this 28205  
section and acknowledging that one consequence of not completing 28206  
those requirements is ineligibility to enroll in most state 28207  
universities in Ohio without further coursework. 28208

(2) The student and parent, guardian, or custodian fulfill 28209  
any procedural requirements the school stipulates to ensure the 28210  
student's and parent's, guardian's, or custodian's informed 28211  
consent and to facilitate orderly filing of statements under 28212  
division (D)(1) of this section. Annually, each district or school 28213  
shall notify the department of education of the number of students 28214  
who choose to qualify for graduation under division (D) of this 28215  
section and the number of students who complete the student's 28216  
success plan and graduate from high school. 28217

(3) The student and the student's parent, guardian, or 28218  
custodian and a representative of the student's high school 28219  
jointly develop a student success plan for the student in the 28220  
manner described in division (C)(1) of section 3313.6020 of the 28221  
Revised Code that specifies the student matriculating to a 28222  
two-year degree program, acquiring a business and 28223  
industry-recognized credential, or entering an apprenticeship. 28224

(4) The student's high school provides counseling and support 28225

for the student related to the plan developed under division	28226
(D)(3) of this section during the remainder of the student's high	28227
school experience.	28228
(5)(a) Except as provided in division (D)(5)(b) of this	28229
section, the student successfully completes, at a minimum, the	28230
curriculum prescribed in division (B) of this section.	28231
(b) Beginning with students who enter ninth grade for the	28232
first time on or after July 1, 2014, a student shall be required	28233
to complete successfully, at the minimum, the curriculum	28234
prescribed in division (B) of this section, except as follows:	28235
(i) Mathematics, four units, one unit which shall be one of	28236
the following:	28237
(I) Probability and statistics;	28238
(II) Computer programming;	28239
(III) Applied mathematics or quantitative reasoning;	28240
(IV) Any other course approved by the department using	28241
standards established by the superintendent not later than October	28242
1, 2014.	28243
(ii) Elective units, five units;	28244
(iii) Science, three units as prescribed by division (B) of	28245
this section which shall include inquiry-based laboratory	28246
experience that engages students in asking valid scientific	28247
questions and gathering and analyzing information.	28248
The department, in collaboration with the <del>chancellor</del> <u>director</u>	28249
<u>of higher education</u> , shall analyze student performance data to	28250
determine if there are mitigating factors that warrant extending	28251
the exception permitted by division (D) of this section to high	28252
school classes beyond those entering ninth grade before July 1,	28253
2016. The department shall submit its findings and any	28254
recommendations not later than December 1, 2015, to the speaker	28255

and minority leader of the house of representatives, the president 28256  
and minority leader of the senate, the chairpersons and ranking 28257  
minority members of the standing committees of the house of 28258  
representatives and the senate that consider education 28259  
legislation, the state board of education, and the superintendent 28260  
of public instruction. 28261

(E) Each school district and chartered nonpublic school 28262  
retains the authority to require an even more challenging minimum 28263  
curriculum for high school graduation than specified in division 28264  
(B) or (C) of this section. A school district board of education, 28265  
through the adoption of a resolution, or the governing authority 28266  
of a chartered nonpublic school may stipulate any of the 28267  
following: 28268

(1) A minimum high school curriculum that requires more than 28269  
twenty units of academic credit to graduate; 28270

(2) An exception to the district's or school's minimum high 28271  
school curriculum that is comparable to the exception provided in 28272  
division (D) of this section but with additional requirements, 28273  
which may include a requirement that the student successfully 28274  
complete more than the minimum curriculum prescribed in division 28275  
(B) of this section; 28276

(3) That no exception comparable to that provided in division 28277  
(D) of this section is available. 28278

(F) A student enrolled in a dropout prevention and recovery 28279  
program, which program has received a waiver from the department, 28280  
may qualify for graduation from high school by successfully 28281  
completing a competency-based instructional program administered 28282  
by the dropout prevention and recovery program in lieu of 28283  
completing the requirements for graduation prescribed in division 28284  
(C) of this section. The department shall grant a waiver to a 28285  
dropout prevention and recovery program, within sixty days after 28286

the program applies for the waiver, if the program meets all of 28287  
the following conditions: 28288

(1) The program serves only students not younger than sixteen 28289  
years of age and not older than twenty-one years of age. 28290

(2) The program enrolls students who, at the time of their 28291  
initial enrollment, either, or both, are at least one grade level 28292  
behind their cohort age groups or experience crises that 28293  
significantly interfere with their academic progress such that 28294  
they are prevented from continuing their traditional programs. 28295

(3) The program requires students to attain at least the 28296  
applicable score designated for each of the assessments prescribed 28297  
under division (B)(1) of section 3301.0710 of the Revised Code or, 28298  
to the extent prescribed by rule of the state board under division 28299  
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 28300  
of that section. 28301

(4) The program develops a student success plan for the 28302  
student in the manner described in division (C)(1) of section 28303  
3313.6020 of the Revised Code that specifies the student's 28304  
matriculating to a two-year degree program, acquiring a business 28305  
and industry-recognized credential, or entering an apprenticeship. 28306

(5) The program provides counseling and support for the 28307  
student related to the plan developed under division (F)(4) of 28308  
this section during the remainder of the student's high school 28309  
experience. 28310

(6) The program requires the student and the student's 28311  
parent, guardian, or custodian to sign and file, in accordance 28312  
with procedural requirements stipulated by the program, a written 28313  
statement asserting the parent's, guardian's, or custodian's 28314  
consent to the student's graduating without completing the 28315  
requirements for graduation prescribed in division (C) of this 28316  
section and acknowledging that one consequence of not completing 28317

those requirements is ineligibility to enroll in most state 28318  
universities in Ohio without further coursework. 28319

(7) Prior to receiving the waiver, the program has submitted 28320  
to the department an instructional plan that demonstrates how the 28321  
academic content standards adopted by the state board under 28322  
section 3301.079 of the Revised Code will be taught and assessed. 28323

(8) Prior to receiving the waiver, the program has submitted 28324  
to the department a policy on career advising that satisfies the 28325  
requirements of section 3313.6020 of the Revised Code, with an 28326  
emphasis on how every student will receive career advising. 28327

(9) Prior to receiving the waiver, the program has submitted 28328  
to the department a written agreement outlining the future 28329  
cooperation between the program and any combination of local job 28330  
training, postsecondary education, nonprofit, and health and 28331  
social service organizations to provide services for students in 28332  
the program and their families. 28333

Divisions (F)(8) and (9) of this section apply only to 28334  
waivers granted on or after July 1, 2015. 28335

If the department does not act either to grant the waiver or 28336  
to reject the program application for the waiver within sixty days 28337  
as required under this section, the waiver shall be considered to 28338  
be granted. 28339

(G) Every high school may permit students below the ninth 28340  
grade to take advanced work. If a high school so permits, it shall 28341  
award high school credit for successful completion of the advanced 28342  
work and shall count such advanced work toward the graduation 28343  
requirements of division (B) or (C) of this section if the 28344  
advanced work was both: 28345

(1) Taught by a person who possesses a license or certificate 28346  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 28347  
Code that is valid for teaching high school; 28348

(2) Designated by the board of education of the city, local, 28349  
or exempted village school district, the board of the cooperative 28350  
education school district, or the governing authority of the 28351  
chartered nonpublic school as meeting the high school curriculum 28352  
requirements. 28353

Each high school shall record on the student's high school 28354  
transcript all high school credit awarded under division (G) of 28355  
this section. In addition, if the student completed a seventh- or 28356  
eighth-grade fine arts course described in division (K) of this 28357  
section and the course qualified for high school credit under that 28358  
division, the high school shall record that course on the 28359  
student's high school transcript. 28360

(H) The department shall make its individual academic career 28361  
plan available through its Ohio career information system web site 28362  
for districts and schools to use as a tool for communicating with 28363  
and providing guidance to students and families in selecting high 28364  
school courses. 28365

(I) Units earned in English language arts, mathematics, 28366  
science, and social studies that are delivered through integrated 28367  
academic and career-technical instruction are eligible to meet the 28368  
graduation requirements of division (B) or (C) of this section. 28369

(J)(1) The state board, in consultation with the ~~chancellor~~ 28370  
director of higher education, shall adopt a statewide plan 28371  
implementing methods for students to earn units of high school 28372  
credit based on a demonstration of subject area competency, 28373  
instead of or in combination with completing hours of classroom 28374  
instruction. The state board shall adopt the plan not later than 28375  
March 31, 2009, and commence phasing in the plan during the 28376  
2009-2010 school year. The plan shall include a standard method 28377  
for recording demonstrated proficiency on high school transcripts. 28378  
Each school district and community school shall comply with the 28379  
state board's plan adopted under this division and award units of 28380



high school credit in accordance with the plan. The state board 28381  
may adopt existing methods for earning high school credit based on 28382  
a demonstration of subject area competency as necessary prior to 28383  
the 2009-2010 school year. 28384

(2) Not later than December 31, 2015, the state board shall 28385  
update the statewide plan adopted pursuant to division (J)(1) of 28386  
this section to also include methods for students enrolled in 28387  
seventh and eighth grade to meet curriculum requirements based on 28388  
a demonstration of subject area competency, instead of or in 28389  
combination with completing hours of classroom instruction. 28390  
Beginning with the 2017-2018 school year, each school district and 28391  
community school also shall comply with the updated plan adopted 28392  
pursuant to this division and permit students enrolled in seventh 28393  
and eighth grade to meet curriculum requirements based on subject 28394  
area competency in accordance with the plan. 28395

(K) This division does not apply to students who qualify for 28396  
graduation from high school under division (D) or (F) of this 28397  
section, or to students pursuing a career-technical instructional 28398  
track as determined by the school district board of education or 28399  
the chartered nonpublic school's governing authority. 28400  
Nevertheless, the general assembly encourages such students to 28401  
consider enrolling in a fine arts course as an elective. 28402

Beginning with students who enter ninth grade for the first 28403  
time on or after July 1, 2010, each student enrolled in a public 28404  
or chartered nonpublic high school shall complete two semesters or 28405  
the equivalent of fine arts to graduate from high school. The 28406  
coursework may be completed in any of grades seven to twelve. Each 28407  
student who completes a fine arts course in grade seven or eight 28408  
may elect to count that course toward the five units of electives 28409  
required for graduation under division (C)(8) of this section, if 28410  
the course satisfied the requirements of division (G) of this 28411  
section. In that case, the high school shall award the student 28412

high school credit for the course and count the course toward the 28413  
five units required under division (C)(8) of this section. If the 28414  
course in grade seven or eight did not satisfy the requirements of 28415  
division (G) of this section, the high school shall not award the 28416  
student high school credit for the course but shall count the 28417  
course toward the two semesters or the equivalent of fine arts 28418  
required by this division. 28419

(L) Notwithstanding anything to the contrary in this section, 28420  
the board of education of each school district and the governing 28421  
authority of each chartered nonpublic school may adopt a policy to 28422  
excuse from the high school physical education requirement each 28423  
student who, during high school, has participated in 28424  
interscholastic athletics, marching band, or cheerleading for at 28425  
least two full seasons or in the junior reserve officer training 28426  
corps for at least two full school years. If the board or 28427  
authority adopts such a policy, the board or authority shall not 28428  
require the student to complete any physical education course as a 28429  
condition to graduate. However, the student shall be required to 28430  
complete one-half unit, consisting of at least sixty hours of 28431  
instruction, in another course of study. In the case of a student 28432  
who has participated in the junior reserve officer training corps 28433  
for at least two full school years, credit received for that 28434  
participation may be used to satisfy the requirement to complete 28435  
one-half unit in another course of study. 28436

(M) It is important that high school students learn and 28437  
understand United States history and the governments of both the 28438  
United States and the state of Ohio. Therefore, beginning with 28439  
students who enter ninth grade for the first time on or after July 28440  
1, 2012, the study of American history and American government 28441  
required by divisions (B)(6) and (C)(6) of this section shall 28442  
include the study of all of the following documents: 28443

(1) The Declaration of Independence; 28444

(2) The Northwest Ordinance;	28445
(3) The Constitution of the United States with emphasis on the Bill of Rights;	28446 28447
(4) The Ohio Constitution.	28448
The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.	28449 28450 28451
The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.	28452 28453 28454 28455 28456 28457
<b>Sec. 3313.608.</b> (A)(1) Beginning with students who enter third grade in the school year that starts July 1, 2009, and until June 30, 2013, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, for any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, each school district, in accordance with the policy adopted under section 3313.609 of the Revised Code, shall do one of the following:	28458 28459 28460 28461 28462 28463 28464 28465 28466 28467 28468 28469
(a) Promote the student to fourth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fourth grade;	28470 28471 28472 28473
(b) Promote the student to fourth grade but provide the	28474

student with intensive intervention services in fourth grade;	28475
(c) Retain the student in third grade.	28476
(2) Beginning with students who enter third grade in the	28477
2013-2014 school year, unless the student is excused under	28478
division (C) of section 3301.0711 of the Revised Code from taking	28479
the assessment described in this section, no school district shall	28480
promote to fourth grade any student who does not attain at least	28481
the equivalent level of achievement designated under division	28482
(A)(3) of section 3301.0710 of the Revised Code on the assessment	28483
prescribed under that section to measure skill in English language	28484
arts expected at the end of third grade, unless one of the	28485
following applies:	28486
(a) The student is a limited English proficient student who	28487
has been enrolled in United States schools for less than three	28488
full school years and has had less than three years of instruction	28489
in an English as a second language program.	28490
(b) The student is a child with a disability entitled to	28491
special education and related services under Chapter 3323. of the	28492
Revised Code and the student's individualized education program	28493
exempts the student from retention under this division.	28494
(c) The student demonstrates an acceptable level of	28495
performance on an alternative standardized reading assessment as	28496
determined by the department of education.	28497
(d) All of the following apply:	28498
(i) The student is a child with a disability entitled to	28499
special education and related services under Chapter 3323. of the	28500
Revised Code.	28501
(ii) The student has taken the third grade English language	28502
arts achievement assessment prescribed under section 3301.0710 of	28503
the Revised Code.	28504

(iii) The student's individualized education program or plan 28505  
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 28506  
355, 29 U.S.C. 794, as amended, shows that the student has 28507  
received intensive remediation in reading for two school years but 28508  
still demonstrates a deficiency in reading. 28509

(iv) The student previously was retained in any of grades 28510  
kindergarten to three. 28511

(e)(i) The student received intensive remediation for reading 28512  
for two school years but still demonstrates a deficiency in 28513  
reading and was previously retained in any of grades kindergarten 28514  
to three. 28515

(ii) A student who is promoted under division (A)(2)(e)(i) of 28516  
this section shall continue to receive intensive reading 28517  
instruction in grade four. The instruction shall include an 28518  
altered instructional day that includes specialized diagnostic 28519  
information and specific research-based reading strategies for the 28520  
student that have been successful in improving reading among 28521  
low-performing readers. 28522

(B)(1) Beginning in the 2012-2013 school year, to assist 28523  
students in meeting the third grade guarantee established by this 28524  
section, each school district board of education shall adopt 28525  
policies and procedures with which it annually shall assess the 28526  
reading skills of each student, except those students with 28527  
significant cognitive disabilities or other disabilities as 28528  
authorized by the department on a case-by-case basis, enrolled in 28529  
kindergarten to third grade and shall identify students who are 28530  
reading below their grade level. The reading skills assessment 28531  
shall be completed by the thirtieth day of September for students 28532  
in grades one to three, and by the first day of November for 28533  
students in kindergarten. Each district shall use the diagnostic 28534  
assessment to measure reading ability for the appropriate grade 28535  
level adopted under section 3301.079 of the Revised Code, or a 28536

comparable tool approved by the department of education, to 28537  
identify such students. The policies and procedures shall require 28538  
the students' classroom teachers to be involved in the assessment 28539  
and the identification of students reading below grade level. The 28540  
assessment may be administered electronically using live, two-way 28541  
video and audio connections whereby the teacher administering the 28542  
assessment may be in a separate location from the student. 28543

(2) For each student identified by the diagnostic assessment 28544  
prescribed under this section as having reading skills below grade 28545  
level, the district shall do both of the following: 28546

(a) Provide to the student's parent or guardian, in writing, 28547  
all of the following: 28548

(i) Notification that the student has been identified as 28549  
having a substantial deficiency in reading; 28550

(ii) A description of the current services that are provided 28551  
to the student; 28552

(iii) A description of the proposed supplemental 28553  
instructional services and supports that will be provided to the 28554  
student that are designed to remediate the identified areas of 28555  
reading deficiency; 28556

(iv) Notification that if the student attains a score in the 28557  
range designated under division (A)(3) of section 3301.0710 of the 28558  
Revised Code on the assessment prescribed under that section to 28559  
measure skill in English language arts expected at the end of 28560  
third grade, the student shall be retained unless the student is 28561  
exempt under division (A) of this section. The notification shall 28562  
specify that the assessment under section 3301.0710 of the Revised 28563  
Code is not the sole determinant of promotion and that additional 28564  
evaluations and assessments are available to the student to assist 28565  
parents and the district in knowing when a student is reading at 28566  
or above grade level and ready for promotion. 28567

(b) Provide intensive reading instruction services and 28568  
regular diagnostic assessments to the student immediately 28569  
following identification of a reading deficiency until the 28570  
development of the reading improvement and monitoring plan 28571  
required by division (C) of this section. These intervention 28572  
services shall include research-based reading strategies that have 28573  
been shown to be successful in improving reading among 28574  
low-performing readers and instruction targeted at the student's 28575  
identified reading deficiencies. 28576

(3) For each student retained under division (A) of this 28577  
section, the district shall do all of the following: 28578

(a) Provide intense remediation services until the student is 28579  
able to read at grade level. The remediation services shall 28580  
include intensive interventions in reading that address the areas 28581  
of deficiencies identified under this section including, but not 28582  
limited to, not less than ninety minutes of reading instruction 28583  
per day, and may include any of the following: 28584

(i) Small group instruction; 28585

(ii) Reduced teacher-student ratios; 28586

(iii) More frequent progress monitoring; 28587

(iv) Tutoring or mentoring; 28588

(v) Transition classes containing third and fourth grade 28589  
students; 28590

(vi) Extended school day, week, or year; 28591

(vii) Summer reading camps. 28592

(b) Establish a policy for the mid-year promotion of a 28593  
student retained under division (A) of this section who 28594  
demonstrates that the student is reading at or above grade level; 28595

(c) ~~Provide~~ Except as provided in section 3302.16 of the 28596  
Revised Code, provide each student with a teacher who satisfies 28597

one or more of the criteria set forth in division (H) of this section. 28598  
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The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade. 28600  
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(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field. 28608  
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As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code. 28613  
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(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following: 28615  
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(1) Identification of the student's specific reading deficiencies; 28623  
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(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies; 28625  
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(3) Opportunities for the student's parent or guardian to be 28628



involved in the instructional services and support described in	28629
division (C)(2) of this section;	28630
(4) A process for monitoring the extent to which the student	28631
receives the instructional services and support described in	28632
division (C)(2) of this section;	28633
(5) A reading curriculum during regular school hours that	28634
does all of the following:	28635
(a) Assists students to read at grade level;	28636
(b) Provides scientifically based and reliable assessment;	28637
(c) Provides initial and ongoing analysis of each student's	28638
reading progress.	28639
(6) A statement that if the student does not attain at least	28640
the equivalent level of achievement designated under division	28641
(A)(3) of section 3301.0710 of the Revised Code on the assessment	28642
prescribed under that section to measure skill in English language	28643
arts expected by the end of third grade, the student may be	28644
retained in third grade.	28645
Each student with a reading improvement and monitoring plan	28646
under this division who enters third grade after July 1, 2013,	28647
shall be assigned to a teacher who satisfies one or more of the	28648
criteria set forth in division (H) of this section.	28649
The district shall report any information requested by the	28650
department about the reading improvement monitoring plans	28651
developed under this division in the manner required by the	28652
department.	28653
(D) Each school district shall report annually to the	28654
department on its implementation and compliance with this section	28655
using guidelines prescribed by the superintendent of public	28656
instruction. The superintendent of public instruction annually	28657
shall report to the governor and general assembly the number and	28658

percentage of students in grades kindergarten through four reading 28659  
below grade level based on the diagnostic assessments administered 28660  
under division (B) of this section and the achievement assessments 28661  
administered under divisions (A)(1)(a) and (b) of section 28662  
3301.0710 of the Revised Code in English language arts, aggregated 28663  
by school district and building; the types of intervention 28664  
services provided to students; and, if available, an evaluation of 28665  
the efficacy of the intervention services provided. 28666

(E) Any summer remediation services funded in whole or in 28667  
part by the state and offered by school districts to students 28668  
under this section shall meet the following conditions: 28669

(1) The remediation methods are based on reliable educational 28670  
research. 28671

(2) The school districts conduct assessment before and after 28672  
students participate in the program to facilitate monitoring 28673  
results of the remediation services. 28674

(3) The parents of participating students are involved in 28675  
programming decisions. 28676

(F) Any intervention or remediation services required by this 28677  
section shall include intensive, explicit, and systematic 28678  
instruction. 28679

(G) This section does not create a new cause of action or a 28680  
substantive legal right for any person. 28681

(H)(1) Except as provided under divisions (H)(2), (3), and 28682  
(4) of this section, and except as provided in section 3302.16 of 28683  
the Revised Code, each student described in division (B)(3) or (C) 28684  
of this section who enters third grade for the first time on or 28685  
after July 1, 2013, shall be assigned a teacher who has at least 28686  
one year of teaching experience and who satisfies one or more of 28687  
the following criteria: 28688

(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.	28689 28690 28691
(b) The teacher has completed a master's degree program with a major in reading.	28692 28693
(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code.	28694 28695 28696 28697 28698 28699
(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.	28700 28701 28702
(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board.	28703 28704 28705
(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.	28706 28707 28708
(2) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H)(1)(a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H)(1) of this section.	28709 28710 28711 28712 28713 28714 28715 28716
(3) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013,	28717 28718 28719

but prior to July 1, 2016, may be assigned to a teacher who holds 28720  
an alternative credential approved by the department or who has 28721  
successfully completed training that is based on principles of 28722  
scientifically research-based reading instruction that has been 28723  
approved by the department. Beginning on July 1, 2014, the 28724  
alternative credentials and training described in division (H)(3) 28725  
of this section shall be aligned with the reading competencies 28726  
adopted by the state board of education under section 3301.077 of 28727  
the Revised Code. 28728

(4) Notwithstanding division (H)(1) of this section, a 28729  
student described in division (B)(3) or (C) of this section who 28730  
enters third grade for the first time on or after July 1, 2013, 28731  
may receive reading intervention or remediation services under 28732  
this section from an individual employed as a speech-language 28733  
pathologist who holds a license issued by the board of 28734  
speech-language pathology and audiology under Chapter 4753. of the 28735  
Revised Code and a professional pupil services license as a school 28736  
speech-language pathologist issued by the state board of 28737  
education. 28738

(5) A teacher, other than a student's teacher of record, may 28739  
provide any services required under this section, so long as that 28740  
other teacher meets the requirements of division (H) of this 28741  
section and the teacher of record and the school principal agree 28742  
to the assignment. Any such assignment shall be documented in the 28743  
student's reading improvement and monitoring plan. 28744

As used in this division, "teacher of record" means the 28745  
classroom teacher to whom a student is assigned. 28746

(I) Notwithstanding division (H) of this section, a teacher 28747  
may teach reading to any student who is an English language 28748  
learner, and has been in the United States for three years or 28749  
less, or to a student who has an individualized education program 28750  
developed under Chapter 3323. of the Revised Code if that teacher 28751

holds an alternative credential approved by the department or has 28752  
successfully completed training that is based on principles of 28753  
scientifically research-based reading instruction that has been 28754  
approved by the department. Beginning on July 1, 2014, the 28755  
alternative credentials and training described in this division 28756  
shall be aligned with the reading competencies adopted by the 28757  
state board of education under section 3301.077 of the Revised 28758  
Code. 28759

(J) If, on or after June 4, 2013, a school district or 28760  
community school cannot furnish the number of teachers needed who 28761  
satisfy one or more of the criteria set forth in division (H) of 28762  
this section for the 2013-2014 school year, the school district or 28763  
community school shall develop and submit a staffing plan by June 28764  
30, 2013. The staffing plan shall include criteria that will be 28765  
used to assign a student described in division (B)(3) or (C) of 28766  
this section to a teacher, credentials or training held by 28767  
teachers currently teaching at the school, and how the school 28768  
district or community school will meet the requirements of this 28769  
section. The school district or community school shall post the 28770  
staffing plan on its web site for the applicable school year. 28771

Not later than March 1, 2014, and on the first day of March 28772  
in each year thereafter, a school district or community school 28773  
that has submitted a plan under this division shall submit to the 28774  
department a detailed report of the progress the district or 28775  
school has made in meeting the requirements under this section. 28776

A school district or community school may request an 28777  
extension of a staffing plan beyond the 2013-2014 school year. 28778  
Extension requests must be submitted to the department not later 28779  
than the thirtieth day of April prior to the start of the 28780  
applicable school year. The department may grant extensions valid 28781  
through the 2015-2016 school year. 28782

Until June 30, 2015, the department annually shall review all 28783

staffing plans and report to the state board not later than the 28784  
thirtieth day of June of each year the progress of school 28785  
districts and community schools in meeting the requirements of 28786  
this section. 28787

(K) The department of education shall designate one or more 28788  
staff members to provide guidance and assistance to school 28789  
districts and community schools in implementing the third grade 28790  
guarantee established by this section, including any standards or 28791  
requirements adopted to implement the guarantee and to provide 28792  
information and support for reading instruction and achievement. 28793

**Sec. 3313.6010.** The ~~state~~ board of education ~~shall adopt~~ 28794  
~~rules permitting~~ of a school districts to district may contract 28795  
with public and private providers of academic remediation and 28796  
intervention in mathematics, science, reading, writing, and social 28797  
studies for the purpose of assisting pupils in ~~grades one through~~ 28798  
~~six~~ any grade outside of regular school hours. 28799

**Sec. 3313.612.** (A) No nonpublic school chartered by the state 28800  
board of education shall grant a high school diploma to any person 28801  
unless, subject to section 3313.614 of the Revised Code, the 28802  
person has met the assessment requirements of division (A)(1) or 28803  
(2) of this section, as applicable. 28804

(1) If the person entered the ninth grade prior to July 1, 28805  
2014, the person has attained at least the applicable scores 28806  
designated under division (B)(1) of section 3301.0710 of the 28807  
Revised Code on all the assessments required by that division, or 28808  
has satisfied the alternative conditions prescribed in section 28809  
3313.615 of the Revised Code. 28810

(2) If the person entered the ninth grade on or after July 1, 28811  
2014, the person has met the requirement prescribed by section 28812  
3313.618 of the Revised Code. 28813

(B) This section does not apply to any of the following:	28814
(1) Any person with regard to any assessment from which the person was excused pursuant to division (C)(1)(c) of section 3301.0711 of the Revised Code;	28815 28816 28817
(2) Any person <del>that</del> <u>who</u> attends a nonpublic school acting in accordance with division (D) of this section with regard to any end-of-course examination <del>required</del> <u>prescribed</u> under <del>divisions</del> <u>division</u> (B)(2) <del>and (3)</del> of section 3301.0712 of the Revised Code, <u>except for a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code;</u>	28818 28819 28820 28821 28822 28823 28824
(3) <u>Any person who attends a nonpublic school accredited through the independent school association of the central states, except for a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code.</u>	28825 28826 28827 28828 28829
(4) Any person with regard to the social studies assessment under division (B)(1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board of education under division (D)(3) of section 3301.0712 of the Revised Code, or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, if all of the following apply:	28830 28831 28832 28833 28834 28835 28836 28837 28838 28839
(a) The person is not a citizen of the United States;	28840
(b) The person is not a permanent resident of the United States;	28841 28842
(c) The person indicates no intention to reside in the United States after completion of high school.	28843 28844

(C) As used in this division, "limited English proficient student" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code. 28845  
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Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 of the Revised Code, shall be awarded a diploma under this section. 28848  
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(D) A nonpublic school chartered by the state board that is not accredited through the independent school association of the central states may forgo the end-of-course examinations ~~required by divisions under division~~ (B)(2) ~~and (3)~~ of section 3301.0712 of the Revised Code, if that school publishes the results of the standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code for each graduating class. The published results shall include the overall composite scores, mean scores, twenty-fifth percentile scores, and seventy-fifth percentile scores for each subject area of the assessment. 28855  
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(E) The state board shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section. 28865  
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(F) The department of education shall furnish the assessment administered by a nonpublic school pursuant to division (B)(1) of section 3301.0712 of the Revised Code. 28868  
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~~(G) The exemption provided for in divisions (B)(2) and (D) of this section shall be effective on and after October 1, 2015, but only if the general assembly does not enact different requirements regarding end-of-course examinations for chartered nonpublic schools that are effective by that date.~~ 28871  
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**Sec. 3313.614.** (A) As used in this section, a person 28876  
"fulfills the curriculum requirement for a diploma" at the time 28877  
one of the following conditions is satisfied: 28878

(1) The person successfully completes the high school 28879  
curriculum of a school district, a community school, a chartered 28880  
nonpublic school, or a correctional institution. 28881

(2) The person successfully completes the individualized 28882  
education program developed for the person under section 3323.08 28883  
of the Revised Code. 28884

(3) A board of education issues its determination under 28885  
section 3313.611 of the Revised Code that the person qualifies as 28886  
having successfully completed the curriculum required by the 28887  
district. 28888

(B) This division specifies the assessment requirements that 28889  
must be fulfilled as a condition toward granting high school 28890  
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 28891  
of the Revised Code. 28892

(1) A person who fulfills the curriculum requirement for a 28893  
diploma before September 15, 2000, is not required to pass any 28894  
proficiency test or achievement test in science as a condition to 28895  
receiving a diploma. 28896

(2) A person who began ninth grade for the first time prior 28897  
to July 1, 2003, is not required to pass the Ohio graduation test 28898  
prescribed under division (B)(1) of section 3301.0710 or any 28899  
assessment prescribed under division (B)(2) of that section in any 28900  
subject as a condition to receiving a diploma once the person has 28901  
passed the ninth grade proficiency test in the same subject, so 28902  
long as the person passed the ninth grade proficiency test prior 28903  
to September 15, 2008. However, any such person who passes the 28904  
Ohio graduation test in any subject prior to passing the ninth 28905

grade proficiency test in the same subject shall be deemed to have 28906  
passed the ninth grade proficiency test in that subject as a 28907  
condition to receiving a diploma. For this purpose, the ninth 28908  
grade proficiency test in citizenship substitutes for the Ohio 28909  
graduation test in social studies. If a person began ninth grade 28910  
prior to July 1, 2003, but does not pass a ninth grade proficiency 28911  
test or the Ohio graduation test in a particular subject before 28912  
September 15, 2008, and passage of a test in that subject is a 28913  
condition for the person to receive a diploma, the person must 28914  
pass the Ohio graduation test instead of the ninth grade 28915  
proficiency test in that subject to receive a diploma. 28916

(3) A (a) Except as provided in division (B)(3)(b) of this 28917  
section, a person who begins ninth grade for the first time on or 28918  
after July 1, 2003, in a school district, community school, or 28919  
chartered nonpublic school is not eligible to receive a diploma 28920  
based on passage of ninth grade proficiency tests. Each such 28921  
person who begins ninth grade prior to July 1, 2014, must pass 28922  
Ohio graduation tests to meet the assessment requirements 28923  
applicable to that person as a condition to receiving a diploma or 28924  
satisfy one of the conditions prescribed in division (B)(3)(b) of 28925  
this section. 28926

(b) A person who began ninth grade for the first time prior 28927  
to July 1, 2014, shall be eligible to receive a diploma if the 28928  
person meets the requirement prescribed by section 3313.618 of the 28929  
Revised Code. 28930

(c) A person who began ninth grade for the first time prior 28931  
to July 1, 2014, and who has not attained at least the applicable 28932  
scores designated under division (B)(1) of section 3301.0710 of 28933  
the Revised Code on all the assessments required by that division 28934  
shall be eligible to receive a diploma if the person meets the 28935  
requirement prescribed by rule of the state board of education as 28936  
prescribed under division (B)(3)(d) of this section. 28937

(d) Not later than December 31, 2015, the state board of education shall adopt rules prescribing the manner in which a person who began ninth grade for the first time prior to July 1, 2014, may be eligible for a high school diploma by combining the requirement prescribed by section 3313.618 of the Revised Code and the requirement to attain at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on the assessments required by that division. The rules shall ensure that the combined requirements require a demonstration of mastery that is equivalent or greater to the expectations of the assessments prescribed by division (B)(1) of section 3301.0710 of the Revised Code. The rules shall include the following:

(i) The date by which a person who began ninth grade for the first time prior to July 1, 2014, may be eligible for a high school diploma under division (B)(3)(c) of this section;

(ii) Methods of replacing individual assessments prescribed by division (B)(1) of section 3301.0710 of the Revised Code;

(iii) Methods of integrating the pathways prescribed by division (A) of section 3313.618 of the Revised Code.

(4) A Except as provided in division (B)(3)(b) of this section, a person who begins ninth grade on or after July 1, 2014, is not eligible to receive a diploma based on passage of the Ohio graduation tests. Each such person must meet the requirement prescribed by section 3313.618 of the Revised Code.

(C) This division specifies the curriculum requirement that shall be completed as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code.

(1) A person who is under twenty-two years of age when the person fulfills the curriculum requirement for a diploma shall

complete the curriculum required by the school district or school 28969  
issuing the diploma for the first year that the person originally 28970  
enrolled in high school, except for a person who qualifies for 28971  
graduation from high school under either division (D) or (F) of 28972  
section 3313.603 of the Revised Code. 28973

(2) Once a person fulfills the curriculum requirement for a 28974  
diploma, the person is never required, as a condition of receiving 28975  
a diploma, to meet any different curriculum requirements that take 28976  
effect pending the person's passage of proficiency tests or 28977  
achievement tests or assessments, including changes mandated by 28978  
section 3313.603 of the Revised Code, the state board, a school 28979  
district board of education, or a governing authority of a 28980  
community school or chartered nonpublic school. 28981

**Sec. 3313.615.** This section shall apply to diplomas awarded 28982  
after September 15, 2006, to students who are required to take the 28983  
five Ohio graduation tests prescribed by division (B)(1) of 28984  
section 3301.0710 of the Revised Code. This section does not apply 28985  
to any student who enters ninth grade for the first time on or 28986  
after July 1, 2014. 28987

(A) As an alternative to the requirement that a person attain 28988  
the scores designated under division (B)(1) of section 3301.0710 28989  
of the Revised Code on all the assessments required under that 28990  
division in order to be eligible for a high school diploma or an 28991  
honors diploma under sections 3313.61, 3313.612, or 3325.08 of the 28992  
Revised Code or for a diploma of adult education under section 28993  
3313.611 of the Revised Code, a person who has attained at least 28994  
the applicable scores designated under division (B)(1) of section 28995  
3301.0710 of the Revised Code on all but one of the assessments 28996  
required by that division and from which the person was not 28997  
excused or exempted, pursuant to division (L) of section 3313.61, 28998  
division (B)(1) of section 3313.612, or section 3313.532 of the 28999

Revised Code, may be awarded a diploma or honors diploma if the person has satisfied all of the following conditions:

(1) On the one assessment required under division (B)(1) of section 3301.0710 of the Revised Code for which the person failed to attain the designated score, the person missed that score by ten points or less;

(2) Has a ninety-seven per cent school attendance rate in each of the last four school years, excluding any excused absences;

(3) Has not been expelled from school under section 3313.66 of the Revised Code in any of the last four school years;

(4) Has a grade point average of at least 2.5 out of 4.0, or its equivalent as designated in rules adopted by the state board of education, in the subject area of the assessment required under division (B)(1) of section 3301.0710 of the Revised Code for which the person failed to attain the designated score;

(5) Has completed the high school curriculum requirements prescribed in section 3313.603 of the Revised Code or has qualified under division (D) or (F) of that section;

(6) Has taken advantage of any intervention programs provided by the school district or school in the subject area described in division (A)(4) of this section and has a ninety-seven per cent attendance rate, excluding any excused absences, in any of those programs that are provided at times beyond the normal school day, school week, or school year or has received comparable intervention services from a source other than the school district or school;

(7) Holds a letter recommending graduation from each of the person's high school teachers in the subject area described in division (A)(4) of this section and from the person's high school principal.

(B) The state board of education shall establish rules 29031  
designating grade point averages equivalent to the average 29032  
specified in division (A)(4) of this section for use by school 29033  
districts and schools with different grading systems. 29034

(C) Any student who is exempt from attaining the applicable 29035  
score designated under division (B)(1) of section 3301.0710 of the 29036  
Revised Code on the Ohio graduation test in social studies 29037  
pursuant to division (H) of section 3313.61 or division (B)~~(3)~~(4) 29038  
of section 3313.612 of the Revised Code shall not qualify for a 29039  
high school diploma under this section, unless, notwithstanding 29040  
the exemption, the student attains the applicable score on that 29041  
assessment. If the student attains the applicable score on that 29042  
assessment, the student may qualify for a diploma under this 29043  
section in the same manner as any other student who is required to 29044  
take the five Ohio graduation tests prescribed by division (B)(1) 29045  
of section 3301.0710 of the Revised Code. 29046

**Sec. 3313.617.** (A) A person who meets all of the following 29047  
criteria shall be permitted to take the tests of general 29048  
educational development: 29049

(1) The person is at least ~~eighteen~~ nineteen years of age. 29050

(2) The person is officially withdrawn from school. 29051

(3) The person has not received a high school diploma or 29052  
honors diploma awarded under section 3313.61, 3313.611, 3313.612, 29053  
or 3325.08 of the Revised Code. 29054

(B) ~~When a (1)~~ A person who is at least sixteen years of age 29055  
but less than ~~eighteen~~ nineteen years of age ~~applies~~ may apply to 29056  
the department of education to take the tests of general 29057  
educational development, so long as the person has not received a 29058  
high school diploma or honors diploma awarded under section 29059  
3313.61, 3313.611, 3313.612, or 3325.08 of the Revised Code. 29060

In order to apply, the person shall submit, along with the 29061  
application written, both of the following: 29062

(a) If the person is less than eighteen years of age, written 29063  
approval from the person's parent or guardian or a court official; 29064

(b) The person's official high school transcript. The 29065  
transcript shall include, at a minimum, the previous twelve months 29066  
of the person's enrollment in a program approved to grant a high 29067  
school diploma. 29068

(2) The department shall determine whether to approve or deny 29069  
applications submitted under division (B)(1) of this section. The 29070  
department shall approve a person's application only if the person 29071  
meets both of the following criteria: 29072

(a) The person has been continuously enrolled in a program 29073  
approved to grant a high school diploma for at least one semester 29074  
and attained an attendance rate of at least seventy-five per cent 29075  
during that semester. 29076

(b) The person shows good cause, as determined by rules 29077  
adopted by the department pursuant to division (B)(3) of this 29078  
section. 29079

(3) The state board of education shall adopt rules, in 29080  
accordance with Chapter 119. of the Revised Code, for the 29081  
administration of division (B) of this section. The rules shall 29082  
include what qualifies as good cause for purposes of that 29083  
division. 29084

(C) If a person's application is approved under division (B) 29085  
of this section, and the person is less than eighteen years of 29086  
age, that person shall remain enrolled in school and maintain an 29087  
attendance rate of at least seventy-five per cent until either: 29088

(1) The person passes all required sections of the tests of 29089  
general educational development; or 29090

(2) The person is eighteen years of age. 29091

~~(C)(D)~~ For the purpose of calculating graduation rates for 29092  
the school district and building report cards under section 29093  
3302.03 of the Revised Code, the department shall count any person 29094  
~~for whom approval is obtained from the person's parent or guardian~~ 29095  
~~or a court official who officially withdraws from school to take~~ 29096  
~~the tests of general educational development under division (B) of~~ 29097  
this section as a dropout from the district or school in which the 29098  
person was last enrolled ~~prior to obtaining the approval.~~ 29099

**Sec. 3313.68.** (A) The board of education of each city, 29100  
exempted village, or local school district may appoint one or more 29101  
school physicians and one or more school dentists. Two or more 29102  
school districts may unite and employ one such physician and at 29103  
least one such dentist whose duties shall be such as are 29104  
prescribed by law. Said school physician shall hold a license to 29105  
practice medicine in Ohio, and each school dentist shall be 29106  
licensed to practice in this state. School physicians and dentists 29107  
may be discharged at any time by the board of education. School 29108  
physicians and dentists shall serve one year and until their 29109  
successors are appointed and shall receive such compensation as 29110  
the board of education determines. The board of education may also 29111  
employ registered nurses, as defined by section 4723.01 and 29112  
licensed as school nurses under section 3319.221 of the Revised 29113  
Code, to aid in such inspection in such ways as are prescribed by 29114  
it, and to aid in the conduct and coordination of the school 29115  
health service program. The school dentists shall make such 29116  
examinations and diagnoses and render such remedial or corrective 29117  
treatment for the school children as is prescribed by the board of 29118  
education; provided that all such remedial or corrective treatment 29119  
shall be limited to the children whose parents cannot otherwise 29120  
provide for same, and then only with the written consent of the 29121  
parents or guardians of such children. School dentists may also 29122



conduct such oral hygiene educational work as is authorized by the board of education.

The board of education may delegate the duties and powers provided for in this section to the board of health or officer performing the functions of a board of health within the school district, if such board or officer is willing to assume the same. Boards of education shall co-operate with boards of health in the prevention and control of epidemics.

(B) Notwithstanding any provision of the Revised Code to the contrary, the board of education of each city, exempted village, or local school district may contract with an educational service center for the services of a school nurse, licensed under section 3319.221 of the Revised Code, or of a registered nurse or licensed practical nurse, licensed under Chapter 4723. of the Revised Code, to provide services to students in the district pursuant to section 3313.7112 of the Revised Code.

(C) In lieu of appointing or employing a school physician or dentist pursuant to division (A) of this section or entering into a contract for the services of a school nurse pursuant to division (B) of this section, the board of education of each city, exempted village, or local school district may enter into a contract under section 3313.721 of the Revised Code for the purpose of providing health care services to students.

**Sec. 3313.72.** The board of education of a city, exempted village, or local school district may enter into a contract with a health district for the purpose of providing the services of a school physician, dentist, or nurse. The board may also enter into a contract under section 3313.721 of the Revised Code for the purpose of providing health care services to students.

**Sec. 3313.721.** (A) Notwithstanding anything to the contrary

in the Revised Code, the board of education of a school district 29153  
may enter into a contract with a hospital registered under section 29154  
3701.07 of the Revised Code or an appropriately licensed health 29155  
care provider for the purpose of providing health care services 29156  
specifically authorized by the Revised Code to students. 29157

(B) If the board enters into a contract with a hospital or 29158  
health care provider under division (A) of this section, the 29159  
requirement to obtain a school nurse license or school nurse 29160  
wellness coordinator license under section 3319.221 of the Revised 29161  
Code, or any rules related to this requirement, shall not apply to 29162  
an employee of the hospital or health care provider who is 29163  
providing the services of a nurse under that contract. However, at 29164  
a minimum, the employee shall hold a credential that is equivalent 29165  
to being licensed as a registered nurse or licensed practical 29166  
nurse under Chapter 4723. of the Revised Code. 29167

**Sec. 3313.751.** (A) As used in this section: 29168

(1) "School district" means a city, local, exempted village, 29169  
or joint vocational school district. 29170

(2) "Smoke" means to burn any substance containing tobacco, 29171  
including a lighted cigarette, cigar, or pipe, or to burn a clove 29172  
cigarette. 29173

(3) "Use tobacco" means to chew or maintain any substance 29174  
containing tobacco, including smokeless tobacco, or any substance 29175  
derived from tobacco, in the mouth to derive the effects of 29176  
tobacco. 29177

(4) "Use nicotine" means to maintain any substance containing 29178  
nicotine or a similar substance intended for human consumption or 29179  
consume nicotine or similar substance, whether by means of 29180  
smoking, heating, chewing, absorbing, dissolving, or ingesting by 29181  
any other means. "Use nicotine" does not include the use of 29182

nicotine replacement therapy products. 29183

(5) "Nicotine replacement therapy product" means a smoking or nicotine cessation product that has been approved by the United States food and drug administration as a nicotine replacement therapy product. 29184  
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(B)(1) No pupil shall smoke or use tobacco or nicotine or possess any substance containing tobacco or nicotine in any area under the control of a school district or an educational service center, including any outdoor facilities, or at any activity supervised by any school operated by a school district or an educational service center. 29188  
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(2) No person shall smoke or use tobacco in any area under the control of a school district or an educational service center, including any outdoor facilities, or at any activity supervised by any school operated by a school district or an educational service center. 29194  
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(C) The board of education of each school district and the governing board of each educational service center shall adopt a policy providing for the enforcement of division (B) of this section and against all persons. 29199  
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(D) The board of education of each school district and the governing board of each educational service center shall adopt a policy establishing disciplinary measures for a violation of division (B) of this section. 29203  
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**Sec. 3313.902.** (A) As used in this section: 29207

(1) "Approved industry credential or certificate" means a credential or certificate that is approved by the ~~ehancellor of the Ohio board of regents~~ director of higher education. 29208  
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(2) "Approved institution" means an eligible institution that has been approved to participate in the adult diploma pilot 29211  
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<u>program under this section.</u>	29213
<u>(3) "Approved program of study" means a program of study offered by an approved institution that satisfies the requirements of division (B) of this section.</u>	29214 29215 29216
<u>(4) An eligible student's "career pathway training program amount" means the following:</u>	29217 29218
<u>(a) If the student is enrolled in a tier one career pathway training program, \$4,800;</u>	29219 29220
<u>(b) If the student is enrolled in a tier two career pathway training program, \$3,200;</u>	29221 29222
<u>(c) If the student is enrolled in a tier three career pathway training program, \$1,600.</u>	29223 29224
<u>(5) "Eligible institution" means any of the following:</u>	29225
<u>(a) A community college established under Chapter 3354. of the Revised Code;</u>	29226 29227
<u>(b) A technical college established under Chapter 3357. of the Revised Code;</u>	29228 29229
<u>(c) A state community college established under Chapter 3358. of the Revised Code;</u>	29230 29231
<u>(d) An Ohio technical center recognized by the <del>chancellor</del> <u>director</u> that provides post-secondary workforce education.</u>	29232 29233
<u><del>(3)</del>(6) "Eligible student" means an individual who is at least twenty-two years of age and has not received a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code.</u>	29234 29235 29236 29237
<u>(7) A "tier one career pathway training program" is a career pathway training program that requires more than six hundred hours of technical training, as determined by the department of education.</u>	29238 29239 29240 29241

(8) A "tier two career pathway training program" is a career pathway training program that requires more than three hundred hours of technical training but less than six hundred hours of technical training, as determined by the department. 29242  
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(9) A "tier three career pathway training program" is a career pathway training program that requires three hundred hours or less of technical training, as determined by the department. 29246  
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(10) An eligible student's "work readiness training amount" means the following: 29249  
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(a) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is below the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$1,500. 29251  
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(b) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is at or above the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$750. 29255  
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(B) The adult ~~career opportunity diploma~~ pilot program is hereby established to permit an eligible institution to obtain approval from the ~~state board of education~~ superintendent of public instruction and the ~~chancellor~~ director of higher education to develop and offer a program of study that allows an eligible student to obtain a high school diploma. A program shall be eligible for this approval if it satisfies all of the following requirements: 29259  
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(1) The program allows an eligible student to complete the requirements for obtaining a high school diploma that are specified in rules adopted by the superintendent under division (E) of this section while also completing requirements for an approved industry credential or certificate. 29267  
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(2) The program includes career advising and outreach. 29272

(3) The program includes opportunities for students to receive a competency-based education.

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, and 3313.618 of the Revised Code, the state board of education shall grant a high school diploma to each eligible student who enrolls in an approved program of study at an approved institution and completes the requirements for obtaining a high school diploma that are specified in rules adopted by the superintendent under division (E) of this section.

(D)(1) The department shall calculate the following amount for each eligible student enrolled in each approved institution's approved program of study:

(The student's career pathway training program amount + the student's work readiness training amount) X 1.2

(2) The department shall pay the amount calculated for an eligible student under division (D)(1) of this section to the approved institution in which the student is enrolled in the following manner:

(a) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the first third of the approved program of study, as determined by the department;

(b) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the second third of the approved program of study, as determined by the department;

(c) Fifty per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the final third of the

approved program of study, as determined by the department. 29304

(3) Of the amount paid to an approved institution under 29305  
division (D)(2) of this section, the institution may use the 29306  
amount that is in addition to the student's career pathway 29307  
training amount and the student's work readiness training amount 29308  
for the associated services of the approved program of study. 29309  
These services include counseling, advising, assessment, and other 29310  
services as determined or required by the department. 29311

(E) The superintendent of ~~public instruction~~, in consultation 29312  
with the ~~chancellor~~ director, shall adopt rules for the 29313  
implementation of the adult ~~career opportunity~~ diploma pilot 29314  
program, including ~~the~~ all of the following: 29315

(1) The requirements for applying for program approval; 29316

(2) The requirements for obtaining a high school diploma 29317  
through the program, including the requirement to obtain a passing 29318  
score on an assessment that is appropriate for the career pathway 29319  
training program that is being completed by the eligible student, 29320  
and the date on which these requirements take effect; 29321

(3) The assessment or assessments that may be used to 29322  
complete the assessment requirement for each career pathway 29323  
training program under division (E)(2) of this section and the 29324  
score that must be obtained on each assessment in order to pass 29325  
the assessment; 29326

(4) Guidelines regarding the funding of the program under 29327  
division (D) of this section, including a method of funding for 29328  
students who transfer from one approved institution to another 29329  
approved institution prior to completing an approved program of 29330  
study; 29331

(5) Circumstances under which an eligible student may be 29332  
charged for tuition, supplies, or associated fees while enrolled 29333  
in an approved institution's approved program of study; 29334

(6) A requirement that an eligible student may not be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study except in the circumstances described under division (E)(5) of this section; 29335  
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(7) The payment of federal funds that are to be used by approved programs of study at approved institutions. 29339  
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**Sec. 3313.976.** (A) No private school may receive scholarship payments from parents pursuant to section 3313.979 of the Revised Code until the chief administrator of the private school registers the school with the superintendent of public instruction. The state superintendent shall register any school that meets the following requirements: 29341  
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(1) The school either: 29347

(a) Offers any of grades kindergarten through twelve and is located within the boundaries of the pilot project school district; 29348  
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(b) Offers any of grades nine through twelve and is located within the boundaries of a city, local, or exempted village school district that is both: 29351  
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(i) Located in a municipal corporation with a population of ~~fifty~~ fifteen thousand or more; 29354  
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(ii) ~~Adjacent to~~ Located within five miles of the border of the pilot project school district. 29356  
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(2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code; 29358  
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(3) The school meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except that 29363  
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the state superintendent at the superintendent's discretion may register nonchartered nonpublic schools meeting the other requirements of this division;

(4) The school does not discriminate on the basis of race, religion, or ethnic background;

(5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered;

(6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion;

(7) The school does not provide false or misleading information about the school to parents, students, or the general public;

(8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5104.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section.

(9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. The school shall permit such tuition, at the discretion of the parent, to be satisfied by the family's provision of in-kind contributions or services.

(10) The school agrees not to charge any tuition to families of students in grades nine through twelve receiving a scholarship in excess of the actual tuition charge of the school less the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section.

(11) If the school is not subject to division (K)(1)(a) of section 3301.0711 of the Revised Code, it annually administers the applicable assessments prescribed by section 3301.0710 or 3301.0712 of the Revised Code to each scholarship student enrolled in the school in accordance with section 3301.0711 or 3301.0712 of the Revised Code and reports to the department of education the results of each such assessment administered to each scholarship student.

(B) The state superintendent shall revoke the registration of any school if, after a hearing, the superintendent determines that the school is in violation of any of the provisions of division (A) of this section.

(C) Any public school located in a school district adjacent to the pilot project district may receive scholarship payments on behalf of parents pursuant to section 3313.979 of the Revised Code if the superintendent of the district in which such public school is located notifies the state superintendent prior to the first day of March that the district intends to admit students from the pilot project district for the ensuing school year pursuant to section 3327.06 of the Revised Code.

(D) Any parent wishing to purchase tutorial assistance from any person or governmental entity pursuant to the pilot project program under sections 3313.974 to 3313.979 of the Revised Code shall apply to the state superintendent. The state superintendent shall approve providers who appear to possess the capability of furnishing the instructional services they are offering to

provide. 29428

**Sec. 3313.981.** (A) The state board of education shall adopt 29429  
rules requiring all of the following: 29430

(1) The board of education of each city, exempted village, 29431  
and local school district to annually report to the department of 29432  
education all of the following: 29433

(a) The number of adjacent district or other district 29434  
students in grades kindergarten through twelve, as applicable, the 29435  
number of adjacent district or other district students who are 29436  
preschool children with disabilities, as applicable, and the 29437  
number of adjacent district or other district joint vocational 29438  
students, as applicable, enrolled in the district and the, in 29439  
accordance with a policy adopted under division (B) of section 29440  
3313.98 of the Revised Code; 29441

(b) The number of native students in grades kindergarten 29442  
through twelve enrolled in adjacent or other districts and the 29443  
number of native students who are preschool children with 29444  
disabilities enrolled in adjacent or other districts, in 29445  
accordance with a policy adopted under division (B) of section 29446  
3313.98 of the Revised Code; 29447

~~(b)~~(c) Each adjacent district or other district student's or 29448  
adjacent district or other district joint vocational student's 29449  
date of enrollment in the district; 29450

~~(e)~~(d) The full-time equivalent number of adjacent district 29451  
or other district students enrolled in each of the categories of 29452  
career-technical education programs or classes described in 29453  
section 3317.014 of the Revised Code; 29454

~~(d)~~(e) Each native student's date of enrollment in an 29455  
adjacent or other district. 29456

(2) The board of education of each joint vocational school 29457

district to annually report to the department all of the 29458  
following: 29459

(a) The number of adjacent district or other district joint 29460  
vocational students, as applicable, enrolled in the district; 29461

(b) The full-time equivalent number of adjacent district or 29462  
other district joint vocational students enrolled in each category 29463  
of career-technical education programs or classes described in 29464  
section 3317.014 of the Revised Code; 29465

(c) For each adjacent district or other district joint 29466  
vocational student, the city, exempted village, or local school 29467  
district in which the student is also enrolled. 29468

(3) Prior to the end of each reporting period specified in 29469  
section 3317.03 of the Revised Code, the superintendent of each 29470  
city, local, or exempted village school district that admits 29471  
adjacent district or other district students who are in grades 29472  
kindergarten through twelve, adjacent district or other district 29473  
students who are preschool children with disabilities, or adjacent 29474  
district or other district joint vocational students in accordance 29475  
with a policy adopted under division (B) of section 3313.98 of the 29476  
Revised Code to report to the department of education each 29477  
adjacent or other district's students and where those students who 29478  
are enrolled in the superintendent's district under the policy are 29479  
entitled to attend school under section 3313.64 or 3313.65 of the 29480  
Revised Code. 29481

The rules shall provide for the method of counting students 29482  
who are enrolled for part of a school year in an adjacent or other 29483  
district or as an adjacent district or other district joint 29484  
vocational student. 29485

(B) From the payments made to a city, exempted village, or 29486  
local school district under Chapter 3317. of the Revised Code and, 29487  
if necessary, from the payments made to the district under 29488

sections 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract ~~both~~ all of the following:

(1) An amount equal to the number of the district's native students in grades kindergarten through twelve reported under division (A)(1) of this section who are enrolled in adjacent or other school districts pursuant to policies adopted by such districts under division (B) of section 3313.98 of the Revised Code multiplied by the formula amount;

(2) The excess costs computed in accordance with division (E) of this section for any such native students in grades kindergarten through twelve receiving special education and related services in adjacent or other school districts or as an adjacent district or other district joint vocational student;

(3) For ~~the~~ each of the district's native students reported under division (A)(1)~~(e)~~(d) or (2)(b) of this section as enrolled in career-technical education programs or classes described in section 3317.014 of the Revised Code, the per pupil amount prescribed by that section for the student's respective career-technical category, on a full-time equivalency basis;

(4) For each native student who is a preschool child with a disability reported under division (A)(1) of this section who is enrolled in an adjacent or other district pursuant to policies adopted by such a district under division (B) of section 3313.98 of the Revised Code, \$4,000.

(C) To the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code, the department of education shall annually add all of the following:

(1) An amount equal to the formula amount multiplied by the remainder obtained by subtracting the number of adjacent district or other district joint vocational students from the number of adjacent district or other district students in grades

kindergarten through twelve enrolled in the district, as reported 29520  
under division (A)(1) of this section; 29521

(2) The excess costs computed in accordance with division (E) 29522  
of this section for any adjacent district or other district 29523  
students in grades kindergarten through twelve, except for any 29524  
adjacent or other district joint vocational students, receiving 29525  
special education and related services in the district; 29526

(3) For ~~the~~ each of the adjacent or other district students 29527  
who are not adjacent district or other district joint vocational 29528  
students and are reported under division (A)(1)~~(e)~~(d) of this 29529  
section as enrolled in career-technical education programs or 29530  
classes described in section 3317.014 of the Revised Code, the per 29531  
pupil amount prescribed by that section for the student's 29532  
respective career-technical category, on a full-time equivalency 29533  
basis; 29534

(4) An amount equal to the number of adjacent district or 29535  
other district joint vocational students reported under division 29536  
(A)(1) of this section multiplied by an amount equal to twenty per 29537  
cent of the formula amount; 29538

(5) For each adjacent district or other district student who 29539  
is a preschool child with a disability reported under division 29540  
(A)(1) of this section who is enrolled in the district, \$4,000. 29541

(D) To the payments made to a joint vocational school 29542  
district under Chapter 3317. of the Revised Code, the department 29543  
of education shall add, for each adjacent district or other 29544  
district joint vocational student reported under division (A)(2) 29545  
of this section, both of the following: 29546

(1) The formula amount; 29547

(2) The per pupil amount for each of the students reported 29548  
pursuant to division (A)(2)(b) of this section prescribed by 29549  
section 3317.014 of the Revised Code for the student's respective 29550

career-technical category, on a full-time equivalency basis. 29551

(E)(1) A city, exempted village, or local school board 29552  
providing special education and related services to an adjacent or 29553  
other district student in grades kindergarten through twelve in 29554  
accordance with an IEP shall, pursuant to rules of the state 29555  
board, compute the excess costs to educate such student as 29556  
follows: 29557

(a) Subtract the formula amount from the actual costs to 29558  
educate the student; 29559

(b) From the amount computed under division (E)(1)(a) of this 29560  
section subtract the amount of any funds received by the district 29561  
under Chapter 3317. of the Revised Code to provide special 29562  
education and related services to the student. 29563

(2) The board shall report the excess costs computed under 29564  
this division to the department of education. 29565

(3) If any student for whom excess costs are computed under 29566  
division (E)(1) of this section is an adjacent or other district 29567  
joint vocational student, the department of education shall add 29568  
the amount of such excess costs to the payments made under Chapter 29569  
3317. of the Revised Code to the joint vocational school district 29570  
enrolling the student. 29571

(F) As provided in division (D)(1)(b) of section 3317.03 of 29572  
the Revised Code, no joint vocational school district shall count 29573  
any adjacent or other district joint vocational student enrolled 29574  
in the district in its enrollment certified under section 3317.03 29575  
of the Revised Code. 29576

(G) No city, exempted village, or local school district shall 29577  
receive a payment under division (C) of this section for a 29578  
student, and no joint vocational school district shall receive a 29579  
payment under division (D) of this section for a student, if for 29580  
the same school year that student is counted in the district's 29581

enrollment certified under section 3317.03 of the Revised Code. 29582

(H) Upon request of a parent, and provided the board offers 29583  
transportation to native students of the same grade level and 29584  
distance from school under section 3327.01 of the Revised Code, a 29585  
city, exempted village, or local school board enrolling an 29586  
adjacent or other district student shall provide transportation 29587  
for the student within the boundaries of the board's district, 29588  
except that the board shall be required to pick up and drop off a 29589  
nonhandicapped student only at a regular school bus stop 29590  
designated in accordance with the board's transportation policy. 29591  
Pursuant to rules of the state board of education, such board may 29592  
reimburse the parent from funds received for pupil transportation 29593  
under section 3317.0212 of the Revised Code, or other provisions 29594  
of law, for the reasonable cost of transportation from the 29595  
student's home to the designated school bus stop if the student's 29596  
family has an income below the federal poverty line. 29597

**Sec. 3314.02.** (A) As used in this chapter: 29598

(1) "Sponsor" means the board of education of a school 29599  
district or the governing board of an educational service center 29600  
that agrees to the conversion of all or part of a school or 29601  
building under division (B) of this section, or an entity listed 29602  
in division (C)(1) of this section, which ~~either~~ has been approved 29603  
by the department of education to sponsor community schools or is 29604  
exempted by section 3314.021 or 3314.027 of the Revised Code from 29605  
obtaining approval, and with which the governing authority of a 29606  
community school enters into a contract under section 3314.03 of 29607  
the Revised Code. 29608

(2) "Pilot project area" means the school districts included 29609  
in the territory of the former community school pilot project 29610  
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 29611  
the 122nd general assembly. 29612



- (3) "Challenged school district" means any of the following: 29613
- (a) A school district that is part of the pilot project area; 29614
- (b) A school district that meets one of the following 29615  
conditions: 29616
- (i) On March 22, 2013, the district was in a state of 29617  
academic emergency or in a state of academic watch under section 29618  
3302.03 of the Revised Code, as that section existed prior to 29619  
March 22, 2013; 29620
- (ii) For two of the 2012-2013, 2013-2014, ~~and~~ 2014-2015, and 29621  
2015-2016 school years, the district received a grade of "D" or 29622  
"F" for the performance index score and a grade of "F" for the 29623  
value-added progress dimension under section 3302.03 of the 29624  
Revised Code; 29625
- (iii) For the ~~2015-2016~~ 2016-2017 school year and for any 29626  
school year thereafter, the district has received an overall grade 29627  
of "D" or "F" under division (C)(3) of section 3302.03 of the 29628  
Revised Code, or, for at least two of the three most recent school 29629  
years, the district received a grade of "F" for the value-added 29630  
progress dimension under division (C)(1)(e) of that section. 29631
- (c) A big eight school district; 29632
- (d) A school district ranked in the lowest five per cent of 29633  
school districts according to performance index score under 29634  
section 3302.21 of the Revised Code. 29635
- (4) "Big eight school district" means a school district that 29636  
for fiscal year 1997 had both of the following: 29637
- (a) A percentage of children residing in the district and 29638  
participating in the predecessor of Ohio works first greater than 29639  
thirty per cent, as reported pursuant to section 3317.10 of the 29640  
Revised Code; 29641
- (b) An average daily membership greater than twelve thousand, 29642

as reported pursuant to former division (A) of section 3317.03 of 29643  
the Revised Code. 29644

(5) "New start-up school" means a community school other than 29645  
one created by converting all or part of an existing public school 29646  
or educational service center building, as designated in the 29647  
school's contract pursuant to division (A)(17) of section 3314.03 29648  
of the Revised Code. 29649

(6) "Urban school district" means one of the state's 29650  
twenty-one urban school districts as defined in division (O) of 29651  
section 3317.02 of the Revised Code as that section existed prior 29652  
to July 1, 1998. 29653

(7) "Internet- or computer-based community school" means a 29654  
community school established under this chapter in which the 29655  
enrolled students work primarily from their residences on 29656  
assignments in nonclassroom-based learning opportunities provided 29657  
via an internet- or other computer-based instructional method that 29658  
does not rely on regular classroom instruction or via 29659  
comprehensive instructional methods that include internet-based, 29660  
other computer-based, and noncomputer-based learning opportunities 29661  
unless a student receives career-technical education under section 29662  
3314.086 of the Revised Code. 29663

A community school that operates mainly as an internet- or 29664  
computer-based community school and provides career-technical 29665  
education under section 3314.086 of the Revised Code shall be 29666  
considered an internet- or computer-based community school, even 29667  
if it provides some classroom-based instruction, so long as it 29668  
provides instruction via the methods described in this division. 29669

(8) "Operator" means either of the following: 29670

(a) An individual or organization that manages the daily 29671  
operations of a community school pursuant to a contract between 29672  
the operator and the school's governing authority; 29673

(b) A nonprofit organization that provides programmatic oversight and support to a community school under a contract with the school's governing authority and that retains the right to terminate its affiliation with the school if the school fails to meet the organization's quality standards.

(9) "Alliance municipal school district" has the same meaning as in section 3311.86 of the Revised Code.

(B)(1) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, exempted village, or joint vocational school district in which the public school is proposed to be converted.

(2) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a building operated by an educational service center to a community school. The proposal shall be made to the governing board of the service center.

~~A service center that proposes the establishment of a conversion community school located in a county within the territory of the service center or in a county contiguous to such county is exempt from approval from the department of education, except as provided under division (B)(4) of this section, and from the agreement required under division (B)(1) of section 3314.015 of the Revised Code.~~

~~However, a service center that proposes the establishment of a conversion community school located in a county outside of the territory of the service center or a county contiguous to such county shall be subject to approval from the department of education and from the agreement required under that section.~~

~~Division (B)(2) of this section does not apply to an~~

~~educational service center that sponsors community schools and 29705  
that is exempted under section 3314.021 or 3314.027 of the Revised 29706  
Code from the requirement to be approved for sponsorship under 29707  
divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 29708  
Code. 29709~~

An educational service center that sponsors a community 29710  
school in accordance with this division shall be approved by and 29711  
enter into a written agreement with the department as described in 29712  
section 3314.015 of the Revised Code. 29713

(3) Upon receipt of a proposal, a board may enter into a 29714  
preliminary agreement with the person or group proposing the 29715  
conversion of the public school or service center building, 29716  
indicating the intention of the board to support the conversion to 29717  
a community school. A proposing person or group that has a 29718  
preliminary agreement under this division may proceed to finalize 29719  
plans for the school, establish a governing authority for the 29720  
school, and negotiate a contract with the board. Provided the 29721  
proposing person or group adheres to the preliminary agreement and 29722  
all provisions of this chapter, the board shall negotiate in good 29723  
faith to enter into a contract in accordance with section 3314.03 29724  
of the Revised Code and division (C) of this section. 29725

(4) The sponsor of a conversion community school proposed to 29726  
open in an alliance municipal school district shall be subject to 29727  
approval by the department of education for sponsorship of that 29728  
school using the criteria established under division (A) of 29729  
section 3311.87 of the Revised Code. 29730

Division (B)(4) of this section does not apply to a sponsor 29731  
that ~~is, on or before the effective date of this amendment, was 29732  
exempted under section 3314.021 or 3314.027 of the Revised Code 29733  
from the requirement to be approved for sponsorship under 29734  
divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 29735  
Code. 29736~~

(C)(1) Any person or group of individuals may propose under 29737  
this division the establishment of a new start-up school to be 29738  
located in a challenged school district. The proposal may be made 29739  
to any of the following entities: 29740

(a) The board of education of the district in which the 29741  
school is proposed to be located; 29742

(b) The board of education of any joint vocational school 29743  
district with territory in the county in which is located the 29744  
majority of the territory of the district in which the school is 29745  
proposed to be located; 29746

(c) The board of education of any other city, local, or 29747  
exempted village school district having territory in the same 29748  
county where the district in which the school is proposed to be 29749  
located has the major portion of its territory; 29750

(d) The governing board of any educational service center, 29751  
regardless of the location of the proposed school, may sponsor a 29752  
new start-up school in any challenged school district in the state 29753  
if all of the following are satisfied: 29754

(i) If applicable, it satisfies the requirements of division 29755  
(E) of section 3311.86 of the Revised Code; 29756

(ii) It is approved to do so by the department; 29757

(iii) It enters into an agreement with the department under 29758  
section 3314.015 of the Revised Code. 29759

(e) A sponsoring authority designated by the board of 29760  
trustees of any of the thirteen state universities listed in 29761  
section 3345.011 of the Revised Code or the board of trustees 29762  
itself as long as a mission of the proposed school to be specified 29763  
in the contract under division (A)(2) of section 3314.03 of the 29764  
Revised Code and as approved by the department under division 29765  
(B)(2) of section 3314.015 of the Revised Code will be the 29766

practical demonstration of teaching methods, educational 29767  
technology, or other teaching practices that are included in the 29768  
curriculum of the university's teacher preparation program 29769  
approved by the state board of education; 29770

(f) Any qualified tax-exempt entity under section 501(c)(3) 29771  
of the Internal Revenue Code as long as all of the following 29772  
conditions are satisfied: 29773

(i) The entity has been in operation for at least five years 29774  
prior to applying to be a community school sponsor. 29775

(ii) The entity has assets of at least five hundred thousand 29776  
dollars and a demonstrated record of financial responsibility. 29777

(iii) The department has determined that the entity is an 29778  
education-oriented entity under division (B)(3) of section 29779  
3314.015 of the Revised Code and the entity has a demonstrated 29780  
record of successful implementation of educational programs. 29781

(iv) The entity is not a community school. 29782

(g) The mayor of a city in which the majority of the 29783  
territory of a school district to which section 3311.60 of the 29784  
Revised Code applies is located, regardless of whether that 29785  
district has created the position of independent auditor as 29786  
prescribed by that section. The mayor's sponsorship authority 29787  
under this division is limited to community schools that are 29788  
located in that school district. Such mayor may sponsor community 29789  
schools only with the approval of the city council of that city, 29790  
after establishing standards with which community schools 29791  
sponsored by the mayor must comply, and after entering into a 29792  
sponsor agreement with the department as prescribed under section 29793  
3314.015 of the Revised Code. The mayor shall establish the 29794  
standards for community schools sponsored by the mayor not later 29795  
than one hundred eighty days after July 15, 2013, and shall submit 29796  
them to the department upon their establishment. The department 29797

shall approve the mayor to sponsor community schools in the 29798  
district, upon receipt of an application by the mayor to do so. 29799  
Not later than ninety days after the department's approval of the 29800  
mayor as a community school sponsor, the department shall enter 29801  
into the sponsor agreement with the mayor. 29802

Any entity described in division (C)(1) of this section may 29803  
enter into a preliminary agreement pursuant to division (C)(2) of 29804  
this section with the proposing person or group. 29805

(2) A preliminary agreement indicates the intention of an 29806  
entity described in division (C)(1) of this section to sponsor the 29807  
community school. A proposing person or group that has such a 29808  
preliminary agreement may proceed to finalize plans for the 29809  
school, establish a governing authority as described in division 29810  
(E) of this section for the school, and negotiate a contract with 29811  
the entity. Provided the proposing person or group adheres to the 29812  
preliminary agreement and all provisions of this chapter, the 29813  
entity shall negotiate in good faith to enter into a contract in 29814  
accordance with section 3314.03 of the Revised Code. 29815

(3) A new start-up school that is established in a school 29816  
district described in either division (A)(3)(b) or (d) of this 29817  
section may continue in existence once the school district no 29818  
longer meets the conditions described in either division, provided 29819  
there is a valid contract between the school and a sponsor. 29820

(4) A copy of every preliminary agreement entered into under 29821  
this division shall be filed with the superintendent of public 29822  
instruction. 29823

(D) A majority vote of the board of a sponsoring entity and a 29824  
majority vote of the members of the governing authority of a 29825  
community school shall be required to adopt a contract and convert 29826  
the public school or educational service center building to a 29827  
community school or establish the new start-up school. Beginning 29828

September 29, 2005, adoption of the contract shall occur not later 29829  
than the fifteenth day of March, and signing of the contract shall 29830  
occur not later than the fifteenth day of May, prior to the school 29831  
year in which the school will open. The governing authority shall 29832  
notify the department of education when the contract has been 29833  
signed. Subject to sections 3314.013 and 3314.016 of the Revised 29834  
Code, an unlimited number of community schools may be established 29835  
in any school district provided that a contract is entered into 29836  
for each community school pursuant to this chapter. 29837

(E)(1) As used in this division, "immediate relatives" are 29838  
limited to spouses, children, parents, grandparents, siblings, and 29839  
in-laws. 29840

Each new start-up community school established under this 29841  
chapter shall be under the direction of a governing authority 29842  
which shall consist of a board of not less than five individuals. 29843

No person shall serve on the governing authority or operate 29844  
the community school under contract with the governing authority 29845  
so long as the person owes the state any money or is in a dispute 29846  
over whether the person owes the state any money concerning the 29847  
operation of a community school that has closed. 29848

(2) No person shall serve on the governing authorities of 29849  
more than five start-up community schools at the same time. 29850

(3) No present or former member, or immediate relative of a 29851  
present or former member, of the governing authority of any 29852  
community school established under this chapter shall be an owner, 29853  
employee, or consultant of any sponsor or operator of a community 29854  
school, unless at least one year has elapsed since the conclusion 29855  
of the person's membership. 29856

(4) The governing authority of a start-up community school 29857  
may provide by resolution for the compensation of its members. 29858  
However, no individual who serves on the governing authority of a 29859



start-up community school shall be compensated more than four 29860  
hundred twenty-five dollars per meeting of that governing 29861  
authority and no such individual shall be compensated more than a 29862  
total amount of five thousand dollars per year for all governing 29863  
authorities upon which the individual serves. 29864

(F)(1) A new start-up school that is established prior to 29865  
August 15, 2003, in an urban school district that is not also a 29866  
big-eight school district may continue to operate after that date 29867  
and the contract between the school's governing authority and the 29868  
school's sponsor may be renewed, as provided under this chapter, 29869  
after that date, but no additional new start-up schools may be 29870  
established in such a district unless the district is a challenged 29871  
school district as defined in this section as it exists on and 29872  
after that date. 29873

(2) A community school that was established prior to June 29, 29874  
1999, and is located in a county contiguous to the pilot project 29875  
area and in a school district that is not a challenged school 29876  
district may continue to operate after that date, provided the 29877  
school complies with all provisions of this chapter. The contract 29878  
between the school's governing authority and the school's sponsor 29879  
may be renewed, but no additional start-up community school may be 29880  
established in that district unless the district is a challenged 29881  
school district. 29882

(3) Any educational service center that, on June 30, 2007, 29883  
sponsors a community school that is not located in a county within 29884  
the territory of the service center or in a county contiguous to 29885  
such county may continue to sponsor that community school on and 29886  
after June 30, 2007, and may renew its contract with the school. 29887  
However, the educational service center shall not enter into a 29888  
contract with any additional community school, ~~unless the school~~ 29889  
~~is located in a county within the territory of the service center~~ 29890  
~~or in a county contiguous to such county, or unless the governing~~ 29891

board of the service center has entered into an agreement with the 29892  
department authorizing the service center to sponsor a community 29893  
school in any challenged school district in the state. 29894

**Sec. 3314.03.** A copy of every contract entered into under 29895  
this section shall be filed with the superintendent of public 29896  
instruction. The department of education shall make available on 29897  
its web site a copy of every approved, executed contract filed 29898  
with the superintendent under this section. 29899

(A) Each contract entered into between a sponsor and the 29900  
governing authority of a community school shall specify the 29901  
following: 29902

(1) That the school shall be established as either of the 29903  
following: 29904

(a) A nonprofit corporation established under Chapter 1702. 29905  
of the Revised Code, if established prior to April 8, 2003; 29906

(b) A public benefit corporation established under Chapter 29907  
1702. of the Revised Code, if established after April 8, 2003. 29908

(2) The education program of the school, including the 29909  
school's mission, the characteristics of the students the school 29910  
is expected to attract, the ages and grades of students, and the 29911  
focus of the curriculum; 29912

(3) The academic goals to be achieved and the method of 29913  
measurement that will be used to determine progress toward those 29914  
goals, which shall include the statewide achievement assessments; 29915

(4) Performance standards by which the success of the school 29916  
will be evaluated by the sponsor; 29917

(5) The admission standards of section 3314.06 of the Revised 29918  
Code and, if applicable, section 3314.061 of the Revised Code; 29919

(6)(a) Dismissal procedures; 29920

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student. 29921  
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(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 29927  
29928

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code. 29929  
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(9) The facilities to be used and their locations; 29935

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code. 29936  
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(11) That the school will comply with the following requirements: 29942  
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(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year. 29944  
29945  
29946

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school. 29947  
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(c) The school will be nonsectarian in its programs, 29950

admission policies, employment practices, and all other 29951  
operations, and will not be operated by a sectarian school or 29952  
religious institution. 29953

(d) The school will comply with sections 9.90, 9.91, 109.65, 29954  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 29955  
3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 3313.536, 29956  
3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 29957  
3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 29958  
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 29959  
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 29960  
3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 29961  
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 29962  
3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 29963  
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 29964  
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 29965  
4123., 4141., and 4167. of the Revised Code as if it were a school 29966  
district and will comply with section 3301.0714 of the Revised 29967  
Code in the manner specified in section 3314.17 of the Revised 29968  
Code. 29969

(e) The school shall comply with Chapter 102. and section 29970  
2921.42 of the Revised Code. 29971

(f) The school will comply with sections 3313.61, 3313.611, 29972  
and 3313.614 of the Revised Code, except that for students who 29973  
enter ninth grade for the first time before July 1, 2010, the 29974  
requirement in sections 3313.61 and 3313.611 of the Revised Code 29975  
that a person must successfully complete the curriculum in any 29976  
high school prior to receiving a high school diploma may be met by 29977  
completing the curriculum adopted by the governing authority of 29978  
the community school rather than the curriculum specified in Title 29979  
XXXIII of the Revised Code or any rules of the state board of 29980  
education. Beginning with students who enter ninth grade for the 29981  
first time on or after July 1, 2010, the requirement in sections 29982

3313.61 and 3313.611 of the Revised Code that a person must 29983  
successfully complete the curriculum of a high school prior to 29984  
receiving a high school diploma shall be met by completing the 29985  
requirements prescribed in division (C) of section 3313.603 of the 29986  
Revised Code, unless the person qualifies under division (D) or 29987  
(F) of that section. Each school shall comply with the plan for 29988  
awarding high school credit based on demonstration of subject area 29989  
competency, and beginning with the 2016-2017 school year, with the 29990  
updated plan that permits students enrolled in seventh and eighth 29991  
grade to meet curriculum requirements based on subject area 29992  
competency adopted by the state board of education under ~~division~~ 29993  
divisions (J)(1) and (2) of section 3313.603 of the Revised Code. 29994

(g) The school governing authority will submit within four 29995  
months after the end of each school year a report of its 29996  
activities and progress in meeting the goals and standards of 29997  
divisions (A)(3) and (4) of this section and its financial status 29998  
to the sponsor and the parents of all students enrolled in the 29999  
school. 30000

(h) The school, unless it is an internet- or computer-based 30001  
community school, will comply with section 3313.801 of the Revised 30002  
Code as if it were a school district. 30003

(i) If the school is the recipient of moneys from a grant 30004  
awarded under the federal race to the top program, Division (A), 30005  
Title XIV, Sections 14005 and 14006 of the "American Recovery and 30006  
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 30007  
school will pay teachers based upon performance in accordance with 30008  
section 3317.141 and will comply with section 3319.111 of the 30009  
Revised Code as if it were a school district. 30010

(j) If the school operates a preschool program that is 30011  
licensed by the department of education under sections 3301.52 to 30012  
3301.59 of the Revised Code, the school shall comply with sections 30013  
3301.50 to 3301.59 of the Revised Code and the minimum standards 30014

<u>for preschool programs prescribed in rules adopted by the state</u>	30015
<u>board under section 3301.53 of the Revised Code.</u>	30016
(12) Arrangements for providing health and other benefits to employees;	30017 30018
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	30019 30020 30021 30022
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	30023 30024
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	30025 30026 30027
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	30028 30029 30030
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	30031 30032 30033 30034 30035 30036 30037 30038 30039 30040 30041
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	30042 30043 30044

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to

take such action. 30075

(23) A description of the learning opportunities that will be 30076  
offered to students including both classroom-based and 30077  
non-classroom-based learning opportunities that is in compliance 30078  
with criteria for student participation established by the 30079  
department under division (H)(2) of section 3314.08 of the Revised 30080  
Code; 30081

(24) The school will comply with sections 3302.04 and 30082  
3302.041 of the Revised Code, except that any action required to 30083  
be taken by a school district pursuant to those sections shall be 30084  
taken by the sponsor of the school. However, the sponsor shall not 30085  
be required to take any action described in division (F) of 30086  
section 3302.04 of the Revised Code. 30087

(25) Beginning in the 2006-2007 school year, the school will 30088  
open for operation not later than the thirtieth day of September 30089  
each school year, unless the mission of the school as specified 30090  
under division (A)(2) of this section is solely to serve dropouts. 30091  
In its initial year of operation, if the school fails to open by 30092  
the thirtieth day of September, or within one year after the 30093  
adoption of the contract pursuant to division (D) of section 30094  
3314.02 of the Revised Code if the mission of the school is solely 30095  
to serve dropouts, the contract shall be void. 30096

(26) Whether the school's governing authority is planning to 30097  
seek designation for the school as a STEM school equivalent under 30098  
section 3326.032 of the Revised Code. 30099

(B) The community school shall also submit to the sponsor a 30100  
comprehensive plan for the school. The plan shall specify the 30101  
following: 30102

(1) The process by which the governing authority of the 30103  
school will be selected in the future; 30104

(2) The management and administration of the school; 30105



(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in 30137  
complying with laws applicable to the school and terms of the 30138  
contract; 30139

(5) Take steps to intervene in the school's operation to 30140  
correct problems in the school's overall performance, declare the 30141  
school to be on probationary status pursuant to section 3314.073 30142  
of the Revised Code, suspend the operation of the school pursuant 30143  
to section 3314.072 of the Revised Code, or terminate the contract 30144  
of the school pursuant to section 3314.07 of the Revised Code as 30145  
determined necessary by the sponsor; 30146

(6) Have in place a plan of action to be undertaken in the 30147  
event the community school experiences financial difficulties or 30148  
closes prior to the end of a school year. 30149

(E) Upon the expiration of a contract entered into under this 30150  
section, the sponsor of a community school may, with the approval 30151  
of the governing authority of the school, renew that contract for 30152  
a period of time determined by the sponsor, but not ending earlier 30153  
than the end of any school year, if the sponsor finds that the 30154  
school's compliance with applicable laws and terms of the contract 30155  
and the school's progress in meeting the academic goals prescribed 30156  
in the contract have been satisfactory. Any contract that is 30157  
renewed under this division remains subject to the provisions of 30158  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 30159

(F) If a community school fails to open for operation within 30160  
one year after the contract entered into under this section is 30161  
adopted pursuant to division (D) of section 3314.02 of the Revised 30162  
Code or permanently closes prior to the expiration of the 30163  
contract, the contract shall be void and the school shall not 30164  
enter into a contract with any other sponsor. A school shall not 30165  
be considered permanently closed because the operations of the 30166  
school have been suspended pursuant to section 3314.072 of the 30167  
Revised Code. 30168

**Sec. 3314.05.** (A) The contract between the community school 30169  
and the sponsor shall specify the facilities to be used for the 30170  
community school and the method of acquisition. Except as provided 30171  
in divisions (B)(3) and (4) of this section, no community school 30172  
shall be established in more than one school district under the 30173  
same contract. 30174

(B) Division (B) of this section shall not apply to internet- 30175  
or computer-based community schools. 30176

(1) A community school may be located in multiple facilities 30177  
under the same contract only if the limitations on availability of 30178  
space prohibit serving all the grade levels specified in the 30179  
contract in a single facility or division (B)(2), (3), or (4) of 30180  
this section applies to the school. The school shall not offer the 30181  
same grade level classrooms in more than one facility. 30182

(2) A community school may be located in multiple facilities 30183  
under the same contract and, notwithstanding division (B)(1) of 30184  
this section, may assign students in the same grade level to 30185  
multiple facilities, as long as all of the following apply: 30186

(a) The governing authority has entered into and maintains a 30187  
contract with an operator of the type described in division 30188  
(A)(8)(b) of section 3314.02 of the Revised Code. 30189

(b) The contract with that operator qualified the school to 30190  
be established pursuant to division (A) of former section 3314.016 30191  
of the Revised Code. 30192

(c) The school's rating under section 3302.03 of the Revised 30193  
Code does not fall below a combination of any of the following for 30194  
two or more consecutive years: 30195

(i) A rating of "in need of continuous improvement" under 30196  
section 3302.03 of the Revised Code, as that section existed prior 30197  
to March 22, 2013; 30198

(ii) For the 2012-2013 ~~and~~, 2013-2014, 2014-2015, and  
2015-2016 school years, a rating of "C" for both the performance  
index score under division (A)(1)(b) or (B)(1)(b) and the  
value-added dimension under division (A)(1)(e) or (B)(1)(e) of  
section 3302.03 of the Revised Code; or if the building serves  
only grades ten through twelve, the building received a grade of  
"C" for the performance index score under division (A)(1)(b) or  
(B)(1)(b) of section 3302.03 of the Revised Code;

(iii) For the ~~2014-2015~~ 2016-2017 school year and for any  
school year thereafter, an overall grade of "C" under division  
(C)(3) of section 3302.03 of the Revised Code or an overall  
performance designation of "meets standards" under division  
(E)(3)(e) of section 3314.017 of the Revised Code.

(3) A new start-up community school may be established in two  
school districts under the same contract if all of the following  
apply:

(a) At least one of the school districts in which the school  
is established is a challenged school district;

(b) The school operates not more than one facility in each  
school district and, in accordance with division (B)(1) of this  
section, the school does not offer the same grade level classrooms  
in both facilities; and

(c) Transportation between the two facilities does not  
require more than thirty minutes of direct travel time as measured  
by school bus.

In the case of a community school to which division (B)(3) of  
this section applies, if only one of the school districts in which  
the school is established is a challenged school district, that  
district shall be considered the school's primary location and the  
district in which the school is located for the purposes of  
division (A)(19) of section 3314.03 and divisions (C) and (H) of

section 3314.06 of the Revised Code and for all other purposes of 30230  
this chapter. If both of the school districts in which the school 30231  
is established are challenged school districts, the school's 30232  
governing authority shall designate one of those districts to be 30233  
considered the school's primary location and the district in which 30234  
the school is located for the purposes of those divisions and all 30235  
other purposes of this chapter and shall notify the department of 30236  
education of that designation. 30237

(4) A community school may be located in multiple facilities 30238  
under the same contract and, notwithstanding division (B)(1) of 30239  
this section, may assign students in the same grade level to 30240  
multiple facilities, as long as both of the following apply: 30241

(a) The facilities are all located in the same county. 30242

(b) Either of the following conditions are satisfied: 30243

(i) The community school is sponsored by a board of education 30244  
of a city, local, or exempted village school district having 30245  
territory in the same county where the facilities of the community 30246  
school are located; 30247

(ii) The community school is managed by an operator. 30248

In the case of a community school to which division (B)(4) of 30249  
this section applies and that maintains facilities in more than 30250  
one school district, the school's governing authority shall 30251  
designate one of those districts to be considered the school's 30252  
primary location and the district in which the school is located 30253  
for the purposes of division (A)(19) of section 3314.03 and 30254  
divisions (C) and (H) of section 3314.06 of the Revised Code and 30255  
for all other purposes of this chapter and shall notify the 30256  
department of that designation. 30257

(5) Any facility used for a community school shall meet all 30258  
health and safety standards established by law for school 30259  
buildings. 30260

(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school.

(D) Two or more separate community schools may be located in the same facility.

(E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of funds paid under this chapter, or to compute any data required for the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school as a whole.

**Sec. 3314.06.** The governing authority of each community school established under this chapter shall adopt admission procedures that specify the following:

(A) That, except as otherwise provided in this section, admission to the school shall be open to any individual age five to twenty-two entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code in a school district in the state.

Additionally, except as otherwise provided in this section, admission to the school may be open on a tuition basis to any individual age five to twenty-two who is not a resident of this

state. The school shall not receive state funds under section 30292  
3314.08 of the Revised Code for any student who is not a resident 30293  
of this state. 30294

An individual younger than five years of age may be admitted 30295  
to the school in accordance with division (A)(2) of section 30296  
3321.01 of the Revised Code. The school shall receive funds for an 30297  
individual admitted under that division in the manner provided 30298  
under section 3314.08 of the Revised Code. 30299

If the school operates a program that uses the Montessori 30300  
method endorsed by the American Montessori society, the Montessori 30301  
accreditation council for teacher education, or the association 30302  
Montessori internationale as its primary method of instruction, 30303  
admission to the school may be open to individuals younger than 30304  
five years of age, but the school shall not receive funds under 30305  
this chapter for those individuals. Notwithstanding anything to 30306  
the contrary in this chapter, individuals younger than five years 30307  
of age who are enrolled in a Montessori program shall be offered 30308  
at least four hundred fifty-five hours of learning opportunities 30309  
per school year. 30310

If the school operates a preschool program that is licensed 30311  
by the department of education under sections 3301.52 to 3301.59 30312  
of the Revised Code, admission to the school may be open to 30313  
individuals who are younger than five years of age, but the school 30314  
shall not receive funds under this chapter for those individuals. 30315

(B)(1) That admission to the school may be limited to 30316  
students who have attained a specific grade level or are within a 30317  
specific age group; to students that meet a definition of 30318  
"at-risk," as defined in the contract; to residents of a specific 30319  
geographic area within the district, as defined in the contract; 30320  
or to separate groups of autistic students and nondisabled 30321  
students, as authorized in section 3314.061 of the Revised Code 30322  
and as defined in the contract. 30323

(2) For purposes of division (B)(1) of this section, 30324  
"at-risk" students may include those students identified as gifted 30325  
students under section 3324.03 of the Revised Code. 30326

(C) Whether enrollment is limited to students who reside in 30327  
the district in which the school is located or is open to 30328  
residents of other districts, as provided in the policy adopted 30329  
pursuant to the contract. 30330

(D)(1) That there will be no discrimination in the admission 30331  
of students to the school on the basis of race, creed, color, 30332  
disability, or sex except that: 30333

(a) The governing authority may do either of the following 30334  
for the purpose described in division (G) of this section: 30335

(i) Establish a single-gender school for either sex; 30336

(ii) Establish single-gender schools for each sex under the 30337  
same contract, provided substantially equal facilities and 30338  
learning opportunities are offered for both boys and girls. Such 30339  
facilities and opportunities may be offered for each sex at 30340  
separate locations. 30341

(b) The governing authority may establish a school that 30342  
simultaneously serves a group of students identified as autistic 30343  
and a group of students who are not disabled, as authorized in 30344  
section 3314.061 of the Revised Code. However, unless the total 30345  
capacity established for the school has been filled, no student 30346  
with any disability shall be denied admission on the basis of that 30347  
disability. 30348

(2) That upon admission of any student with a disability, the 30349  
community school will comply with all federal and state laws 30350  
regarding the education of students with disabilities. 30351

(E) That the school may not limit admission to students on 30352  
the basis of intellectual ability, measures of achievement or 30353



aptitude, or athletic ability, except that a school may limit its enrollment to students as described in division (B) of this section. 30354  
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(F) That the community school will admit the number of students that does not exceed the capacity of the school's programs, classes, grade levels, or facilities. 30357  
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(G) That the purpose of single-gender schools that are established shall be to take advantage of the academic benefits some students realize from single-gender instruction and facilities and to offer students and parents residing in the district the option of a single-gender education. 30360  
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(H) That, except as otherwise provided under division (B) of this section or section 3314.061 of the Revised Code, if the number of applicants exceeds the capacity restrictions of division (F) of this section, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending the school the previous year and to students who reside in the district in which the school is located. Preference may be given to siblings of students attending the school the previous year. 30365  
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Notwithstanding divisions (A) to (H) of this section, in the event the racial composition of the enrollment of the community school is violative of a federal desegregation order, the community school shall take any and all corrective measures to comply with the desegregation order. 30374  
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**Sec. 3314.08.** (A) As used in this section: 30379

(1)(a) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code. 30380  
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(b) "Category two career-technical student" means a student 30384  
who is receiving the career-technical education services described 30385  
in division (B) of section 3317.014 of the Revised Code. 30386

(c) "Category three career-technical student" means a student 30387  
who is receiving the career-technical education services described 30388  
in division (C) of section 3317.014 of the Revised Code. 30389

(d) "Category four career-technical student" means a student 30390  
who is receiving the career-technical education services described 30391  
in division (D) of section 3317.014 of the Revised Code. 30392

(e) "Category five career-technical education student" means 30393  
a student who is receiving the career-technical education services 30394  
described in division (E) of section 3317.014 of the Revised Code. 30395

(2)(a) "Category one limited English proficient student" 30396  
means a limited English proficient student described in division 30397  
(A) of section 3317.016 of the Revised Code. 30398

(b) "Category two limited English proficient student" means a 30399  
limited English proficient student described in division (B) of 30400  
section 3317.016 of the Revised Code. 30401

(c) "Category three limited English proficient student" means 30402  
a limited English proficient student described in division (C) of 30403  
section 3317.016 of the Revised Code. 30404

(3)(a) "Category one special education student" means a 30405  
student who is receiving special education services for a 30406  
disability specified in division (A) of section 3317.013 of the 30407  
Revised Code. 30408

(b) "Category two special education student" means a student 30409  
who is receiving special education services for a disability 30410  
specified in division (B) of section 3317.013 of the Revised Code. 30411

(c) "Category three special education student" means a 30412  
student who is receiving special education services for a 30413

disability specified in division (C) of section 3317.013 of the Revised Code. 30414  
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(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code. 30416  
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(e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code. 30419  
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(f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code. 30422  
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(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. 30425  
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(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 30427  
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(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 30429  
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(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 30432  
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(B) The state board of education shall adopt rules requiring both of the following: 30434  
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(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled. 30436  
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(2) The governing authority of each community school established under this chapter to annually report all of the 30442  
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following:	30444
(a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	30445 30446 30447 30448
(b) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	30449 30450 30451 30452
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	30453 30454 30455 30456
(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code that are provided by the community school;	30457 30458 30459 30460 30461
(e) The number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;	30462 30463 30464 30465 30466 30467 30468 30469
(f) The number of students reported under divisions (B)(2)(a) and (b) of this section who are category one to three limited English proficient students described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;	30470 30471 30472 30473
(g) The number of students reported under divisions (B)(2)(a)	30474

and (b) who are economically disadvantaged, as defined by the 30475  
department. A student shall not be categorically excluded from the 30476  
number reported under division (B)(2)(g) of this section based on 30477  
anything other than family income. 30478

(h) For each student, the city, exempted village, or local 30479  
school district in which the student is entitled to attend school 30480  
under section 3313.64 or 3313.65 of the Revised Code. 30481

(i) The number of students enrolled in a preschool program 30482  
operated by the school that is licensed by the department of 30483  
education under sections 3301.52 to 3301.59 of the Revised Code 30484  
who are not receiving special education and related services 30485  
pursuant to an IEP. 30486

A school district board and a community school governing 30487  
authority shall include in their respective reports under division 30488  
(B) of this section any child admitted in accordance with division 30489  
(A)(2) of section 3321.01 of the Revised Code. 30490

A governing authority of a community school shall not include 30491  
in its report under ~~division (B)(2)~~ divisions (B)(2)(a) to (h) of 30492  
this section any student for whom tuition is charged under 30493  
division (F) of this section. 30494

(C)(1) Except as provided in division (C)(2) of this section, 30495  
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 30496  
section, on a full-time equivalency basis, for each student 30497  
enrolled in a community school established under this chapter, the 30498  
department of education annually shall deduct from the state 30499  
education aid of a student's resident district and, if necessary, 30500  
from the payment made to the district under sections 321.24 and 30501  
323.156 of the Revised Code and pay to the community school the 30502  
sum of the following: 30503

(a) An opportunity grant in an amount equal to the formula 30504  
amount; 30505

(b) The per pupil amount of targeted assistance funds	30506
calculated under division (A) of section 3317.0217 of the Revised	30507
Code for the student's resident district, as determined by the	30508
department, X 0.25;	30509
(c) Additional state aid for special education and related	30510
services provided under Chapter 3323. of the Revised Code as	30511
follows:	30512
(i) If the student is a category one special education	30513
student, the amount specified in division (A) of section 3317.013	30514
of the Revised Code;	30515
(ii) If the student is a category two special education	30516
student, the amount specified in division (B) of section 3317.013	30517
of the Revised Code;	30518
(iii) If the student is a category three special education	30519
student, the amount specified in division (C) of section 3317.013	30520
of the Revised Code;	30521
(iv) If the student is a category four special education	30522
student, the amount specified in division (D) of section 3317.013	30523
of the Revised Code;	30524
(v) If the student is a category five special education	30525
student, the amount specified in division (E) of section 3317.013	30526
of the Revised Code;	30527
(vi) If the student is a category six special education	30528
student, the amount specified in division (F) of section 3317.013	30529
of the Revised Code.	30530
(d) If the student is in kindergarten through third grade, an	30531
additional amount of <del>\$211</del> <u>\$305</u> , in fiscal year <del>2014</del> <u>2016</u> , and <del>\$290</del>	30532
<u>\$320</u> , in fiscal year <del>2015</del> <u>2017</u> ;	30533
(e) If the student is economically disadvantaged, an	30534
additional amount equal to the following:	30535

<del>(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X</del>	30536
<del>(the resident district's economically disadvantaged index)</del>	30537
(f) Limited English proficiency funds as follows:	30538
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	30539 30540 30541
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	30542 30543 30544
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	30545 30546 30547
(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:	30548 30549
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	30550 30551 30552
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	30553 30554 30555
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	30556 30557 30558
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	30559 30560 30561
(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	30562 30563 30564
Deduction and payment of funds under division (C)(1)(g) of	30565

this section is subject to approval by the lead district of a 30566  
career-technical planning district or the department of education 30567  
under section 3317.161 of the Revised Code. 30568

(2) When deducting from the state education aid of a 30569  
student's resident district for students enrolled in an internet- 30570  
or computer-based community school and making payments to such 30571  
school under this section, the department shall make the 30572  
deductions and payments described in only divisions (C)(1)(a), 30573  
(c), and (g) of this section. 30574

No deductions or payments shall be made for a student 30575  
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 30576  
of this section. 30577

(3)(a) If a community school's costs for a fiscal year for a 30578  
student receiving special education and related services pursuant 30579  
to an IEP for a disability described in divisions (B) to (F) of 30580  
section 3317.013 of the Revised Code exceed the threshold 30581  
catastrophic cost for serving the student as specified in division 30582  
(B) of section 3317.0214 of the Revised Code, the school may 30583  
submit to the superintendent of public instruction documentation, 30584  
as prescribed by the superintendent, of all its costs for that 30585  
student. Upon submission of documentation for a student of the 30586  
type and in the manner prescribed, the department shall pay to the 30587  
community school an amount equal to the school's costs for the 30588  
student in excess of the threshold catastrophic costs. 30589

(b) The community school shall report under division 30590  
(C)(3)(a) of this section, and the department shall pay for, only 30591  
the costs of educational expenses and the related services 30592  
provided to the student in accordance with the student's 30593  
individualized education program. Any legal fees, court costs, or 30594  
other costs associated with any cause of action relating to the 30595  
student may not be included in the amount. 30596



(4) In any fiscal year, a community school receiving funds 30597  
under division (C)(1)(g) of this section shall spend those funds 30598  
only for the purposes that the department designates as approved 30599  
for career-technical education expenses. Career-technical 30600  
education expenses approved by the department shall include only 30601  
expenses connected to the delivery of career-technical programming 30602  
to career-technical students. The department shall require the 30603  
school to report data annually so that the department may monitor 30604  
the school's compliance with the requirements regarding the manner 30605  
in which funding received under division (C)(1)(g) of this section 30606  
may be spent. 30607

(5) All funds received under division (C)(1)(g) of this 30608  
section shall be spent in the following manner: 30609

(a) At least seventy-five per cent of the funds shall be 30610  
spent on curriculum development, purchase, and implementation; 30611  
instructional resources and supplies; industry-based program 30612  
certification; student assessment, credentialing, and placement; 30613  
curriculum specific equipment purchases and leases; 30614  
career-technical student organization fees and expenses; home and 30615  
agency linkages; work-based learning experiences; professional 30616  
development; and other costs directly associated with 30617  
career-technical education programs including development of new 30618  
programs. 30619

(b) Not more than twenty-five per cent of the funds shall be 30620  
used for personnel expenditures. 30621

(6) A community school shall spend the funds it receives 30622  
under division (C)(1)(e) of this section in accordance with 30623  
section 3317.25 of the Revised Code. 30624

(7) If the sum of the payments computed under divisions 30625  
(C)(1) and (8)(a) of this section for the students entitled to 30626  
attend school in a particular school district under sections 30627

3313.64 and 3313.65 of the Revised Code exceeds the sum of that 30628  
district's state education aid and its payment under sections 30629  
321.24 and 323.156 of the Revised Code, the department shall 30630  
calculate and apply a proration factor to the payments to all 30631  
community schools under that division for the students entitled to 30632  
attend school in that district. 30633

(8)(a) Subject to division (C)(7) of this section, the 30634  
department annually shall pay to each community school, including 30635  
each internet- or computer-based community school, an amount equal 30636  
to the following: 30637

(The number of students reported by the community school 30638  
under division (B)(2)(e) of this section X the formula amount X 30639  
.20) 30640

(b) For each payment made to a community school under 30641  
division (C)(8)(a) of this section, the department shall deduct 30642  
from the state education aid of each city, local, and exempted 30643  
village school district and, if necessary, from the payment made 30644  
to the district under sections 321.24 and 323.156 of the Revised 30645  
Code an amount equal to the following: 30646

(The number of the district's students reported by the 30647  
community school under division (B)(2)(e) of this section X the 30648  
formula amount X .20) 30649

(D) A board of education sponsoring a community school may 30650  
utilize local funds to make enhancement grants to the school or 30651  
may agree, either as part of the contract or separately, to 30652  
provide any specific services to the community school at no cost 30653  
to the school. 30654

(E) A community school may not levy taxes or issue bonds 30655  
secured by tax revenues. 30656

(F) No community school shall charge tuition for the 30657  
enrollment of any student who is a resident of this state. A 30658

community school may charge tuition for the enrollment of any student who is not a resident of this state. 30659  
30660

(G)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to division (C) of this section. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school. 30661  
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(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities. 30668  
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(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school. 30670  
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(H) The department of education shall adjust the amounts subtracted and paid under division (C) of this section to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under this section including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools and corresponding deductions from school district accounts as provided under division (C) of this section. For purposes of this section: 30673  
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(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code. 30684  
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(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of 30688  
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the date on which the school both has received documentation of 30690  
the student's enrollment from a parent and the student has 30691  
commenced participation in learning opportunities as defined in 30692  
the contract with the sponsor, or thirty days prior to the date on 30693  
which the student is entered into the education management 30694  
information system established under section 3301.0714 of the 30695  
Revised Code. For purposes of applying this division and divisions 30696  
(H)(3) and (4) of this section to a community school student, 30697  
"learning opportunities" shall be defined in the contract, which 30698  
shall describe both classroom-based and non-classroom-based 30699  
learning opportunities and shall be in compliance with criteria 30700  
and documentation requirements for student participation which 30701  
shall be established by the department. Any student's instruction 30702  
time in non-classroom-based learning opportunities shall be 30703  
certified by an employee of the community school. A student's 30704  
enrollment shall be considered to cease on the date on which any 30705  
of the following occur: 30706

(a) The community school receives documentation from a parent 30707  
terminating enrollment of the student. 30708

(b) The community school is provided documentation of a 30709  
student's enrollment in another public or private school. 30710

(c) The community school ceases to offer learning 30711  
opportunities to the student pursuant to the terms of the contract 30712  
with the sponsor or the operation of any provision of this 30713  
chapter. 30714

Except as otherwise specified in this paragraph, beginning in 30715  
the 2011-2012 school year, any student who completed the prior 30716  
school year in an internet- or computer-based community school 30717  
shall be considered to be enrolled in the same school in the 30718  
subsequent school year until the student's enrollment has ceased 30719  
as specified in division (H)(2) of this section. The department 30720  
shall continue subtracting and paying amounts for the student 30721

under division (C) of this section without interruption at the 30722  
start of the subsequent school year. However, if the student 30723  
without a legitimate excuse fails to participate in the first one 30724  
hundred five consecutive hours of learning opportunities offered 30725  
to the student in that subsequent school year, the student shall 30726  
be considered not to have re-enrolled in the school for that 30727  
school year and the department shall recalculate the payments to 30728  
the school for that school year to account for the fact that the 30729  
student is not enrolled. 30730

(3) The department shall determine each community school 30731  
student's percentage of full-time equivalency based on the 30732  
percentage of learning opportunities offered by the community 30733  
school to that student, reported either as number of hours or 30734  
number of days, is of the total learning opportunities offered by 30735  
the community school to a student who attends for the school's 30736  
entire school year. However, no internet- or computer-based 30737  
community school shall be credited for any time a student spends 30738  
participating in learning opportunities beyond ten hours within 30739  
any period of twenty-four consecutive hours. Whether it reports 30740  
hours or days of learning opportunities, each community school 30741  
shall offer not less than nine hundred twenty hours of learning 30742  
opportunities during the school year. 30743

(4) With respect to the calculation of full-time equivalency 30744  
under division (H)(3) of this section, the department shall waive 30745  
the number of hours or days of learning opportunities not offered 30746  
to a student because the community school was closed during the 30747  
school year due to disease epidemic, hazardous weather conditions, 30748  
law enforcement emergencies, inoperability of school buses or 30749  
other equipment necessary to the school's operation, damage to a 30750  
school building, or other temporary circumstances due to utility 30751  
failure rendering the school building unfit for school use, so 30752  
long as the school was actually open for instruction with students 30753

in attendance during that school year for not less than the 30754  
minimum number of hours required by this chapter. The department 30755  
shall treat the school as if it were open for instruction with 30756  
students in attendance during the hours or days waived under this 30757  
division. 30758

(I) The department of education shall reduce the amounts paid 30759  
under this section to reflect payments made to colleges under 30760  
section 3365.07 of the Revised Code. 30761

(J)(1) No student shall be considered enrolled in any 30762  
internet- or computer-based community school or, if applicable to 30763  
the student, in any community school that is required to provide 30764  
the student with a computer pursuant to division (C) of section 30765  
3314.22 of the Revised Code, unless both of the following 30766  
conditions are satisfied: 30767

(a) The student possesses or has been provided with all 30768  
required hardware and software materials and all such materials 30769  
are operational so that the student is capable of fully 30770  
participating in the learning opportunities specified in the 30771  
contract between the school and the school's sponsor as required 30772  
by division (A)(23) of section 3314.03 of the Revised Code; 30773

(b) The school is in compliance with division (A) of section 30774  
3314.22 of the Revised Code, relative to such student. 30775

(2) In accordance with policies adopted jointly by the 30776  
superintendent of public instruction and the auditor of state, the 30777  
department shall reduce the amounts otherwise payable under 30778  
division (C) of this section to any community school that includes 30779  
in its program the provision of computer hardware and software 30780  
materials to any student, if such hardware and software materials 30781  
have not been delivered, installed, and activated for each such 30782  
student in a timely manner or other educational materials or 30783  
services have not been provided according to the contract between 30784

the individual community school and its sponsor. 30785

The superintendent of public instruction and the auditor of 30786  
state shall jointly establish a method for auditing any community 30787  
school to which this division pertains to ensure compliance with 30788  
this section. 30789

The superintendent, auditor of state, and the governor shall 30790  
jointly make recommendations to the general assembly for 30791  
legislative changes that may be required to assure fiscal and 30792  
academic accountability for such schools. 30793

(K)(1) If the department determines that a review of a 30794  
community school's enrollment is necessary, such review shall be 30795  
completed and written notice of the findings shall be provided to 30796  
the governing authority of the community school and its sponsor 30797  
within ninety days of the end of the community school's fiscal 30798  
year, unless extended for a period not to exceed thirty additional 30799  
days for one of the following reasons: 30800

(a) The department and the community school mutually agree to 30801  
the extension. 30802

(b) Delays in data submission caused by either a community 30803  
school or its sponsor. 30804

(2) If the review results in a finding that additional 30805  
funding is owed to the school, such payment shall be made within 30806  
thirty days of the written notice. If the review results in a 30807  
finding that the community school owes moneys to the state, the 30808  
following procedure shall apply: 30809

(a) Within ten business days of the receipt of the notice of 30810  
findings, the community school may appeal the department's 30811  
determination to the state board of education or its designee. 30812

(b) The board or its designee shall conduct an informal 30813  
hearing on the matter within thirty days of receipt of such an 30814

appeal and shall issue a decision within fifteen days of the 30815  
conclusion of the hearing. 30816

(c) If the board has enlisted a designee to conduct the 30817  
hearing, the designee shall certify its decision to the board. The 30818  
board may accept the decision of the designee or may reject the 30819  
decision of the designee and issue its own decision on the matter. 30820

(d) Any decision made by the board under this division is 30821  
final. 30822

(3) If it is decided that the community school owes moneys to 30823  
the state, the department shall deduct such amount from the 30824  
school's future payments in accordance with guidelines issued by 30825  
the superintendent of public instruction. 30826

(L) The department shall not subtract from a school 30827  
district's state aid account and shall not pay to a community 30828  
school under division (C) of this section any amount for any of 30829  
the following: 30830

(1) Any student who has graduated from the twelfth grade of a 30831  
public or nonpublic high school; 30832

(2) Any student who is not a resident of the state; 30833

(3) Any student who was enrolled in the community school 30834  
during the previous school year when assessments were administered 30835  
under section 3301.0711 of the Revised Code but did not take one 30836  
or more of the assessments required by that section and was not 30837  
excused pursuant to division (C)(1) or (3) of that section, unless 30838  
the superintendent of public instruction grants the student a 30839  
waiver from the requirement to take the assessment and a parent is 30840  
not paying tuition for the student pursuant to section 3314.26 of 30841  
the Revised Code. The superintendent may grant a waiver only for 30842  
good cause in accordance with rules adopted by the state board of 30843  
education. 30844



(4) Any student who has attained the age of twenty-two years, 30845  
except for veterans of the armed services whose attendance was 30846  
interrupted before completing the recognized twelve-year course of 30847  
the public schools by reason of induction or enlistment in the 30848  
armed forces and who apply for enrollment in a community school 30849  
not later than four years after termination of war or their 30850  
honorable discharge. If, however, any such veteran elects to 30851  
enroll in special courses organized for veterans for whom tuition 30852  
is paid under federal law, or otherwise, the department shall not 30853  
subtract from a school district's state aid account and shall not 30854  
pay to a community school under division (C) of this section any 30855  
amount for that veteran. 30856

**Sec. 3314.091.** (A) A school district is not required to 30857  
provide transportation for any native student enrolled in a 30858  
community school if the district board of education has entered 30859  
into an agreement with the community school's governing authority 30860  
that designates the community school as responsible for providing 30861  
or arranging for the transportation of the district's native 30862  
students to and from the community school. For any such agreement 30863  
to be effective, it must be certified by the superintendent of 30864  
public instruction as having met all of the following 30865  
requirements: 30866

(1) It is submitted to the department of education by a 30867  
deadline which shall be established by the department. 30868

(2) In accordance with divisions (C)(1) and (2) of this 30869  
section, it specifies qualifications, such as residing a minimum 30870  
distance from the school, for students to have their 30871  
transportation provided or arranged. 30872

(3) The transportation provided by the community school is 30873  
subject to all provisions of the Revised Code and all rules 30874  
adopted under the Revised Code pertaining to pupil transportation. 30875

(4) The sponsor of the community school also has signed the agreement. 30876  
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(B)(1) For the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school, if the community school during the previous school year transported the students enrolled in the school or arranged for the students' transportation, even if that arrangement consisted of having parents transport their children to and from the school, but did not enter into an agreement to transport or arrange for transportation for those students under division (A) of this section, and if the governing authority of the community school by July 15, 2007, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school. 30878  
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(2) Except as provided in division (B)(4) of this section, for any school year subsequent to the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school if the governing authority of the community school, by the thirty-first day of January of the previous school year, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school. If the governing authority of the community school has previously accepted responsibility for providing or arranging for the transportation of a district's native students to and from the community school, under division (B)(1) or (2) of this section, and has since relinquished that responsibility under division (B)(3) of this 30893  
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section, the governing authority shall not accept that 30908  
responsibility again unless the district board consents to the 30909  
governing authority's acceptance of that responsibility. 30910

(3) A governing authority's acceptance of responsibility 30911  
under division (B)(1) or (2) of this section shall cover an entire 30912  
school year, and shall remain in effect for subsequent school 30913  
years unless the governing authority submits written notification 30914  
to the district board that the governing authority is 30915  
relinquishing the responsibility. However, a governing authority 30916  
shall not relinquish responsibility for transportation before the 30917  
end of a school year, and shall submit the notice relinquishing 30918  
responsibility by the thirty-first day of January, in order to 30919  
allow the school district reasonable time to prepare 30920  
transportation for its native students enrolled in the school. 30921

(4)(a) For any school year that begins on or after July 1, 30922  
2014, a school district is not required to provide transportation 30923  
for any native student enrolled in a community school scheduled to 30924  
open for operation in the current school year, if the governing 30925  
authority of the community school, by the fifteenth day of April 30926  
of the previous school year, submits written notification to the 30927  
district board of education stating that the governing authority 30928  
is accepting responsibility for providing or arranging for the 30929  
transportation of the district's native students to and from the 30930  
community school. 30931

(b) The governing authority of a community school that 30932  
accepts responsibility for transporting its students under 30933  
division (B)(4)(a) of this section shall comply with divisions 30934  
(B)(2) and (3) of this section to renew or relinquish that 30935  
authority for subsequent school years. 30936

(C)(1) A community school governing authority that enters 30937  
into an agreement under division (A) of this section, or that 30938  
accepts responsibility under division (B) of this section, shall 30939

provide or arrange transportation free of any charge for each of 30940  
its enrolled students who is required to be transported under 30941  
section 3327.01 of the Revised Code ~~or who would otherwise be~~ 30942  
~~transported by the school district under the district's~~ 30943  
~~transportation policy.~~ The governing authority shall report to the 30944  
department of education the number of students transported or for 30945  
whom transportation is arranged under this section in accordance 30946  
with rules adopted by the state board of education. 30947

(2) The governing authority may provide or arrange 30948  
transportation for any other enrolled student who is not eligible 30949  
for transportation in accordance with division (C)(1) of this 30950  
section and may charge a fee for such service up to the actual 30951  
cost of the service. 30952

(3) Notwithstanding anything to the contrary in division 30953  
(C)(1) or (2) of this section, a community school governing 30954  
authority shall provide or arrange transportation free of any 30955  
charge for any disabled student enrolled in the school for whom 30956  
the student's individualized education program developed under 30957  
Chapter 3323. of the Revised Code specifies transportation. 30958

(D)(1) If a school district board and a community school 30959  
governing authority elect to enter into an agreement under 30960  
division (A) of this section, the department of education shall 30961  
make payments to the community school according to the terms of 30962  
the agreement for each student actually transported under division 30963  
(C)(1) of this section. 30964

If a community school governing authority accepts 30965  
transportation responsibility under division (B) of this section, 30966  
the department shall make payments to the community school for 30967  
each student actually transported or for whom transportation is 30968  
arranged by the community school under division (C)(1) of this 30969  
section, calculated as follows: 30970

(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B)(1) or (2) of this section.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with section 3317.0212 of the Revised Code and any rules of the state board of education implementing that section, the payment to the community school shall be the amount so calculated on a per rider basis that otherwise would be paid to the school district in which the student is entitled to attend school by the method of transportation the district would have used. The community school, however, is not required to use the same method to transport that student.

(c) Divisions (D)(1)(a) and (b) of this section do not apply to fiscal years 2012 and 2013. Rather, for each of those fiscal years, the per pupil payment to a community school for transporting a student shall be the total amount paid under former section 3306.12 of the Revised Code for fiscal year 2011 to the school district in which the child is entitled to attend school divided by that district's "qualifying ridership," as defined in

that section for fiscal year 2011. 31003

As used in this division "entitled to attend school" means 31004  
entitled to attend school under section 3313.64 or 3313.65 of the 31005  
Revised Code. 31006

(2) The department shall deduct the payment under division 31007  
(D)(1) of this section from the state education aid, as defined in 31008  
section 3314.08 of the Revised Code, and, if necessary, the 31009  
payment under sections 321.14 and 323.156 of the Revised Code, 31010  
that is otherwise paid to the school district in which the student 31011  
enrolled in the community school is entitled to attend school. The 31012  
department shall include the number of the district's native 31013  
students for whom payment is made to a community school under 31014  
division (D)(1) of this section in the calculation of the 31015  
district's transportation payment under section 3317.0212 of the 31016  
Revised Code and the operating appropriations act. 31017

(3) A community school shall be paid under division (D)(1) of 31018  
this section only for students who are eligible as specified in 31019  
section 3327.01 of the Revised Code and division (C)(1) of this 31020  
section, and whose transportation to and from school is actually 31021  
provided, who actually utilized transportation arranged, or for 31022  
whom a payment in lieu of transportation is made by the community 31023  
school's governing authority. To qualify for the payments, the 31024  
community school shall report to the department, in the form and 31025  
manner required by the department, data on the number of students 31026  
transported or whose transportation is arranged, the number of 31027  
miles traveled, cost to transport, and any other information 31028  
requested by the department. 31029

(4) A community school shall use payments received under this 31030  
section solely to pay the costs of providing or arranging for the 31031  
transportation of students who are eligible as specified in 31032  
section 3327.01 of the Revised Code and division (C)(1) of this 31033  
section, which may include payments to a parent, guardian, or 31034

other person in charge of a child in lieu of transportation. 31035

(E) Except when arranged through payment to a parent, 31036  
guardian, or person in charge of a child, transportation provided 31037  
or arranged for by a community school pursuant to an agreement 31038  
under this section is subject to all provisions of the Revised 31039  
Code, and all rules adopted under the Revised Code, pertaining to 31040  
the construction, design, equipment, and operation of school buses 31041  
and other vehicles transporting students to and from school. The 31042  
drivers and mechanics of the vehicles are subject to all 31043  
provisions of the Revised Code, and all rules adopted under the 31044  
Revised Code, pertaining to drivers and mechanics of such 31045  
vehicles. The community school also shall comply with sections 31046  
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 31047  
of section 3327.16 of the Revised Code and, subject to division 31048  
(C)(1) of this section, sections 3327.01 and 3327.02 of the 31049  
Revised Code, as if it were a school district. 31050

**Sec. 3314.38.** (A) An individual who is at least twenty-two 31051  
years of age and who is an eligible individual as defined in 31052  
section 3317.23 of the Revised Code may enroll for up to two 31053  
~~cumulative~~ consecutive school years in a dropout prevention and 31054  
recovery program operated by a community school that is designed 31055  
to allow enrollees to earn a high school diploma. An individual 31056  
enrolled under this division may elect to satisfy the requirements 31057  
to earn a high school diploma by successfully completing a 31058  
competency-based ~~instructional~~ educational program, as defined in 31059  
section 3317.23 of the Revised Code, that complies with the 31060  
standards adopted by the ~~state board~~ department of education under 31061  
section 3317.231 of the Revised Code. The community school shall 31062  
report that individual's enrollment on a full-time equivalency 31063  
basis to the department ~~of education~~. This report shall be in 31064  
addition to the report required under division (B) of section 31065  
3314.08 of the Revised Code. An individual enrolled under this 31066

division shall not be assigned to classes or settings with 31067  
students who are younger than eighteen years of age. 31068

(B)(1) For each community school that enrolls individuals 31069  
under division (A) of this section, the department ~~of education~~ 31070  
annually shall certify the enrollment and attendance, on a 31071  
full-time equivalency basis, of each individual reported by the 31072  
school under that division. 31073

(2) For each individual enrolled in a community school under 31074  
division (A) of this section, the department annually shall pay ~~to~~ 31075  
the community school ~~an amount equal to the following:~~ 31076

~~\$5,000 X the individual's enrollment on a full-time 31077  
equivalency basis as certified under division (B)(1) of this 31078  
section X the portion of the school year in which the individual 31079  
is enrolled in the school expressed as a percentage up to \$5,000, 31080  
as determined by the department based on the extent of the 31081  
individual's successful completion of the graduation requirements 31082  
prescribed under division (A)(11)(f) of section 3314.03 of the 31083  
Revised Code. 31084~~

(C) A community school that enrolls individuals under 31085  
division (A) of this section shall be subject to the program 31086  
administration standards adopted by the ~~state board~~ department 31087  
under section 3317.231 of the Revised Code, as applicable. 31088

**Sec. 3317.01.** As used in this section, "school district," 31089  
unless otherwise specified, means any city, local, exempted 31090  
village, joint vocational, or cooperative education school 31091  
district and any educational service center. 31092

This chapter shall be administered by the state board of 31093  
education. The superintendent of public instruction shall 31094  
calculate the amounts payable to each school district and shall 31095  
certify the amounts payable to each eligible district to the 31096



treasurer of the district as provided by this chapter. As soon as 31097  
possible after such amounts are calculated, the superintendent 31098  
shall certify to the treasurer of each school district the 31099  
district's adjusted charge-off increase, as defined in section 31100  
5705.211 of the Revised Code. Certification of moneys pursuant to 31101  
this section shall include the amounts payable to each school 31102  
building, at a frequency determined by the superintendent, for 31103  
each subgroup of students, as defined in section 3317.40 of the 31104  
Revised Code, receiving services, provided for by state funding, 31105  
from the district or school. No moneys shall be distributed 31106  
pursuant to this chapter without the approval of the controlling 31107  
board. 31108

The state board of education shall, in accordance with 31109  
appropriations made by the general assembly, meet the financial 31110  
obligations of this chapter. 31111

Moneys distributed to school districts pursuant to this 31112  
chapter shall be calculated based on the annual enrollment 31113  
calculated from the three reports required under sections 3317.03 31114  
and 3317.036 of the Revised Code and paid on a fiscal year basis, 31115  
beginning with the first day of July and extending through the 31116  
thirtieth day of June. In any given fiscal year, prior to school 31117  
districts submitting the first report required under section 31118  
3317.03 of the Revised Code, enrollment for the districts shall be 31119  
calculated based on the third report submitted by the districts 31120  
for the previous fiscal year. The moneys appropriated for each 31121  
fiscal year shall be distributed periodically to each school 31122  
district unless otherwise provided for. The state board, in June 31123  
of each year, shall submit to the controlling board the state 31124  
board's year-end distributions pursuant to this chapter. 31125

Except as otherwise provided, payments under this chapter 31126  
shall be made only to those school districts in which: 31127

(A) The school district, except for any educational service 31128

center and any joint vocational or cooperative education school 31129  
district, levies for current operating expenses at least twenty 31130  
mills. Levies for joint vocational or cooperative education school 31131  
districts or county school financing districts, limited to or to 31132  
the extent apportioned to current expenses, shall be included in 31133  
this qualification requirement. School district income tax levies 31134  
under Chapter 5748. of the Revised Code, limited to or to the 31135  
extent apportioned to current operating expenses, shall be 31136  
included in this qualification requirement to the extent 31137  
determined by the tax commissioner under division (D) of section 31138  
3317.021 of the Revised Code. 31139

(B) The school year next preceding the fiscal year for which 31140  
such payments are authorized meets the requirement of section 31141  
3313.48 of the Revised Code, with regard to the minimum number of 31142  
hours school must be open for instruction with pupils in 31143  
attendance, for individualized parent-teacher conference and 31144  
reporting periods, and for professional meetings of teachers. 31145

A school district shall not be considered to have failed to 31146  
comply with this division because schools were open for 31147  
instruction but either twelfth grade students were excused from 31148  
attendance for up to the equivalent of three school days or only a 31149  
portion of the kindergarten students were in attendance for up to 31150  
the equivalent of three school days in order to allow for the 31151  
gradual orientation to school of such students. 31152

A board of education or governing board of an educational 31153  
service center which has not conformed with other law and the 31154  
rules pursuant thereto, shall not participate in the distribution 31155  
of funds authorized by this chapter, except for good and 31156  
sufficient reason established to the satisfaction of the state 31157  
board of education and the state controlling board. 31158

All funds allocated to school districts under this chapter, 31159  
except those specifically allocated for other purposes, shall be 31160

used to pay current operating expenses only. 31161

**Sec. 3317.013.** The amounts for the following categories of 31162  
special education programs, as these programs are defined for 31163  
purposes of Chapter 3323. of the Revised Code, are as follows: 31164

(A) An amount of ~~\$1,503~~ \$1,547, in fiscal year ~~2014~~ 2016, or 31165  
~~\$1,517~~ \$1,578, in fiscal year ~~2015~~ 2017, for each student whose 31166  
primary or only identified disability is a speech and language 31167  
disability, as this term is defined pursuant to Chapter 3323. of 31168  
the Revised Code; 31169

(B) An amount of ~~\$3,813~~ \$3,926, in fiscal year ~~2014~~ 2016, or 31170  
~~\$3,849~~ \$4,005, in fiscal year ~~2015~~ 2017, for each student 31171  
identified as specific learning disabled or developmentally 31172  
disabled, as these terms are defined pursuant to Chapter 3323. of 31173  
the Revised Code, identified as having an other health 31174  
impairment-minor, or identified as a preschool child who is 31175  
developmentally delayed; 31176

(C) An amount of ~~\$9,160~~ \$9,433, in fiscal year ~~2014~~ 2016, or 31177  
~~\$9,248~~ \$9,622, in fiscal year ~~2015~~ 2017, for each student 31178  
identified as hearing disabled or severe behavior disabled, as 31179  
these terms are defined pursuant to Chapter 3323. of the Revised 31180  
Code; 31181

(D) An amount of ~~\$12,225~~ \$12,589, in fiscal year ~~2014~~ 2016, 31182  
or ~~\$12,342~~ \$12,841, in fiscal year ~~2015~~ 2017, for each student 31183  
identified as vision impaired, as this term is defined pursuant to 31184  
Chapter 3323. of the Revised Code, or as having an other health 31185  
impairment-major; 31186

(E) An amount of ~~\$16,557~~ \$17,049, in fiscal year ~~2014~~ 2016, 31187  
or ~~\$16,715~~ \$17,390, in fiscal year ~~2015~~ 2017, for each student 31188  
identified as orthopedically disabled or as having multiple 31189  
disabilities, as these terms are defined pursuant to Chapter 3323. 31190

of the Revised Code; 31191

(F) An amount of ~~\$24,407~~ \$25,134, in fiscal year ~~2014~~ 2016, 31192  
or ~~\$24,641~~ \$25,637, in fiscal year ~~2015~~ 2017, for each student 31193  
identified as autistic, having traumatic brain injuries, or as 31194  
both visually and hearing impaired, as these terms are defined 31195  
pursuant to Chapter 3323. of the Revised Code. 31196

**Sec. 3317.014.** The career-technical education additional 31197  
amount per pupil for each student enrolled in career-technical 31198  
education programs approved by the department of education under 31199  
section 3317.161 of the Revised Code shall be as follows: 31200

(A) An amount of ~~\$4,750~~ \$4,992, in fiscal year ~~2014~~ 2016, or 31201  
~~\$4,800~~ \$5,192, in fiscal year ~~2015~~ 2017, for each student enrolled 31202  
in career-technical education workforce development programs in 31203  
agricultural and environmental systems, construction technologies, 31204  
engineering and science technologies, finance, health science, 31205  
information technology, and manufacturing technologies, each of 31206  
which shall be defined by the department in consultation with the 31207  
governor's office of workforce transformation; 31208

(B) An amount of ~~\$4,500~~ \$4,732, in fiscal year ~~2014~~ 2016, or 31209  
~~\$4,550~~ \$4,921, in fiscal year ~~2015~~ 2017, for each student enrolled 31210  
in workforce development programs in business and administration, 31211  
hospitality and tourism, human services, law and public safety, 31212  
transportation systems, and arts and communications, each of which 31213  
shall be defined by the department in consultation with the 31214  
governor's office of workforce transformation; 31215

(C) An amount of ~~\$1,650~~ \$1,726, in fiscal year ~~2014~~ 2016, or 31216  
~~\$1,660~~ \$1,795, in fiscal year ~~2015~~ 2017, for students enrolled in 31217  
career-based intervention programs, which shall be defined by the 31218  
department in consultation with the governor's office of workforce 31219  
transformation; 31220

(D) An amount of ~~\$1,400~~ \$1,466, in fiscal year ~~2014~~ 2016, or 31221  
~~\$1,410~~ \$1,525, in fiscal year ~~2015~~ 2017, for students enrolled in 31222  
workforce development programs in education and training, 31223  
marketing, workforce development academics, public administration, 31224  
and career development, each of which shall be defined by the 31225  
department of education in consultation with the governor's office 31226  
of workforce transformation; 31227

(E) An amount of ~~\$1,200~~ \$1,258, in fiscal year ~~2014~~ 2016, or 31228  
~~\$1,210~~ \$1,308, in fiscal year ~~2015~~ 2017, for students enrolled in 31229  
family and consumer science programs, which shall be defined by 31230  
the department of education in consultation with the governor's 31231  
office of workforce transformation. 31232

The amount for career-technical education associated 31233  
services, as defined by the department, shall be ~~\$225~~ \$236, in 31234  
fiscal year ~~2014~~ 2016, or ~~\$227~~ \$245, in fiscal year ~~2015~~ 2017. 31235

**Sec. 3317.016.** The amounts for limited English proficient 31236  
students shall be as follows: 31237

(A) An amount of ~~\$1,500, in fiscal year 2014, and \$1,515, in~~ 31238  
~~fiscal year 2015,~~ for each student who has been enrolled in 31239  
schools in the United States for 180 school days or less and was 31240  
not previously exempted from taking the spring administration of 31241  
either of the state's English language arts assessments prescribed 31242  
by section 3301.0710 of the Revised Code (reading or writing). 31243

(B) An amount of ~~\$1,125, in fiscal year 2014, and \$1,136, in~~ 31244  
~~fiscal year 2015,~~ for each student who has been enrolled in 31245  
schools in the United States for more than 180 school days or was 31246  
previously exempted from taking the spring administration of 31247  
either of the state's English language arts assessments prescribed 31248  
by section 3301.0710 of the Revised Code (reading or writing). 31249

(C) An amount of ~~\$750, in fiscal year 2014, and \$758, in~~ 31250

~~fiscal year 2015~~, for each student who does not qualify for 31251  
inclusion under division (A) or (B) of this section and is in a 31252  
trial-mainstream period, as defined by the department. 31253

**Sec. 3317.017.** The department of education shall compute a 31254  
school district's ~~state share index~~ capacity measure as follows: 31255

(A) Calculate the district's valuation index, which equals 31256  
the following quotient: 31257

(The district's three-year average valuation / the district's 31258  
total ADM) / (the statewide three-year average valuation for 31259  
school districts with a total ADM greater than zero / the 31260  
statewide total ADM) 31261

(B) Calculate the district's median income index, which 31262  
equals the following quotient: 31263

(The district's median Ohio adjusted gross income / the 31264  
median of the median Ohio adjusted gross income of all districts 31265  
statewide with a total ADM greater than zero) 31266

(C) Determine the district's ~~wealth index~~ capacity measure as 31267  
follows: 31268

(1) If the district's median income index is less than the 31269  
~~district's valuation index~~ lower limit, then the district's ~~wealth~~ 31270  
~~index~~ capacity measure shall be equal to [~~(1/3 X the district's~~ 31271  
~~median income index) + (2/3 X the district's valuation index) -~~ 31272  
(the lower limit - the district's median income index)]. 31273

(2) If the district's median income index is greater than or 31274  
equal to the lower limit and less than or equal to the upper 31275  
limit, then the district's capacity measure shall be equal to the 31276  
district's valuation index. 31277

(3) If the district's median income index is greater than or 31278  
equal to the district's valuation index the upper limit, then the 31279  
district's ~~wealth index~~ capacity measure shall be equal to {the 31280

district's valuation index + [(the district's median income index - the upper limit) X (0.20 in fiscal year 2016 or 0.40 in fiscal year 2017)]}. 31281  
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For purposes of these calculations, "upper limit" and "lower limit" shall be computed pursuant to section 3317.018 of the Revised Code. 31284  
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~~(D) Determine the district's state share index as follows:~~ 31287

~~(1) If the district's wealth index is less than or equal to 0.35, then the district's state share index shall be equal to 0.90.~~ 31288  
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~~(2) If the district's wealth index is greater than 0.35 but less than or equal to 0.90, then the district's state share index shall be equal to {0.40 X [(0.90 - the district's wealth index) / 0.55]} + 0.50.~~ 31291  
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~~(3) If the district's wealth index is greater than 0.90 but less than 1.8, then the district's state share index shall be equal to {0.45 X [(1.8 - the district's wealth index) / 0.9]} + 0.05.~~ 31295  
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~~(4) If the district's wealth index is greater than or equal to 1.8, then the district's state share index shall be equal to 0.05.~~ 31299  
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~~(E)(1) For each school district for which the tax exempt value of the district, as certified under division (A)(4) of section 3317.021 of the Revised Code, equals or exceeds thirty per cent of the potential value of the district, the department shall calculate the difference between the district's tax exempt value and thirty per cent of the district's potential value. For this purpose, the "potential value" of a school district is the three year average valuation of the district plus the tax exempt value of the district.~~ 31302  
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~~(2) For each school district to which division (E)(1) of this section applies, the department shall adjust the three year average valuation used in the calculation under division (A) of this section by subtracting from it the amount calculated under division (E)(1) of this section.~~ 31311  
31312  
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~~(F) When Unless otherwise specified in this section, when performing the calculations required under this section, the department shall not round to fewer than four decimal places.~~ 31316  
31317  
31318

~~(E) For purposes of these calculations for fiscal years 2014 and 2015:~~ 31319  
31320

~~(1) For fiscal year 2016, "three year average valuation" means the average of total taxable value for fiscal years 2012, 2013, and 2014; "total ADM" means the total ADM for fiscal year 2014; "median 2015."~~ 31321  
31322  
31323  
31324

~~(2) For fiscal year 2017, "total ADM" means the total ADM for fiscal year 2016.~~ 31325  
31326

~~(3) "Median Ohio adjusted gross income" means the median Ohio adjusted gross income for tax year 2011; and "tax exempt 2012 or 2013, whichever is the most recent tax year for which data is available."~~ 31327  
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31329  
31330

~~(4) "Tax-exempt value" means the tax-exempt value for ~~fiscal year 2014~~ the most recent tax year for which data is available.~~ 31331  
31332

**Sec. 3317.018.** (A) The department of education shall calculate the mean and standard deviation of the median income indices calculated for all school districts in this state under division (B) of section 3317.017 of the Revised Code other than kelley's island local school district, Erie county. 31333  
31334  
31335  
31336  
31337

(B) The department shall add one-half of the standard deviation determined under division (A) of this section to the mean determined under division (A) of this section and then round 31338  
31339  
31340



up the sum to two decimal places. This number shall be the "upper limit" for purposes of the calculations in division (C) of section 3317.017 of the Revised Code. 31341  
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31343

(C) The department shall subtract one-half of the standard deviation determined under division (A) of this section from the mean determined under division (A) of this section and then round down the difference to two decimal places. This number shall be the "lower limit" for purposes of the calculations in division (C) of section 3317.017 of the Revised Code. 31344  
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**Sec. 3317.019.** The department of education shall compute a school district's income factor in accordance with divisions (A) and (B) of this section. 31350  
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31352

(A) The department shall calculate the district's median income index, which equals the following quotient: 31353  
31354

(The district's median Ohio adjusted gross income/the median of the median Ohio adjusted gross income of all districts statewide with a total ADM greater than zero) 31355  
31356  
31357

For purposes of this calculation, "median Ohio adjusted gross income" means the median Ohio adjusted gross income for the most recent tax year for which data is available. 31358  
31359  
31360

(B) The department shall determine the district's income factor as follows: 31361  
31362

(1) If the district's median income index is less than or equal to 1.0, the district's income factor shall be equal to its median income index. 31363  
31364  
31365

(2) If the district's median income index is greater than 1.0 but less than 1.5, the district's income factor shall be calculated as follows: 31366  
31367  
31368

(a) First, calculate the following quotient: 31369

{[(the district's median income index - 1) X 0.315] / 0.5} 31370

(b) Next, multiply the quotient calculated in division (B)(2)(a) of this section by 0.5, for fiscal year 2016, or 0.6, for fiscal year 2017; 31371  
31372  
31373

(c) Finally, determine the district's income factor by adding 1 to the product calculated in division (B)(2)(b) of this section. 31374  
31375

(3) If the district's median income index is greater than or equal to 1.5, the district's income factor shall be equal to the following: 31376  
31377  
31378

(a) For fiscal year 2016,  $[1 + (0.315 \times 0.50)]$ ; 31379

(b) For fiscal year 2017,  $[1 + (0.315 \times 0.60)]$ . 31380

**Sec. 3317.02.** As used in this chapter: 31381

(A)(1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) of section 3317.014 of the Revised Code and certified under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code. 31382  
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(2) "Category two career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (B) of section 3317.014 of the Revised Code and certified under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code. 31388  
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(3) "Category three career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (C) of section 3317.014 of the Revised Code and certified under division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised Code. 31394  
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(4) "Category four career-technical education ADM" means the 31400

enrollment of students during the school year on a full-time 31401  
equivalency basis in career-technical education programs described 31402  
in division (D) of section 3317.014 of the Revised Code and 31403  
certified under division (B)(14) or (D)(2)(k) of section 3317.03 31404  
of the Revised Code. 31405

(5) "Category five career-technical education ADM" means the 31406  
enrollment of students during the school year on a full-time 31407  
equivalency basis in career-technical education programs described 31408  
in division (E) of section 3317.014 of the Revised Code and 31409  
certified under division (B)(15) or (D)(2)(l) of section 3317.03 31410  
of the Revised Code. 31411

(B)(1) "Category one limited English proficient ADM" means 31412  
the full-time equivalent number of limited English proficient 31413  
students described in division (A) of section 3317.016 of the 31414  
Revised Code and certified under division (B)(16) or (D)(2)(m) of 31415  
section 3317.03 of the Revised Code. 31416

(2) "Category two limited English proficient ADM" means the 31417  
full-time equivalent number of limited English proficient students 31418  
described in division (B) of section 3317.016 of the Revised Code 31419  
and certified under division (B)(17) or (D)(2)(n) of section 31420  
3317.03 of the Revised Code. 31421

(3) "Category three limited English proficient ADM" means the 31422  
full-time equivalent number of limited English proficient students 31423  
described in division (C) of section 3317.016 of the Revised Code 31424  
and certified under division (B)(18) or (D)(2)(o) of section 31425  
3317.03 of the Revised Code. 31426

(C)(1) "Category one special education ADM" means the 31427  
full-time equivalent number of children with disabilities 31428  
receiving special education services for the disability specified 31429  
in division (A) of section 3317.013 of the Revised Code and 31430  
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 31431

the Revised Code.	31432
(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and certified under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code.	31433 31434 31435 31436 31437 31438
(3) "Category three special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and certified under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code.	31439 31440 31441 31442 31443 31444
(4) "Category four special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and certified under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code.	31445 31446 31447 31448 31449
(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and certified under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code.	31450 31451 31452 31453 31454
(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code.	31455 31456 31457 31458 31459
(D) "County DD board" means a county board of developmental disabilities.	31460 31461
(E) "Economically disadvantaged index for a school district"	31462

means the square of the quotient of that district's percentage of students in its total ADM who are identified as economically disadvantaged as defined by the department of education, divided by the ~~statewide~~ percentage of students in the statewide total ADM identified as economically disadvantaged. For purposes of this calculation:

(1) For a city, local, or exempted village school district, the "statewide total ADM" equals the sum of the total ADM for all city, local, and exempted village school districts combined.

(2) For a joint vocational school district, the "statewide total ADM" equals the sum of the formula ADM for all joint vocational school districts combined.

(F)(1) "Formula ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows:

(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact.

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

(G) "Formula amount" means ~~\$5,745~~ \$5,900, for fiscal year

2014 2016, and ~~\$5,800~~ \$6,000, for fiscal year ~~2015~~ 2017. 31494

(H) "FTE basis" means a count of students based on full-time 31495  
equivalency, in accordance with rules adopted by the department of 31496  
education pursuant to section 3317.03 of the Revised Code. In 31497  
adopting its rules under this division, the department shall 31498  
provide for counting any student in category one, two, three, 31499  
four, five, or six special education ADM or in category one, two, 31500  
three, four, or five career technical education ADM in the same 31501  
proportion the student is counted in formula ADM. 31502

(I) "Income factor" means the income factor calculated for a 31503  
district under section 3317.019 of the Revised Code. 31504

(J) "Internet- or computer-based community school" has the 31505  
same meaning as in section 3314.02 of the Revised Code. 31506

~~(J)~~(K) "Medically fragile child" means a child to whom all of 31507  
the following apply: 31508

(1) The child requires the services of a doctor of medicine 31509  
or osteopathic medicine at least once a week due to the 31510  
instability of the child's medical condition. 31511

(2) The child requires the services of a registered nurse on 31512  
a daily basis. 31513

(3) The child is at risk of institutionalization in a 31514  
hospital, skilled nursing facility, or intermediate care facility 31515  
for individuals with intellectual disabilities. 31516

~~(K)~~(L)(1) A child may be identified as having an "other 31517  
health impairment-major" if the child's condition meets the 31518  
definition of "other health impaired" established in rules 31519  
previously adopted by the state board of education and if either 31520  
of the following apply: 31521

(a) The child is identified as having a medical condition 31522  
that is among those listed by the superintendent of public 31523

instruction as conditions where a substantial majority of cases 31524  
fall within the definition of "medically fragile child." 31525

(b) The child is determined by the superintendent of public 31526  
instruction to be a medically fragile child. A school district 31527  
superintendent may petition the superintendent of public 31528  
instruction for a determination that a child is a medically 31529  
fragile child. 31530

(2) A child may be identified as having an "other health 31531  
impairment-minor" if the child's condition meets the definition of 31532  
"other health impaired" established in rules previously adopted by 31533  
the state board of education but the child's condition does not 31534  
meet either of the conditions specified in division ~~(K)~~(L)(1)(a) 31535  
or (b) of this section. 31536

~~(L)~~(M) "Preschool child with a disability" means a child with 31537  
a disability, as defined in section 3323.01 of the Revised Code, 31538  
who is at least age three but is not of compulsory school age, as 31539  
defined in section 3321.01 of the Revised Code, and who is not 31540  
currently enrolled in kindergarten. 31541

~~(M)~~(N) "Preschool scholarship ADM" means the number of 31542  
preschool children with disabilities certified under division 31543  
(B)(3)(h) of section 3317.03 of the Revised Code. 31544

~~(N)~~(O) "Related services" includes: 31545

(1) Child study, special education supervisors and 31546  
coordinators, speech and hearing services, adaptive physical 31547  
development services, occupational or physical therapy, teacher 31548  
assistants for children with disabilities whose disabilities are 31549  
described in division (B) of section 3317.013 or division (B)(3) 31550  
of this section, behavioral intervention, interpreter services, 31551  
work study, nursing services, and specialized integrative services 31552  
as those terms are defined by the department; 31553

(2) Speech and language services provided to any student with 31554

a disability, including any student whose primary or only disability is a speech and language disability; 31555  
31556

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services; 31557  
31558  
31559

(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code; 31560  
31561

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs. 31562  
31563  
31564

~~(O)~~(P) "School district," unless otherwise specified, means city, local, and exempted village school districts. 31565  
31566

~~(P)~~(O) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 31567  
31568

~~(O)~~(R) "State share ~~index~~ percentage" means the ~~state share index calculated for a district under section 3317.017 of the Revised Code.~~ following: 31569  
31570  
31571

(1) For a city, local, or exempted village school district, the following quotient: 31572  
31573

The amount computed under division (A)(1) of section 3317.022 of the Revised Code / [the formula amount X (formula ADM + preschool scholarship ADM)] 31574  
31575  
31576

(2) For a joint vocational school district, the following quotient: 31577  
31578

The amount computed under division (A)(1) of section 3317.16 of the Revised Code / (the formula amount X formula ADM) 31579  
31580

~~(R)~~(S) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property. 31581  
31582  
31583  
31584



<u>(S) (T)(1) For purposes of section 3317.017 of the Revised Code, "three-year average valuation" means the following:</u>	31585
	31586
<u>(a) For fiscal year 2016, the average of total taxable value for tax years 2013, 2014, and 2015.</u>	31587
	31588
<u>(b) For fiscal year 2017, the average of total taxable value for tax years 2014, 2015, and 2016.</u>	31589
	31590
<u>(2) For purposes of section 3317.022 of the Revised Code, division (A) of section 3317.0217 of the Revised Code, and section 3317.0218 of the Revised Code, "average valuation" means the following:</u>	31591
	31592
	31593
	31594
<u>(a) If, for tax year 2014, more than twenty per cent of the total taxable real property in a city, local, or exempted village school district is agricultural property:</u>	31595
	31596
	31597
<u>(i) For fiscal year 2016, the average of total taxable value for tax years 2009, 2010, 2011, 2012, 2013, and 2014;</u>	31598
	31599
<u>(ii) For fiscal year 2017, the average of total taxable value for tax years 2010, 2011, 2012, 2013, 2014, and 2015.</u>	31600
	31601
<u>(b) If, for tax year 2014, twenty per cent or less of the total taxable real property in a city, local, or exempted village school district is agricultural property:</u>	31602
	31603
	31604
<u>(i) For fiscal year 2016, the average of total taxable value for tax years 2012, 2013, and 2014;</u>	31605
	31606
<u>(ii) For fiscal year 2017, the average of total taxable value for tax years 2013, 2014, and 2015.</u>	31607
	31608
<u>(3) For purposes of section 3317.16 of the Revised Code, "average valuation" means the following:</u>	31609
	31610
<u>(a) For fiscal year 2016, the average of total taxable value for tax years 2012, 2013, and 2014;</u>	31611
	31612
<u>(b) For fiscal year 2017, the average of total taxable value</u>	31613

for tax years 2013, 2014, and 2015. 31614

(U) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section. 31615  
31616  
31617  
31618  
31619

~~(T)~~(V) "Total special education ADM" means the sum of categories one through six special education ADM. 31620  
31621

~~(U)~~(W) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code. 31622  
31623  
31624  
31625

**Sec. 3317.022.** (A) The department of education shall compute and distribute state core foundation funding to each eligible school district for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins, as prescribed in the following divisions: 31626  
31627  
31628  
31629  
31630  
31631

(1)(a) An opportunity grant calculated according to the following formula: 31632  
31633

The formula amount X (formula ADM + preschool scholarship ADM) ~~X the district's state share index - (0.020 X the district's average valuation X the district's income factor)~~ 31634  
31635  
31636

However, no district shall receive an opportunity grant that is less than 0.05 times the formula amount times (formula ADM + preschool scholarship ADM). 31637  
31638  
31639

(b)(i) For each school district for which the tax-exempt value of the district, as certified under division (A)(4) of section 3317.021 of the Revised Code, equals or exceeds thirty per cent of the potential value of the district, the department shall 31640  
31641  
31642  
31643

calculate the difference between the district's tax-exempt value 31644  
and thirty per cent of the district's potential value. For this 31645  
purpose, the "potential value" of a school district is the average 31646  
valuation of the district plus the tax-exempt value of the 31647  
district for the most recent tax year for which data is available. 31648

(ii) For each school district to which division (A)(1)(b)(i) 31649  
of this section applies, the department shall adjust the average 31650  
valuation used in the calculation under division (A)(1)(a) of this 31651  
section by subtracting from it the amount calculated under 31652  
division (A)(1)(b)(i) of this section. 31653

(2) Targeted assistance funds calculated under divisions (A) 31654  
and (B) of section 3317.0217 of the Revised Code and capacity aid 31655  
funds calculated under section 3317.0218 of the Revised Code; 31656

(3) Additional state aid for special education and related 31657  
services provided under Chapter 3323. of the Revised Code 31658  
calculated as the sum of the following: 31659

(a) The district's category one special education ADM X the 31660  
amount specified in division (A) of section 3317.013 of the 31661  
Revised Code X the district's state share ~~index~~ percentage; 31662

(b) The district's category two special education ADM X the 31663  
amount specified in division (B) of section 3317.013 of the 31664  
Revised Code X the district's state share ~~index~~ percentage; 31665

(c) The district's category three special education ADM X the 31666  
amount specified in division (C) of section 3317.013 of the 31667  
Revised Code X the district's state share ~~index~~ percentage; 31668

(d) The district's category four special education ADM X the 31669  
amount specified in division (D) of section 3317.013 of the 31670  
Revised Code X the district's state share ~~index~~ percentage; 31671

(e) The district's category five special education ADM X the 31672  
amount specified in division (E) of section 3317.013 of the 31673

Revised Code X the district's state share ~~index~~ percentage; 31674

(f) The district's category six special education ADM X the 31675  
amount specified in division (F) of section 3317.013 of the 31676  
Revised Code X the district's state share ~~index~~ percentage. 31677

(4) Kindergarten through third grade literacy funds 31678  
calculated according to the following formula: 31679

[~~(\$125 \$184, in fiscal year 2014 2016, or \$175 \$193, in~~ 31680  
fiscal year ~~2015 2017~~) X formula ADM for grades kindergarten 31681  
through three X the district's state share ~~index~~ percentage] + 31682  
[~~(\$100 \$121, in fiscal year 2014 2016, or \$160 \$127, in fiscal~~ 31683  
year ~~2015 2017~~) X formula ADM for grades kindergarten through 31684  
three] 31685

For purposes of this calculation, the department shall 31686  
subtract from a district's formula ADM for grades kindergarten 31687  
through three the number of students reported under division 31688  
(B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an 31689  
internet- or computer-based community school who are in grades 31690  
kindergarten through three. 31691

(5) Economically disadvantaged funds calculated according to 31692  
the following formula: 31693

~~(\$250, in fiscal year 2014, or \$253, in fiscal year 2015)~~ 31694  
\$272 X ~~(the district's economically disadvantaged index)~~ X the 31695  
number of students who are economically disadvantaged as certified 31696  
under division (B)(21) of section 3317.03 of the Revised Code 31697

(6) Limited English proficiency funds calculated as the sum 31698  
of the following: 31699

(a) The district's category one limited English proficient 31700  
ADM X the amount specified in division (A) of section 3317.016 of 31701  
the Revised Code X the district's state share ~~index~~ percentage; 31702

(b) The district's category two limited English proficient 31703

ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share ~~index~~ percentage; 31704  
31705

(c) The district's category three limited English proficient ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share ~~index~~ percentage. 31706  
31707  
31708

(7)(a) Gifted identification funds calculated according to the following formula: 31709  
31710  
~~(\$5, in fiscal year 2014, or \$5.05, in fiscal year 2015)~~ X the district's formula ADM 31711  
31712

(b) Gifted unit funding calculated under section 3317.051 of the Revised Code. 31713  
31714

(8) Career-technical education funds calculated as the sum of the following: 31715  
31716

(a) The district's category one career-technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share ~~index~~ percentage; 31717  
31718  
31719

(b) The district's category two career-technical education ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share ~~index~~ percentage; 31720  
31721  
31722

(c) The district's category three career-technical education ADM X the amount specified in division (C) of section 3317.014 of the Revised Code X the district's state share ~~index~~ percentage; 31723  
31724  
31725

(d) The district's category four career-technical education ADM X the amount specified in division (D) of section 3317.014 of the Revised Code X the district's state share ~~index~~ percentage; 31726  
31727  
31728

(e) The district's category five career-technical education ADM X the amount specified in division (E) of section 3317.014 of the Revised Code X the district's state share ~~index~~ percentage. 31729  
31730  
31731

Payment of funds under division (A)(8) of this section is subject to approval under section 3317.161 of the Revised Code. 31732  
31733

(9) Career-technical education associated services funds 31734  
calculated according to the following formula: 31735  
The district's state share ~~index~~ percentage X the amount for 31736  
career-technical education associated services specified in 31737  
section 3317.014 of the Revised Code X the sum of categories one 31738  
through five career-technical education ADM 31739

(B) In any fiscal year, a school district shall spend for 31740  
purposes that the department designates as approved for special 31741  
education and related services expenses at least the amount 31742  
calculated as follows: 31743

(The formula amount X the total special education ADM) + (the 31744  
district's category one special education ADM X the amount 31745  
specified in division (A) of section 3317.013 of the Revised Code) 31746  
+ (the district's category two special education ADM X the amount 31747  
specified in division (B) of section 3317.013 of the Revised Code) 31748  
+ (the district's category three special education ADM X the 31749  
amount specified in division (C) of section 3317.013 of the 31750  
Revised Code) + (the district's category four special education 31751  
ADM X the amount specified in division (D) of section 3317.013 of 31752  
the Revised Code) + (the district's category five special 31753  
education ADM X the amount specified in division (E) of section 31754  
3317.013 of the Revised Code) + (the district's category six 31755  
special education ADM X the amount specified in division (F) of 31756  
section 3317.013 of the Revised Code) 31757

The purposes approved by the department for special education 31758  
expenses shall include, but shall not be limited to, 31759  
identification of children with disabilities, compliance with 31760  
state rules governing the education of children with disabilities 31761  
and prescribing the continuum of program options for children with 31762  
disabilities, provision of speech language pathology services, and 31763  
the portion of the school district's overall administrative and 31764  
overhead costs that are attributable to the district's special 31765

education student population. 31766

The scholarships deducted from the school district's account 31767  
under sections 3310.41 and 3310.55 of the Revised Code shall be 31768  
considered to be an approved special education and related 31769  
services expense for the purpose of the school district's 31770  
compliance with this division. 31771

(C) In any fiscal year, a school district receiving funds 31772  
under division (A)(8) of this section shall spend those funds only 31773  
for the purposes that the department designates as approved for 31774  
career-technical education expenses. Career-technical ~~educational~~ 31775  
education expenses approved by the department shall include only 31776  
expenses connected to the delivery of career-technical programming 31777  
to career-technical students. The department shall require the 31778  
school district to report data annually so that the department may 31779  
monitor the district's compliance with the requirements regarding 31780  
the manner in which funding received under division (A)(8) of this 31781  
section may be spent. 31782

(D) In any fiscal year, a school district receiving funds 31783  
under division (A)(9) of this section, or through a transfer of 31784  
funds pursuant to division (I) of section 3317.023 of the Revised 31785  
Code, shall spend those funds only for the purposes that the 31786  
department designates as approved for career-technical education 31787  
associated services expenses, which may include such purposes as 31788  
apprenticeship coordinators, coordinators for other 31789  
career-technical education services, career-technical evaluation, 31790  
and other purposes designated by the department. The department 31791  
may deny payment under division (A)(9) of this section to any 31792  
district that the department determines is not operating those 31793  
services or is using funds paid under division (A)(9) of this 31794  
section, or through a transfer of funds pursuant to division (I) 31795  
of section 3317.023 of the Revised Code, for other purposes. 31796

(E) All funds received under division (A)(8) of this section 31797

shall be spent in the following manner: 31798

(1) At least seventy-five per cent of the funds shall be 31799  
spent on curriculum development, purchase, and implementation; 31800  
instructional resources and supplies; industry-based program 31801  
certification; student assessment, credentialing, and placement; 31802  
curriculum specific equipment purchases and leases; 31803  
career-technical student organization fees and expenses; home and 31804  
agency linkages; work-based learning experiences; professional 31805  
development; and other costs directly associated with 31806  
career-technical education programs including development of new 31807  
programs. 31808

(2) Not more than twenty-five per cent of the funds shall be 31809  
used for personnel expenditures. 31810

(F) A school district shall spend the funds it receives under 31811  
division (A)(5) of this section in accordance with section 3317.25 31812  
of the Revised Code. 31813

**Sec. 3317.0212.** (A) As used in this section: 31814

(1) "Qualifying riders" means resident students enrolled in 31815  
regular education in grades kindergarten to twelve who are 31816  
provided school bus service by a school district and who live more 31817  
than one mile from the school they attend, including students with 31818  
dual enrollment in a joint vocational school district or a 31819  
cooperative education school district, and students enrolled in a 31820  
community school, STEM school, or nonpublic school. 31821

(2) "Qualifying ridership" means the average number of 31822  
qualifying riders who are provided school bus service by a school 31823  
district during the first full week of October. 31824

(3) "Rider density" means the total ADM per square mile of a 31825  
school district. 31826

(4) "School bus service" means a school district's 31827



transportation of qualifying riders in any of the following types	31828
of vehicles:	31829
(a) School buses owned or leased by the district;	31830
(b) School buses operated by a private contractor hired by the district;	31831 31832
(c) School buses operated by another school district or entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise.	31833 31834 31835
<u>(5) "Total riders" means resident students enrolled in</u>	31836
<u>regular education in grades kindergarten to twelve who are</u>	31837
<u>provided school bus service by a school district, including</u>	31838
<u>students with dual enrollment in a joint vocational school</u>	31839
<u>district or a cooperative education school district, and students</u>	31840
<u>enrolled in a community school, STEM school, or nonpublic school.</u>	31841
<u>(6) "Total ridership" means the average number of total</u>	31842
<u>riders who are provided school bus service by a school district</u>	31843
<u>during the first full week of October.</u>	31844
(B) Not later than the fifteenth day of October each year, each city, local, and exempted village school district shall report to the department of education its qualifying <u>and total</u> ridership and any other information requested by the department. Subsequent adjustments to the reported numbers shall be made only in accordance with rules adopted by the department.	31845 31846 31847 31848 31849 31850
(C) The department shall calculate the statewide transportation cost per student as follows:	31851 31852
(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its <del>qualifying</del> <u>total</u> ridership in the previous fiscal year.	31853 31854 31855 31856 31857

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate ~~qualifying~~ total ridership of those districts in the previous fiscal year.

(D) The department shall calculate the statewide transportation cost per mile as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year.

(E) The department shall calculate each city, local, and exempted village school district's transportation payment as follows:

(1) Multiply the statewide transportation cost per student by the district's qualifying ridership for the current fiscal year.

(2) Multiply the statewide transportation cost per mile by the district's total number of miles driven for school bus service in the current fiscal year.

(3) Multiply the greater of the amounts calculated under divisions (E)(1) and (2) of this section by the greater of ~~sixty~~

fifty per cent or the district's state share ~~index~~ percentage, as 31889  
defined in section 3317.02 of the Revised Code. 31890

(F) In addition to funds paid under division (E) of this 31891  
section, each city, local, and exempted village district shall 31892  
receive in accordance with rules adopted by the state board of 31893  
education a payment for students transported by means other than 31894  
school bus service and whose transportation is not funded under 31895  
division (C) of section 3317.024 of the Revised Code. The rules 31896  
shall include provisions for school district reporting of such 31897  
students. 31898

~~(G)(1) In fiscal years 2014 and 2015, the department shall 31899  
pay each district a pro rata portion of the amounts calculated 31900  
under division (E) of this section and described in division (F) 31901  
of this section, based on state appropriations. 31902~~

~~(2) In addition to the prorated payment under division (G)(1) 31903  
of this section, in fiscal years 2014 and 2015, the department 31904  
shall pay each school district that meets the conditions 31905  
prescribed in division (G)(3) of this section an additional amount 31906  
equal to the difference of (a) the amounts calculated under 31907  
division (E) of this section and prescribed in division (F) of 31908  
this section minus (b) that prorated payment. 31909~~

~~(3) Division (G)(2) of this section applies to each school 31910  
district that meets all of the following conditions: 31911~~

~~(a) The district qualifies for the calculation of a payment 31912  
under division (E) of this section because it transports students 31913  
on board owned or contractor owned school buses. 31914~~

~~(b) The district's state share index is greater than or equal 31915  
to 0.50. 31916~~

~~(c) The district's rider density is at or below the median 31917  
rider density of all districts that qualify for calculation of a 31918  
payment under division (E) of this section. 31919~~

~~(H) Each city, local, and exempted village school district shall report all data used to calculate funding for transportation under this section through the education management information system pursuant to section 3301.0714 of the Revised Code.~~

**Sec. 3317.0213.** (A) The department of education shall compute and pay in accordance with this section additional state aid for preschool ~~special education~~ children with disabilities to each city, local, and exempted village school district and to each institution, as defined in section 3323.091 of the Revised Code. Funding shall be provided for children who are not enrolled in kindergarten and who are under age six on the thirtieth day of September of the academic year, or on the first day of August of the academic year if the school district in which the child is enrolled has adopted a resolution under division (A)(3) of section 3321.01 of the Revised Code, but not less than age three on the first day of December of the academic year.

The additional state aid shall be calculated under the following formula:

$(\$4,000 \times \text{the number of } \underline{\text{students who are preschool } \del{\text{special education}} \text{ children with disabilities}}) + \text{the sum of the following:}$

(1) The district's or institution's category one special education ~~preschool~~ students who are preschool children with disabilities X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share ~~index~~ percentage X 0.50;

(2) The district's or institution's category two special education ~~preschool~~ students who are preschool children with disabilities X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share ~~index~~ percentage X 0.50;

(3) The district's or institution's category three special education ~~preschool~~ students who are preschool children with disabilities X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share ~~index~~ percentage X 0.50;

(4) The district's or institution's category four special education ~~preschool~~ students who are preschool children with disabilities X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share ~~index~~ percentage X 0.50;

(5) The district's or institution's category five special education ~~preschool~~ students who are preschool children with disabilities X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share ~~index~~ percentage X 0.50;

(6) The district's or institution's category six special education ~~preschool~~ students who are preschool children with disabilities X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share ~~index~~ percentage X 0.50.

The special education disability categories for preschool children used in this section are the same categories prescribed in section 3317.013 of the Revised Code.

As used in division (A) of this section, the state share ~~index~~ percentage of a student enrolled in an institution is the state share ~~index~~ percentage of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) If an educational service center is providing services to ~~preschool special education~~ students who are preschool children with disabilities under agreement with the city, local, or

exempted village school district in which the students are 31981  
entitled to attend school, that district may authorize the 31982  
department to transfer funds computed under this section to the 31983  
service center providing those services. 31984

(C) If a county DD board is providing services to ~~preschool~~ 31985  
~~special education~~ students who are preschool children with 31986  
disabilities under agreement with the city, local, or exempted 31987  
village school district in which the students are entitled to 31988  
attend school, the department shall deduct from the district's 31989  
payment computed under division (A) of this section the total 31990  
amount of those funds that are attributable to the students served 31991  
by the county DD board and pay that amount to that board. 31992

**Sec. 3317.0214.** (A) The department shall compute and pay in 31993  
accordance with this section additional state aid to school 31994  
districts for students in categories two through six special 31995  
education ADM. If a district's costs for the fiscal year for a 31996  
student in its categories two through six special education ADM 31997  
exceed the threshold catastrophic cost for serving the student, 31998  
the district may submit to the superintendent of public 31999  
instruction documentation, as prescribed by the superintendent, of 32000  
all its costs for that student. Upon submission of documentation 32001  
for a student of the type and in the manner prescribed, the 32002  
department shall pay to the district an amount equal to the sum of 32003  
the following: 32004

(1) One-half of the district's costs for the student in 32005  
excess of the threshold catastrophic cost; 32006

(2) The product of one-half of the district's costs for the 32007  
student in excess of the threshold catastrophic cost multiplied by 32008  
the district's state share ~~index~~ percentage. 32009

(B) For purposes of division (A) of this section, the 32010  
threshold catastrophic cost for serving a student equals: 32011

(1) For a student in the school district's category two, 32012  
three, four, or five special education ADM, twenty-seven thousand 32013  
three hundred seventy-five dollars; 32014

(2) For a student in the district's category six special 32015  
education ADM, thirty-two thousand eight hundred fifty dollars. 32016

(C) The district shall report under division (A) of this 32017  
section, and the department shall pay for, only the costs of 32018  
educational expenses and the related services provided to the 32019  
student in accordance with the student's individualized education 32020  
program. Any legal fees, court costs, or other costs associated 32021  
with any cause of action relating to the student may not be 32022  
included in the amount. 32023

**Sec. 3317.0217.** Payment of the amount calculated for a school 32024  
district under this section shall be made under division (A) of 32025  
section 3317.022 of the Revised Code. 32026

For purposes of the calculations under this section, "school 32027  
district" shall mean a school district with a formula ADM greater 32028  
than zero. 32029

(A) The department of education shall annually compute 32030  
targeted assistance funds to school districts, as follows: 32031

(1) Calculate the local wealth per pupil of each school 32032  
district, which equals the following sum: 32033

(a) One-half times the quotient of (i) the district's 32034  
~~three-year~~ average valuation divided by (ii) its formula ADM; plus 32035

(b) One-half times the quotient of (i) the average of the 32036  
total federal adjusted gross income of the school district's 32037  
residents for the three years most recently reported under section 32038  
3317.021 of the Revised Code divided by (ii) its formula ADM. 32039

(2) Rank all school districts in order of local wealth per 32040  
pupil, from the district with the lowest local wealth per pupil to 32041

the district with the highest local wealth per pupil. 32042

(3) Compute the statewide wealth per pupil, which equals the 32043  
following sum: 32044

(a) One-half times the quotient of (i) the sum of the 32045  
~~three-year~~ average valuations for all school districts divided by 32046  
(ii) the sum of formula ADM counts for all school districts; plus 32047

(b) One-half times the quotient of (i) the sum of the 32048  
three-year average total federal adjusted gross incomes for all 32049  
school districts divided by (ii) the sum of formula ADM counts for 32050  
all school districts. 32051

(4) Compute each district's ~~wealth index~~ capacity measure by 32052  
dividing the statewide wealth per pupil by the district's local 32053  
wealth per pupil. 32054

(5) Compute the per pupil targeted assistance for each 32055  
eligible school district in accordance with the following formula: 32056  
(Threshold local wealth per pupil - the district's local wealth 32057  
per pupil) 32058  
X target millage X the district's ~~wealth index~~ capacity measure 32059

Where: 32060

(a) An "eligible school district" means a school district 32061  
with a local wealth per pupil less than that of the school 32062  
district with the 490th lowest local wealth per pupil. 32063

(b) "Threshold local wealth per pupil" means the local wealth 32064  
per pupil of the school district with the 490th lowest local 32065  
wealth per pupil. 32066

(c) "Target millage" means 0.006. 32067

If the result of the calculation for a school district under 32068  
division (A)(5) of this section is less than zero, the district's 32069  
targeted assistance shall be zero. 32070

(6) Calculate the aggregate amount to be paid as targeted 32071



assistance funds to each school district under division (A) of 32072  
section 3317.022 of the Revised Code by multiplying the per pupil 32073  
targeted assistance computed under division (A)(5) of this section 32074  
by the district's net formula ADM. 32075

As used in this division, a district's "net formula ADM" 32076  
means its formula ADM minus the number of community school 32077  
students certified under division (B)(3)(d) of section 3317.03 of 32078  
the Revised Code X 0.75, the number of internet- and 32079  
computer-based community school students certified under division 32080  
(B)(3)(e) of that section, the number of science, technology, 32081  
engineering, and mathematics school students certified under 32082  
division (B)(3)(j) of that section X 0.75, and the number of 32083  
scholarship students certified under divisions (B)(3)(f), (g), and 32084  
(l) of that section. 32085

(B) The department shall annually compute supplemental 32086  
targeted assistance funds to school districts, as follows: 32087

(1) Compute each district's agricultural percentage as the 32088  
quotient of (a) the three-year average tax valuation of real 32089  
property in the district that is classified as agricultural 32090  
property divided by (b) the three-year average tax valuation of 32091  
all of the real property in the district. For purposes of this 32092  
computation<sup>7</sup>: 32093

(a) For fiscal year 2016, a district's "three-year average 32094  
tax valuation" means the average of a district's tax valuation for 32095  
~~fiscal tax~~ tax years 2012, 2013, and 2014. 32096

(b) For fiscal year 2017, a district's "three-year average 32097  
tax valuation" means the average of a district's tax valuation for 32098  
tax years 2013, 2014, and 2015. 32099

(2) Determine each district's agricultural targeted 32100  
percentage as follows: 32101

(a) If a district's agricultural percentage is greater than 32102

or equal to 0.10, then the district's agricultural targeted 32103  
percentage shall be equal to 0.40. 32104

(b) If a district's agricultural percentage is less than 32105  
0.10, then the district's agricultural targeted percentage shall 32106  
be equal to 4 X the district's agricultural percentage. 32107

(3) Calculate the aggregate amount to be paid as supplemental 32108  
targeted assistance funds to each school district under division 32109  
(A) of section 3317.022 of the Revised Code by multiplying the 32110  
district's agricultural targeted percentage by the amount 32111  
calculated for the district under division (A)(6) of this section. 32112

Sec. 3317.0218. The department shall annually compute 32113  
capacity aid funds to school districts, as follows: 32114

(A) For each school district, multiply the district's average 32115  
valuation by 0.001; 32116

(B) Determine the median amount of all of the amounts 32117  
calculated under division (A) of this section; 32118

(C) Calculate each school district's capacity ratio, which 32119  
equals the greater of zero or the amount calculated as follows: 32120

(The amount determined under division (B) of this section / the 32121  
amount calculated for the district under division (A) of this 32122  
section) - 1 32123

If the result of a calculation for a school district under 32124  
division (C) of this section is greater than 2.5, the district's 32125  
capacity ratio shall be 2.5. 32126

(D) Calculate the capacity aid per pupil amount, which equals 32127  
the following quotient: 32128

(The amount determined under division (B) of this section) / (the 32129  
average of the formula ADMs of all of the districts for which the 32130  
amount calculated under division (A) of this section is less than 32131  
the amount determined under division (B) of this section) 32132

(E) Calculate each school district's capacity aid, which 32133  
equals the following product: 32134  
The capacity aid per pupil amount calculated under division (D) of 32135  
this section X the district's formula ADM X 5 X the district's 32136  
capacity ratio calculated under division (C) of this section 32137

**Sec. 3317.051.** (A) As used in this section, "gifted unit ADM" 32138  
means a school district's formula ADM minus the number of students 32139  
reported by a district under divisions (A)(2)(a) and (i) of 32140  
section 3317.03 of the Revised Code. 32141

(B) The department of education shall compute and pay to a 32142  
school district funds based on units for services to students 32143  
identified as gifted under Chapter 3324. of the Revised Code as 32144  
prescribed by this section. 32145

(C) The department shall allocate gifted units for a school 32146  
district as follows: 32147

(1) One gifted coordinator unit shall be allocated for every 32148  
3,300 students in a district's gifted unit ADM, with a minimum of 32149  
0.5 units and a maximum of 8 units allocated for the district. 32150

(2) One gifted intervention specialist unit shall be 32151  
allocated for every 1,100 students in a district's gifted unit 32152  
ADM, with a minimum of 0.3 units allocated for the district. 32153

(D) The department shall pay the following amount to a school 32154  
district for gifted units: 32155

~~(1) In fiscal year 2014, \$37,000 multiplied by the number of~~ 32156  
~~units allocated to a school district under division (C) of this~~ 32157  
~~section;~~ 32158

~~(2) In fiscal year 2015, \$37,370 multiplied by the number of units~~ 32159  
~~allocated to a school district under division (C) of this section-~~ 32160

(E) A school district may assign gifted unit funding that it 32161  
receives under division (D) of this section to another school 32162

district, an educational service center, a community school, or a 32163  
STEM school as part of an arrangement to provide services to the 32164  
district. 32165

**Sec. 3317.06.** Moneys paid to school districts under division 32166  
(E) of section 3317.024 of the Revised Code shall be used for the 32167  
following independent and fully severable purposes: 32168

(A) To purchase such secular textbooks or digital texts as 32169  
have been approved by the superintendent of public instruction for 32170  
use in public schools in the state and to loan such textbooks or 32171  
digital texts to pupils attending nonpublic schools within the 32172  
district or to their parents and to hire clerical personnel to 32173  
administer such lending program. Such loans shall be based upon 32174  
individual requests submitted by such nonpublic school pupils or 32175  
parents. Such requests shall be submitted to the school district 32176  
in which the nonpublic school is located. Such individual requests 32177  
for the loan of textbooks or digital texts shall, for 32178  
administrative convenience, be submitted by the nonpublic school 32179  
pupil or the pupil's parent to the nonpublic school, which shall 32180  
prepare and submit collective summaries of the individual requests 32181  
to the school district. As used in this section: 32182

(1) "Textbook" means any book or book substitute that a pupil 32183  
uses as a consumable or nonconsumable text, text substitute, or 32184  
text supplement in a particular class or program in the school the 32185  
pupil regularly attends. 32186

(2) "Digital text" means a consumable book or book substitute 32187  
that a student accesses through the use of a computer or other 32188  
electronic medium or that is available through an internet-based 32189  
provider of course content, or any other material that contributes 32190  
to the learning process through electronic means. 32191

(B) To provide speech and hearing diagnostic services to 32192  
pupils attending nonpublic schools within the district. Such 32193

service shall be provided in the nonpublic school attended by the 32194  
pupil receiving the service. 32195

(C) To provide physician, nursing, dental, and optometric 32196  
services to pupils attending nonpublic schools within the 32197  
district. Such services shall be provided in the school attended 32198  
by the nonpublic school pupil receiving the service. 32199

(D) To provide diagnostic psychological services to pupils 32200  
attending nonpublic schools within the district. Such services 32201  
shall be provided in the school attended by the pupil receiving 32202  
the service. 32203

(E) To provide therapeutic psychological and speech and 32204  
hearing services to pupils attending nonpublic schools within the 32205  
district. Such services shall be provided in the public school, in 32206  
nonpublic schools, in public centers, or in mobile units located 32207  
on or off of the nonpublic premises. If such services are provided 32208  
in the public school or in public centers, transportation to and 32209  
from such facilities shall be provided by the school district in 32210  
which the nonpublic school is located. 32211

(F) To provide guidance, counseling, and social work services 32212  
to pupils attending nonpublic schools within the district. Such 32213  
services shall be provided in the public school, in nonpublic 32214  
schools, in public centers, or in mobile units located on or off 32215  
of the nonpublic premises. If such services are provided in the 32216  
public school or in public centers, transportation to and from 32217  
such facilities shall be provided by the school district in which 32218  
the nonpublic school is located. 32219

(G) To provide remedial services to pupils attending 32220  
nonpublic schools within the district. Such services shall be 32221  
provided in the public school, in nonpublic schools, in public 32222  
centers, or in mobile units located on or off of the nonpublic 32223  
premises. If such services are provided in the public school or in 32224

public centers, transportation to and from such facilities shall 32225  
be provided by the school district in which the nonpublic school 32226  
is located. 32227

(H) To supply for use by pupils attending nonpublic schools 32228  
within the district such standardized tests and scoring services 32229  
as are in use in the public schools of the state; 32230

(I) To provide programs for children who attend nonpublic 32231  
schools within the district and are children with disabilities as 32232  
defined in section 3323.01 of the Revised Code or gifted children. 32233  
Such programs shall be provided in the public school, in nonpublic 32234  
schools, in public centers, or in mobile units located on or off 32235  
of the nonpublic premises. If such programs are provided in the 32236  
public school or in public centers, transportation to and from 32237  
such facilities shall be provided by the school district in which 32238  
the nonpublic school is located. 32239

(J) To hire clerical personnel to assist in the 32240  
administration of programs pursuant to divisions (B), (C), (D), 32241  
(E), (F), (G), and (I) of this section and to hire supervisory 32242  
personnel to supervise the providing of services and textbooks 32243  
pursuant to this section. 32244

(K) To purchase or lease any secular, neutral, and 32245  
nonideological computer application software designed to assist 32246  
students in performing a single task or multiple related tasks, 32247  
device management software, learning management software, 32248  
site-licensing, digital video on demand (DVD), wide area 32249  
connectivity and related technology as it relates to internet 32250  
access, mathematics or science equipment and materials, 32251  
instructional materials, and school library materials that are in 32252  
general use in the public schools of the state and loan such items 32253  
to pupils attending nonpublic schools within the district or to 32254  
their parents, and to hire clerical personnel to administer the 32255  
lending program. Only such items that are incapable of diversion 32256

to religious use and that are susceptible of loan to individual 32257  
pupils and are furnished for the use of individual pupils shall be 32258  
purchased and loaned under this division. As used in this section, 32259  
"instructional materials" means prepared learning materials that 32260  
are secular, neutral, and nonideological in character and are of 32261  
benefit to the instruction of school children. "Instructional 32262  
materials" includes media content that a student may access 32263  
through the use of a computer or electronic device. 32264

Mobile applications that are secular, neutral, and 32265  
nonideological in character and that are purchased for less than 32266  
~~ten~~ twenty dollars for instructional use shall be considered to be 32267  
consumable and shall be distributed to students without the 32268  
expectation that the applications must be returned. 32269

(L) To purchase or lease instructional equipment, including 32270  
computer hardware and related equipment in general use in the 32271  
public schools of the state, for use by pupils attending nonpublic 32272  
schools within the district and to loan such items to pupils 32273  
attending nonpublic schools within the district or to their 32274  
parents, and to hire clerical personnel to administer the lending 32275  
program. "Computer hardware and related equipment" includes 32276  
desktop computers and workstations; laptop computers, computer 32277  
tablets, and other mobile handheld devices; ~~and~~ their operating 32278  
systems and accessories; and any equipment designed to make 32279  
accessible the environment of a classroom to a student, who is 32280  
physically unable to attend classroom activities due to 32281  
hospitalization or other circumstances, by allowing real-time 32282  
interaction with other students both one-on-one and in group 32283  
discussion. 32284

(M) To purchase mobile units to be used for the provision of 32285  
services pursuant to divisions (E), (F), (G), and (I) of this 32286  
section and to pay for necessary repairs and operating costs 32287  
associated with these units. 32288

(N) To reimburse costs the district incurred to store the records of a chartered nonpublic school that closes. Reimbursements under this division shall be made one time only for each chartered nonpublic school that closes.

(O) To purchase life-saving medical or other emergency equipment for placement in nonpublic schools within the district or to maintain such equipment.

Clerical and supervisory personnel hired pursuant to division (J) of this section shall perform their services in the public schools, in nonpublic schools, public centers, or mobile units where the services are provided to the nonpublic school pupil, except that such personnel may accompany pupils to and from the service sites when necessary to ensure the safety of the children receiving the services.

All services provided pursuant to this section may be provided under contract with educational service centers, the department of health, city or general health districts, or private agencies whose personnel are properly licensed by an appropriate state board or agency.

Transportation of pupils provided pursuant to divisions (E), (F), (G), and (I) of this section shall be provided by the school district from its general funds and not from moneys paid to it under division (E) of section 3317.024 of the Revised Code unless a special transportation request is submitted by the parent of the child receiving service pursuant to such divisions. If such an application is presented to the school district, it may pay for the transportation from moneys paid to it under division (E) of section 3317.024 of the Revised Code.

No school district shall provide health or remedial services to nonpublic school pupils as authorized by this section unless such services are available to pupils attending the public schools



within the district. 32320

Materials, equipment, computer hardware or software, 32321  
textbooks, digital texts, and health and remedial services 32322  
provided for the benefit of nonpublic school pupils pursuant to 32323  
this section and the admission of pupils to such nonpublic schools 32324  
shall be provided without distinction as to race, creed, color, or 32325  
national origin of such pupils or of their teachers. 32326

No school district shall provide services, materials, or 32327  
equipment that contain religious content for use in religious 32328  
courses, devotional exercises, religious training, or any other 32329  
religious activity. 32330

As used in this section, "parent" includes a person standing 32331  
in loco parentis to a child. 32332

Notwithstanding section 3317.01 of the Revised Code, payments 32333  
shall be made under this section to any city, local, or exempted 32334  
village school district within which is located one or more 32335  
nonpublic elementary or high schools and any payments made to 32336  
school districts under division (E) of section 3317.024 of the 32337  
Revised Code for purposes of this section may be disbursed without 32338  
submission to and approval of the controlling board. 32339

The allocation of payments for materials, equipment, 32340  
textbooks, digital texts, health services, and remedial services 32341  
to city, local, and exempted village school districts shall be on 32342  
the basis of the state board of education's estimated annual 32343  
average daily membership in nonpublic elementary and high schools 32344  
located in the district. 32345

Payments made to city, local, and exempted village school 32346  
districts under this section shall be equal to specific 32347  
appropriations made for the purpose. All interest earned by a 32348  
school district on such payments shall be used by the district for 32349  
the same purposes and in the same manner as the payments may be 32350

used. 32351

The department of education shall adopt guidelines and 32352  
procedures under which such programs and services shall be 32353  
provided, under which districts shall be reimbursed for 32354  
administrative costs incurred in providing such programs and 32355  
services, and under which any unexpended balance of the amounts 32356  
appropriated by the general assembly to implement this section may 32357  
be transferred to the auxiliary services personnel unemployment 32358  
compensation fund established pursuant to section 4141.47 of the 32359  
Revised Code. The department shall also adopt guidelines and 32360  
procedures limiting the purchase and loan of the items described 32361  
in division (K) of this section to items that are in general use 32362  
in the public schools of the state, that are incapable of 32363  
diversion to religious use, and that are susceptible to individual 32364  
use rather than classroom use. Within thirty days after the end of 32365  
each biennium, each board of education shall remit to the 32366  
department all moneys paid to it under division (E) of section 32367  
3317.024 of the Revised Code and any interest earned on those 32368  
moneys that are not required to pay expenses incurred under this 32369  
section during the biennium for which the money was appropriated 32370  
and during which the interest was earned. If a board of education 32371  
subsequently determines that the remittal of moneys leaves the 32372  
board with insufficient money to pay all valid expenses incurred 32373  
under this section during the biennium for which the remitted 32374  
money was appropriated, the board may apply to the department of 32375  
education for a refund of money, not to exceed the amount of the 32376  
insufficiency. If the department determines the expenses were 32377  
lawfully incurred and would have been lawful expenditures of the 32378  
refunded money, it shall certify its determination and the amount 32379  
of the refund to be made to the director of job and family 32380  
services who shall make a refund as provided in section 4141.47 of 32381  
the Revised Code. 32382

Each school district shall label materials, equipment, 32383  
computer hardware or software, textbooks, and digital texts 32384  
purchased or leased for loan to a nonpublic school under this 32385  
section, acknowledging that they were purchased or leased with 32386  
state funds under this section. However, a district need not label 32387  
materials, equipment, computer hardware or software, textbooks, or 32388  
digital texts that the district determines are consumable in 32389  
nature or have a value of less than two hundred dollars. 32390

**Sec. 3317.16.** (A) The department of education shall compute 32391  
and distribute state core foundation funding to each joint 32392  
vocational school district for the fiscal year as prescribed in 32393  
the following divisions: 32394

(1) An opportunity grant calculated according to the 32395  
following formula: 32396

(The formula amount X formula ADM) - (0.0005 X the 32397  
district's ~~three-year~~ average valuation) 32398

If the result of the calculation for a joint vocational 32399  
school district under division (A)(1) of this section is less than 32400  
zero, the joint vocational school district's opportunity grant 32401  
shall be zero. 32402

(2) Additional state aid for special education and related 32403  
services provided under Chapter 3323. of the Revised Code 32404  
calculated as the sum of the following: 32405

(a) The district's category one special education ADM X the 32406  
amount specified in division (A) of section 3317.013 of the 32407  
Revised Code X the district's state share percentage; 32408

(b) The district's category two special education ADM X the 32409  
amount specified in division (B) of section 3317.013 of the 32410  
Revised Code X the district's state share percentage; 32411

(c) The district's category three special education ADM X the 32412

amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage; 32413  
32414

(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage; 32415  
32416  
32417

(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage; 32418  
32419  
32420

(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage. 32421  
32422  
32423

(3) Economically disadvantaged funds calculated according to the following formula: 32424  
32425  
~~(\$250, in fiscal year 2014, or \$253, in fiscal year 2015)~~ \$272 X  
~~(the district's economically disadvantaged index)~~ X the number of 32426  
32427  
students who are economically disadvantaged as certified 32428  
under division (D)(2)(p) of section 3317.03 of the Revised Code 32429

(4) Limited English proficiency funds calculated as the sum of the following: 32430  
32431

(a) The district's category one limited English proficient ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage; 32432  
32433  
32434

(b) The district's category two limited English proficient ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage; 32435  
32436  
32437

(c) The district's category three limited English proficient ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share percentage; 32438  
32439  
32440

(5) Career-technical education funds calculated as the sum of the following: 32441  
32442

(a) The district's category one career-technical education	32443
ADM X the amount specified in division (A) of section 3317.014 of	32444
the Revised Code X the district's state share percentage;	32445
(b) The district's category two career-technical education	32446
ADM X the amount specified in division (B) of section 3317.014 of	32447
the Revised Code X the district's state share percentage;	32448
(c) The district's category three career-technical education	32449
ADM X the amount specified in division (C) of section 3317.014 of	32450
the Revised Code X the district's state share percentage;	32451
(d) The district's category four career-technical education	32452
ADM X the amount specified in division (D) of section 3317.014 of	32453
the Revised Code X the district's state share percentage;	32454
(e) The district's category five career-technical education	32455
ADM X the amount specified in division (E) of section 3317.014 of	32456
the Revised Code X the district's state share percentage.	32457
Payment of funds under division (A)(5) of this section is	32458
subject to approval under section 3317.161 of the Revised Code.	32459
(6) Career-technical education associated services funds	32460
calculated under the following formula:	32461
The district's state share percentage X the	32462
amount for career-technical education associated services	32463
specified in section 3317.014 of the Revised Code X the sum of	32464
categories one through five career-technical	32465
education ADM	32466
(B)(1) If a joint vocational school district's costs for a	32467
fiscal year for a student in its categories two through six	32468
special education ADM exceed the threshold catastrophic cost for	32469
serving the student, as specified in division (B) of section	32470
3317.0214 of the Revised Code, the district may submit to the	32471
superintendent of public instruction documentation, as prescribed	32472
by the superintendent, of all of its costs for that student. Upon	32473

submission of documentation for a student of the type and in the 32474  
manner prescribed, the department shall pay to the district an 32475  
amount equal to the sum of the following: 32476

(a) One-half of the district's costs for the student in 32477  
excess of the threshold catastrophic cost; 32478

(b) The product of one-half of the district's costs for the 32479  
student in excess of the threshold catastrophic cost multiplied by 32480  
the district's state share percentage. 32481

(2) The district shall report under division (B)(1) of this 32482  
section, and the department shall pay for, only the costs of 32483  
educational expenses and the related services provided to the 32484  
student in accordance with the student's individualized education 32485  
program. Any legal fees, court costs, or other costs associated 32486  
with any cause of action relating to the student may not be 32487  
included in the amount. 32488

(C)(1) For each student with a disability receiving special 32489  
education and related services under an individualized education 32490  
program, as defined in section 3323.01 of the Revised Code, at a 32491  
joint vocational school district, the resident district or, if the 32492  
student is enrolled in a community school, the community school 32493  
shall be responsible for the amount of any costs of providing 32494  
those special education and related services to that student that 32495  
exceed the sum of the amount calculated for those services 32496  
attributable to that student under division (A) of this section. 32497

Those excess costs shall be calculated ~~by subtracting the sum~~ 32498  
~~of the following from the actual cost to provide special education~~ 32499  
~~and related services to the student:~~ 32500

~~(a) The formula amount;~~ 32501

~~(b) The amount specified in section 3317.013 of the Revised~~ 32502  
~~Code that is applicable to the student;~~ 32503

<del>(c) Any funds paid under section 3317.0214 for the student</del>	32504
<del>using a formula approved by the department.</del>	32505
(2) The board of education of the joint vocational school	32506
district may report the excess costs calculated under division	32507
(C)(1) of this section to the department of education.	32508
(3) If the board of education of the joint vocational school	32509
district reports excess costs under division (C)(2) of this	32510
section, the department shall pay the amount of excess cost	32511
calculated under division (C)(2) of this section to the joint	32512
vocational school district and shall deduct that amount as	32513
provided in division (C)(3)(a) or (b) of this section, as	32514
applicable:	32515
(a) If the student is not enrolled in a community school, the	32516
department shall deduct the amount from the account of the	32517
student's resident district pursuant to division (J) of section	32518
3317.023 of the Revised Code.	32519
(b) If the student is enrolled in a community school, the	32520
department shall deduct the amount from the account of the	32521
community school pursuant to section 3314.083 of the Revised Code.	32522
(D)(1) In any fiscal year, a school district receiving funds	32523
under division (A)(5) of this section shall spend those funds only	32524
for the purposes that the department designates as approved for	32525
career-technical education expenses. Career-technical <del>educational</del>	32526
<u>education</u> expenses approved by the department shall include only	32527
expenses connected to the delivery of career-technical programming	32528
to career-technical students. The department shall require the	32529
school district to report data annually so that the department may	32530
monitor the district's compliance with the requirements regarding	32531
the manner in which funding received under division (A)(5) of this	32532
section may be spent.	32533
(2) All funds received under division (A)(5) of this section	32534

shall be spent in the following manner: 32535

(a) At least seventy-five per cent of the funds shall be 32536  
spent on curriculum development, purchase, and implementation; 32537  
instructional resources and supplies; industry-based program 32538  
certification; student assessment, credentialing, and placement; 32539  
curriculum specific equipment purchases and leases; 32540  
career-technical student organization fees and expenses; home and 32541  
agency linkages; work-based learning experiences; professional 32542  
development; and other costs directly associated with 32543  
career-technical education programs including development of new 32544  
programs. 32545

(b) Not more than twenty-five per cent of the funds shall be 32546  
used for personnel expenditures. 32547

(E) In any fiscal year, a school district receiving funds 32548  
under division (A)(6) of this section, or through a transfer of 32549  
funds pursuant to division (I) of section 3317.023 of the Revised 32550  
Code, shall spend those funds only for the purposes that the 32551  
department designates as approved for career-technical education 32552  
associated services expenses, which may include such purposes as 32553  
apprenticeship coordinators, coordinators for other 32554  
career-technical education services, career-technical evaluation, 32555  
and other purposes designated by the department. The department 32556  
may deny payment under division (A)(6) of this section to any 32557  
district that the department determines is not operating those 32558  
services or is using funds paid under division (A)(6) of this 32559  
section, or through a transfer of funds pursuant to division (I) 32560  
of section 3317.023 of the Revised Code, for other purposes. 32561

(F) A joint vocational school district shall spend the funds 32562  
it receives under division (A)(3) of this section in accordance 32563  
with section 3317.25 of the Revised Code. 32564

(G) As used in this section: 32565



(1) "Community school" means a community school established under Chapter 3314. of the Revised Code. 32566  
32567

(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 32568  
32569  
32570

~~(3) "State share percentage" is equal to the following:  
The amount computed under division (A)(1) of this section /  
(the formula amount X formula ADM)~~ 32571  
32572  
32573

**Sec. 3317.20.** This section does not apply to preschool children with disabilities. 32574  
32575

(A) As used in this section: 32576

(1) "Applicable special education amount" means the amount specified in section 3317.013 of the Revised Code for a disability described in that section. 32577  
32578  
32579

(2) "Child's school district" means the school district in which a child is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code. 32580  
32581  
32582

(3) "State share ~~index~~ percentage" means the state share ~~index~~ percentage of the child's school district. 32583  
32584

(B) The department shall annually pay each county DD board for each child with a disability, other than a preschool child with a disability, for whom the county DD board provides special education and related services an amount equal to the formula amount + (state share ~~index~~ percentage X the applicable special education amount). 32585  
32586  
32587  
32588  
32589  
32590

(C) Each county DD board shall report to the department, in the manner specified by the department, the name of each child for whom the county DD board provides special education and related services and the child's school district. 32591  
32592  
32593  
32594

(D)(1) For the purpose of verifying the accuracy of the payments under this section, the department may request from either of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any child who is placed with a county DD board:

(a) The child's school district;

(b) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (D)(1) of this section for the data verification code of a child, the child's school district shall submit that code to the department in the manner specified by the department. If the child has not been assigned a code, the district shall assign a code to that child and submit the code to the department by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child.

The department annually shall submit to each school district the name and data verification code of each child residing in the district for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division (D) of this section to any person except as provided by law.

(E) Any document relative to special education and related services provided by a county DD board that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

Sec. 3317.23. (A) For purposes of this section, ~~an~~ 32625

(1) "Competency-based educational program" means any system 32626  
of academic instruction, assessment, grading, and reporting where 32627  
students receive credit based on demonstrations and assessments of 32628  
their learning rather than the amount of time they spend studying 32629  
a subject. A competency-based educational program shall encourage 32630  
accelerated learning among students who master academic materials 32631  
quickly while providing additional instructional support time for 32632  
students who need it. 32633

(2) An "eligible individual" is an individual who satisfies 32634  
both of the following criteria: 32635

~~(1)~~(a) The individual is at least twenty-two years of age. 32636

~~(2)~~(b) The individual has not been awarded a high school 32637  
diploma or a certificate of high school equivalence as defined in 32638  
section 4109.06 of the Revised Code. 32639

(B) An eligible individual may enroll in a city, local, or 32640  
exempted village school district that operates a dropout 32641  
prevention and recovery program for up to two ~~cumulative~~ 32642  
consecutive school years for the purpose of earning a high school 32643  
diploma. An individual enrolled under this division may elect to 32644  
satisfy the requirements to earn a high school diploma by 32645  
successfully completing a competency-based ~~instructional~~ 32646  
educational program that complies with the standards adopted by 32647  
the ~~state board~~ department of education under section 3317.231 of 32648  
the Revised Code. The district shall report that individual's 32649  
enrollment on a full-time equivalency basis under division (A) of 32650  
section 3317.036 of the Revised Code and shall not report that 32651  
individual's enrollment under section 3317.03 of the Revised Code. 32652  
An individual enrolled under this division shall not be assigned 32653  
to classes or settings with students who are younger than eighteen 32654  
years of age. 32655

(C)(1) For each district that enrolls individuals under 32656  
division (B) of this section, the department ~~of education~~ annually 32657  
shall certify the enrollment and attendance, on a full-time 32658  
equivalency basis, of each individual reported by the district 32659  
under division (A) of section 3317.036 of the Revised Code. 32660

(2) For each individual enrolled in a district under division 32661  
(B) of this section, the department annually shall pay ~~to~~ the 32662  
district ~~an amount equal to the following:~~ 32663

~~\$5,000 X the individual's enrollment on a full time 32664  
equivalency basis as certified under division (C)(1) of this 32665  
section X the portion of the school year in which the individual 32666  
is enrolled in the district expressed as a percentage up to 32667  
\$5,000, as determined by the department based on the extent of the 32668  
individual's successful completion of the graduation requirements 32669  
prescribed under sections 3313.603, 3313.61, 3313.611, and 32670  
3313.614 of the Revised Code. 32671~~

(D) A district that enrolls individuals under division (B) of 32672  
this section shall be subject to the program administration 32673  
standards adopted by the ~~state board~~ department under section 32674  
3317.231 of the Revised Code, as applicable. 32675

**Sec. 3317.231.** ~~Not later than December 31, 2014, the state 32676  
board~~ The department of education shall adopt rules regarding the 32677  
administration of programs that enroll individuals who are at 32678  
least twenty-two years of age under sections 3314.38, 3317.23, 32679  
3317.24, and 3345.86 of the Revised Code, including ~~data~~ 32680  
~~collection, the reporting and certification of enrollment in the 32681  
programs, the measurement of the academic performance of 32682  
individuals enrolled in the programs~~ eligibility for the programs, 32683  
application for the programs, accountability criteria and 32684  
measurements for the programs, monitoring of the programs, data 32685  
reporting for the programs including the reporting of student 32686

enrollment demographics, program outcomes, and the standards of 32687  
practice for competency-based instructional educational programs, 32688  
as defined in section 3317.23 of the Revised Code. 32689

**Sec. 3317.24.** (A) For purposes of this section, ~~an~~ 32690  
"competency-based educational program" and "eligible individual" 32691  
~~has~~ have the same ~~meaning~~ meanings as in section 3317.23 of the 32692  
Revised Code. 32693

(B) An eligible individual may enroll in a joint vocational 32694  
school district that operates an adult education program for up to 32695  
two cumulative school years for the purpose of completing the 32696  
requirements to earn a high school diploma. An individual enrolled 32697  
under this division may elect to satisfy these requirements by 32698  
successfully completing a competency-based ~~instructional~~ 32699  
educational program that complies with the standards adopted by 32700  
the ~~state board~~ department of education under section 3317.231 of 32701  
the Revised Code. The district shall report an individual's 32702  
enrollment under this division on a full-time equivalency basis 32703  
under division (B) of section 3317.036 of the Revised Code and 32704  
shall not report that individual's enrollment under section 32705  
3317.03 of the Revised Code. An individual enrolled under this 32706  
division shall not be assigned to classes or settings with 32707  
students who are younger than eighteen years of age. 32708

(C)(1) For each joint vocational school district that enrolls 32709  
individuals under division (B) of this section, the department ~~of~~ 32710  
~~education~~ annually shall certify the enrollment and attendance, on 32711  
a full-time equivalency basis, of each individual reported by the 32712  
district under division (B) of section 3317.036 of the Revised 32713  
Code. 32714

(2) For each individual enrolled in a joint vocational school 32715  
district under division (B) of this section, the department 32716

annually shall pay to the district an amount equal to the 32717  
following: 32718

~~\$5,000 X the individual's enrollment on a full-time 32719  
equivalency basis as certified under division (C)(1) of this 32720  
section X the portion of the school year in which the individual 32721  
is enrolled in the district expressed as a percentage up to 32722  
\$5,000, as determined by the department based on the extent of the 32723  
individual's successful completion of the graduation requirements 32724  
prescribed under sections 3313.603, 3313.61, 3313.611, and 32725  
3313.614 of the Revised Code. 32726~~

(D) If an individual enrolled in a joint vocational school 32727  
district under division (B) of this section completes the 32728  
requirements to earn a high school diploma, the joint vocational 32729  
school district shall certify the completion of those requirements 32730  
to the city, local, or exempted village school district in which 32731  
the individual resides. Upon receiving certification under this 32732  
division, the city, local, or exempted village school district in 32733  
which the individual resides shall issue a high school diploma to 32734  
the individual within sixty days of receiving the certification. 32735

(E) A joint vocational school district that enrolls 32736  
individuals under division (B) of this section shall be subject to 32737  
the program administration standards adopted by the ~~state board~~ 32738  
department under section 3317.231 of the Revised Code, as 32739  
applicable. 32740

Sec. 3317.26. (A) The department of education shall pay a 32741  
city, local, or exempted village school district additional funds 32742  
computed as follows: 32743  
[(0.20 X the formula amount) - (the sum of the district's payments 32744  
under sections 3317.022 and 3317.0212 of the Revised Code and 32745  
Section 263.230 of H.B. 64 of the 131st general assembly / its 32746  
formula ADM)] X the district's formula ADM 32747

If the result is a negative number, no payment shall be made 32748  
under this section. 32749

(B) The department shall pay a joint vocational school 32750  
district additional funds computed as follows: 32751  
[(0.20 X the formula amount) - (the sum of the district's payments 32752  
under section 3317.16 of the Revised Code and Section 263.240 of 32753  
H.B. 64 of the 131st general assembly / its formula ADM)] X the 32754  
district's formula ADM 32755

If the result is a negative number, no payment shall be made 32756  
under this section. 32757

(C) For fiscal years 2016 and 2017, the department shall pay 32758  
a city, local, or exempted village school district fifty per cent 32759  
of the amount calculated under division (A) of this section and 32760  
shall pay a joint vocational school district fifty per cent of the 32761  
amount calculated under division (B) of this section. 32762

**Sec. 3318.02.** (A) For purposes of sections 3318.01 to ~~3318.33~~ 32763  
~~3318.32~~ of the Revised Code, the Ohio school facilities commission 32764  
shall periodically perform an assessment of the classroom facility 32765  
needs in the state to identify school districts in need of 32766  
additional classroom facilities, or replacement or reconstruction 32767  
of existent classroom facilities, and the cost to each such 32768  
district of constructing or acquiring such additional facilities 32769  
or making such renovations. 32770

(B) Based upon the most recent assessment conducted pursuant 32771  
to division (A) of this section, the commission shall conduct 32772  
on-site visits to school districts identified as having classroom 32773  
facility needs to confirm the findings of the periodic assessment 32774  
and further evaluate the classroom facility needs of the district. 32775  
The evaluation shall assess the district's need to construct or 32776  
acquire new classroom facilities and may include an assessment of 32777  
the district's need for building additions or for the 32778

reconstruction of existent buildings in lieu of constructing or 32779  
acquiring replacement buildings. 32780

(C)(1) Except as provided in division (C)(2) of this section, 32781  
on-site visits performed on or after May 20, 1997, shall be 32782  
performed in the order specified in this division. The first round 32783  
of on-site visits first succeeding the effective date of this 32784  
amendment, May 20, 1997, shall be limited to the school districts 32785  
in the first through fifth percentiles, excluding districts that 32786  
are ineligible for funding under this chapter pursuant to section 32787  
3318.04 of the Revised Code. The second round of on-site visits 32788  
shall be limited to the school districts in the first through 32789  
tenth percentiles, excluding districts that are ineligible for 32790  
funding under this chapter pursuant to section 3318.04 of the 32791  
Revised Code. Each succeeding round of on-site visits shall be 32792  
limited to the percentiles included in the immediately preceding 32793  
round of on-site visits plus the next five percentiles. Except for 32794  
the first round of on-site visits, no round of on-site visits 32795  
shall commence unless eighty per cent of the districts for which 32796  
on-site visits were performed during the immediately preceding 32797  
round, have had projects approved under section 3318.04 of the 32798  
Revised Code. 32799

(2) Notwithstanding division (C)(1) of this section, the 32800  
commission may perform on-site visits for school districts in the 32801  
next highest percentile to the percentiles included in the current 32802  
round of on-site visits, and then to succeeding percentiles one at 32803  
a time, not to exceed the twenty-fifth percentile, if all of the 32804  
following apply: 32805

(a) Less than eighty per cent of the districts for which 32806  
on-site visits were performed in the current round, and in any 32807  
percentiles for which on-site visits were performed in addition to 32808  
the current round pursuant to this division, have had projects 32809  
approved under section 3318.04 of the Revised Code; 32810



(b) There are funds appropriated for the purpose of sections 32811  
3318.01 to 3318.20 of the Revised Code that are not reserved and 32812  
encumbered for projects pursuant to section 3318.04 of the Revised 32813  
Code; 32814

(c) The commission makes a finding that such available funds 32815  
would be more thoroughly utilized if on-site visits were extended 32816  
to the next highest percentile. 32817

(D) Notwithstanding divisions (B) and (C) of this section, in 32818  
any fiscal year, the commission may limit the number of districts 32819  
for which it conducts on-site visits based upon its projections of 32820  
the moneys available and moneys necessary to undertake projects 32821  
under sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code for 32822  
that year. 32823

**Sec. 3318.024.** In the first year of a capital biennium, any 32824  
funds appropriated to the Ohio school facilities commission for 32825  
classroom facilities projects under this chapter in the previous 32826  
capital biennium that were not spent or encumbered, or for which 32827  
an encumbrance has been canceled under section 3318.05 of the 32828  
Revised Code, shall be used by the commission only for projects 32829  
under sections 3318.01 to 3318.20 of the Revised Code, subject to 32830  
appropriation by the general assembly. 32831

In the second year of a capital biennium, any funds 32832  
appropriated to the Ohio school facilities commission for 32833  
classroom facilities projects under this chapter that were not 32834  
spent or encumbered in the first year of the biennium and which 32835  
are in excess of an amount equal to half of the appropriations for 32836  
the capital biennium, or for which an encumbrance has been 32837  
canceled under section 3318.05 of the Revised Code, shall be used 32838  
by the commission only for projects under sections 3318.01 to 32839  
3318.20, 3318.32, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, 32840  
and 3318.40 to 3318.46 of the Revised Code, subject to 32841

appropriation by the general assembly. 32842

**Sec. 3318.054.** (A) If conditional approval of a city, 32843  
exempted village, or local school district's project lapses as 32844  
provided in section 3318.05 of the Revised Code, or if conditional 32845  
approval of a joint vocational school district's project lapses as 32846  
provided in division (D) of section 3318.41 of the Revised Code, 32847  
because the district's electors have not approved the ballot 32848  
measures necessary to generate the district's portion of the basic 32849  
project cost, and if the district board desires to seek a new 32850  
conditional approval of the project, the district board shall 32851  
request that the Ohio school facilities commission set the scope, 32852  
basic project cost, and school district portion of the basic 32853  
project cost prior to resubmitting the ballot measures to the 32854  
electors. To do so, the commission shall use the district's 32855  
current assessed tax valuation and the district's percentile for 32856  
the prior fiscal year. For a district that has entered into an 32857  
agreement under section 3318.36 of the Revised Code and desires to 32858  
proceed with a project under sections 3318.01 to 3318.20 of the 32859  
Revised Code, the district's portion of the basic project cost 32860  
shall be the percentage specified in that agreement. The project 32861  
scope and basic costs established under this division shall be 32862  
valid for ~~one year~~ thirteen months from the date the commission 32863  
approves them. 32864

(B) Upon the commission's approval under division (A) of this 32865  
section, the district board may submit the ballot measures to the 32866  
district's electors for approval of the project based on the new 32867  
project scope and estimated costs. Upon electoral approval of 32868  
those measures, the district shall be given first priority for 32869  
project funding as such funds become available. 32870

(C) When the commission determines that funds are available 32871  
for the district's project, the commission shall do all of the 32872

following: 32873

(1) Determine the school district portion of the basic 32874  
project cost under section 3318.032 of the Revised Code, in the 32875  
case of a city, exempted village, or local school district, or 32876  
under section 3318.42 of the Revised Code, in the case of a joint 32877  
vocational school district; 32878

(2) Conditionally approve the project and submit it to the 32879  
controlling board for approval pursuant to section 3318.04 of the 32880  
Revised Code; 32881

(3) Encumber funds for the project under section 3318.11 of 32882  
the Revised Code; 32883

(4) Enter into an agreement with the district board under 32884  
section 3318.08 of the Revised Code. 32885

**Sec. 3318.30.** (A) There is hereby created the Ohio school 32886  
facilities commission as an independent agency of the state within 32887  
the Ohio facilities construction commission, which is created 32888  
under section 123.20 of the Revised Code. The Ohio school 32889  
facilities commission shall administer the provision of financial 32890  
assistance to school districts for the acquisition or construction 32891  
of classroom facilities in accordance with sections 3318.01 to 32892  
~~3318.33~~ 3318.32 of the Revised Code. 32893

The Ohio school facilities commission is a body corporate and 32894  
politic, an agency of state government and an instrumentality of 32895  
the state, performing essential governmental functions of this 32896  
state. The carrying out of the purposes and the exercise by the 32897  
Ohio school facilities commission of its powers conferred by 32898  
sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code are 32899  
essential public functions and public purposes of the state. The 32900  
Ohio school facilities commission may, in its own name, sue and be 32901  
sued, enter into contracts, and perform all the powers and duties 32902

given to it by sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code, but it does not have and shall not exercise the power of eminent domain. In its discretion and as it determines appropriate, the Ohio school facilities commission may delegate to any of its members, executive director, or other employees any of the Ohio school facilities commission's powers and duties to carry out its functions.

(B) The Ohio school facilities commission shall consist of seven members, three of whom are voting members. The voting members of the Ohio school facilities commission shall be the director of the office of budget and management, the director of administrative services, and the superintendent of public instruction, or their designees. Of the nonvoting members, two shall be members of the senate appointed by the president of the senate, and two shall be members of the house of representatives appointed by the speaker of the house. Each of the appointees of the president, and each of the appointees of the speaker, shall be members of different political parties.

Nonvoting members shall serve as members of the Ohio school facilities commission during the legislative biennium for which they are appointed, except that any such member who ceases to be a member of the legislative house from which the member was appointed shall cease to be a member of the Ohio school facilities commission. Each nonvoting member shall be appointed within thirty-one days of the end of the term of that member's predecessor. Such members may be reappointed. Vacancies of nonvoting members shall be filled in the manner provided for original appointments.

Members of the Ohio school facilities commission shall serve without compensation.

After the initial nonvoting members of the Ohio school facilities commission have been appointed, the Ohio school

facilities commission shall meet and organize by electing voting 32935  
members as the chairperson and vice-chairperson of the Ohio school 32936  
facilities commission, who shall hold their offices until the next 32937  
organizational meeting of the Ohio school facilities commission. 32938  
Organizational meetings of the Ohio school facilities commission 32939  
shall be held at the first meeting of each calendar year. At each 32940  
organizational meeting, the Ohio school facilities commission 32941  
shall elect from among its voting members a chairperson and 32942  
vice-chairperson, who shall serve until the next annual 32943  
organizational meeting. The Ohio school facilities commission 32944  
shall adopt rules pursuant to section 111.15 of the Revised Code 32945  
for the conduct of its internal business and shall keep a journal 32946  
of its proceedings. Including the organizational meeting, the Ohio 32947  
school facilities commission shall meet at least once each 32948  
calendar quarter. 32949

Two voting members of the Ohio school facilities commission 32950  
constitute a quorum, and the affirmative vote of two members is 32951  
necessary for approval of any action taken by the Ohio school 32952  
facilities commission. A vacancy in the membership of the Ohio 32953  
school facilities commission does not impair a quorum from 32954  
exercising all the rights and performing all the duties of the 32955  
Ohio school facilities commission. Meetings of the Ohio school 32956  
facilities commission may be held anywhere in the state and shall 32957  
be held in compliance with section 121.22 of the Revised Code. 32958

(C) The Ohio school facilities commission shall file an 32959  
annual report of its activities and finances with the governor, 32960  
speaker of the house of representatives, president of the senate, 32961  
and chairpersons of the house and senate finance committees. 32962

(D) The Ohio school facilities commission shall be exempt 32963  
from the requirements of sections 101.82 to 101.87 of the Revised 32964  
Code. 32965

(E) The Ohio school facilities commission may share employees 32966

and facilities with the Ohio facilities construction commission. 32967

**Sec. 3318.40.** (A)(1) Sections 3318.40 to 3318.45 of the 32968  
Revised Code apply only to joint vocational school districts. 32969

(2) As used in sections 3318.40 to 3318.45 of the Revised 32970  
Code: 32971

(a) "Ohio school facilities commission," "classroom 32972  
facilities," "project," and "basic project cost" have the same 32973  
meanings as in section 3318.01 of the Revised Code. 32974

(b) "Acquisition of classroom facilities" means constructing, 32975  
reconstructing, repairing, or making additions to classroom 32976  
facilities. 32977

(B) There is hereby established the vocational school 32978  
facilities assistance program. Under the program, the Ohio school 32979  
facilities commission shall provide assistance to joint vocational 32980  
school districts for the acquisition of classroom facilities 32981  
suitable to the vocational education programs of the districts in 32982  
accordance with sections 3318.40 to 3318.45 of the Revised Code. 32983  
For purposes of the program, beginning July 1, 2003, the 32984  
commission annually may set aside up to two per cent of the 32985  
aggregate amount appropriated to it for classroom facilities 32986  
assistance projects in ~~the education facilities trust fund,~~ 32987  
~~established under section 183.26 of the Revised Code;~~ the public 32988  
school building fund, established under section 3318.15 of the 32989  
Revised Code, and the school building program assistance fund, 32990  
established under section 3318.25 of the Revised Code. 32991

(C) The commission shall not provide assistance for any 32992  
distinct part of a project under sections 3318.40 to 3318.45 of 32993  
the Revised Code that when completed will be used exclusively for 32994  
an adult education program or exclusively for operation of a 32995  
driver training school for instruction leading to the issuance of 32996

a commercial driver's license under Chapter 4506. of the Revised Code, except for life safety items and basic building components necessary for complete and continuous construction or renovation of a classroom facility as determined by the commission.

(D) The commission shall not provide assistance under sections 3318.40 to 3318.45 of the Revised Code to acquire classroom facilities for vocational educational instruction at a location under the control of a school district that is a member of a joint vocational school district. Any assistance to acquire classroom facilities for vocational educational instruction at such location shall be provided to the school district that is a member of the joint vocational school district through other provisions of this chapter when that member school district is eligible for assistance under those provisions.

(E) By September 1, 2003, the commission shall assess the classroom facilities needs of at least five joint vocational school districts, according to the order of priority prescribed in division (B) of section 3318.42 of the Revised Code, and based on the results of those assessments shall determine the extent to which amendments to the specifications adopted under section 3318.311 of the Revised Code are warranted. The commission, thereafter, may amend the specifications as provided in that section.

(F) After the commission has conducted the assessments prescribed in division (E) of this section, the commission shall establish, by rule adopted in accordance with section 111.15 of the Revised Code, guidelines for the commission to use in deciding whether to waive compliance with the design specifications adopted under section 3318.311 of the Revised Code when determining the number of facilities and the basic project cost of projects as prescribed in division (A)(1)(a) of section 3318.41 of the Revised Code. The guidelines shall address the following situations:

(1) Under what circumstances, if any, particular classroom 33029  
facilities are adequate to meet the needs of the school district 33030  
even though the facilities do not comply with the specifications 33031  
adopted under section 3318.311 of the Revised Code; 33032

(2) Under what circumstances, if any, particular classroom 33033  
facilities will be renovated or repaired rather than replaced by 33034  
construction of new facilities. 33035

**Sec. 3319.22.** (A)(1) The state board of education shall issue 33036  
the following educator licenses: 33037

(a) A resident educator license, which shall be valid for 33038  
four years and shall be renewable for reasons specified by rules 33039  
adopted by the state board pursuant to division (A)(3) of this 33040  
section. The state board, on a case-by-case basis, may extend the 33041  
license's duration as necessary to enable the license holder to 33042  
complete the Ohio teacher residency program established under 33043  
section 3319.223 of the Revised Code; 33044

(b) A professional educator license, which shall be valid for 33045  
five years and shall be renewable; 33046

(c) A senior professional educator license, which shall be 33047  
valid for five years and shall be renewable; 33048

(d) A lead professional educator license, which shall be 33049  
valid for five years and shall be renewable. 33050

(2) The state board may issue any additional educator 33051  
licenses of categories, types, and levels the board elects to 33052  
provide. 33053

(3) The state board shall adopt rules establishing the 33054  
standards and requirements for obtaining each educator license 33055  
issued under this section. The rules shall also include the 33056  
reasons for which a resident educator license may be renewed under 33057  
division (A)(1)(a) of this section. 33058



(B) The rules adopted under this section shall require at least the following standards and qualifications for the educator licenses described in division (A)(1) of this section:

(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program or be a participant in the teach for America program and meet the qualifications required under section 3319.227 of the Revised Code.

(2) An applicant for a professional educator license shall:

(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code.

(3) An applicant for a senior professional educator license shall:

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;

(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.

(4) An applicant for a lead professional educator license shall:	33089
	33090
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	33091
	33092
	33093
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;	33094
	33095
	33096
	33097
(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;	33098
	33099
	33100
(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.	33101
	33102
	33103
	33104
	33105
(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code.	33106
	33107
	33108
	33109
(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the <del>chancellor of the Ohio board of regents</del> <u>director of higher education</u> , in the manner and to the extent permitted by state and federal law.	33110
	33111
	33112
	33113
	33114
(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows:	33115
	33116
	33117
	33118
	33119

(1) Notwithstanding division (E) of section 119.03 and 33120  
division (A)(1) of section 119.04 of the Revised Code, in the case 33121  
of the adoption of any rule or the amendment or rescission of any 33122  
rule that necessitates institutions' offering preparation programs 33123  
for educators and other school personnel that are approved by the 33124  
~~chancellor of the Ohio board of regents~~ director of higher 33125  
education under section 3333.048 of the Revised Code to revise the 33126  
curriculum of those programs, the effective date shall not be as 33127  
prescribed in division (E) of section 119.03 and division (A)(1) 33128  
of section 119.04 of the Revised Code. Instead, the effective date 33129  
of such rules, or the amendment or rescission of such rules, shall 33130  
be the date prescribed by section 3333.048 of the Revised Code. 33131

(2) Notwithstanding the authority to adopt, amend, or rescind 33132  
emergency rules in division (G) of section 119.03 of the Revised 33133  
Code, this authority shall not apply to the state board of 33134  
education with regard to rules for educator licenses. 33135

(F)(1) The rules adopted under this section establishing 33136  
standards requiring additional coursework for the renewal of any 33137  
educator license shall require a school district and a chartered 33138  
nonpublic school to establish local professional development 33139  
committees. In a nonpublic school, the chief administrative 33140  
officer shall establish the committees in any manner acceptable to 33141  
such officer. The committees established under this division shall 33142  
determine whether coursework that a district or chartered 33143  
nonpublic school teacher proposes to complete meets the 33144  
requirement of the rules. The department of education shall 33145  
provide technical assistance and support to committees as the 33146  
committees incorporate the professional development standards 33147  
adopted by the state board of education pursuant to section 33148  
3319.61 of the Revised Code into their review of coursework that 33149  
is appropriate for license renewal. The rules shall establish a 33150  
procedure by which a teacher may appeal the decision of a local 33151

professional development committee. 33152

(2) In any school district in which there is no exclusive 33153  
representative established under Chapter 4117. of the Revised 33154  
Code, the professional development committees shall be established 33155  
as described in division (F)(2) of this section. 33156

Not later than the effective date of the rules adopted under 33157  
this section, the board of education of each school district shall 33158  
establish the structure for one or more local professional 33159  
development committees to be operated by such school district. The 33160  
committee structure so established by a district board shall 33161  
remain in effect unless within thirty days prior to an anniversary 33162  
of the date upon which the current committee structure was 33163  
established, the board provides notice to all affected district 33164  
employees that the committee structure is to be modified. 33165  
Professional development committees may have a district-level or 33166  
building-level scope of operations, and may be established with 33167  
regard to particular grade or age levels for which an educator 33168  
license is designated. 33169

Each professional development committee shall consist of at 33170  
least three classroom teachers employed by the district, one 33171  
principal employed by the district, and one other employee of the 33172  
district appointed by the district superintendent. For committees 33173  
with a building-level scope, the teacher and principal members 33174  
shall be assigned to that building, and the teacher members shall 33175  
be elected by majority vote of the classroom teachers assigned to 33176  
that building. For committees with a district-level scope, the 33177  
teacher members shall be elected by majority vote of the classroom 33178  
teachers of the district, and the principal member shall be 33179  
elected by a majority vote of the principals of the district, 33180  
unless there are two or fewer principals employed by the district, 33181  
in which case the one or two principals employed shall serve on 33182  
the committee. If a committee has a particular grade or age level 33183

scope, the teacher members shall be licensed to teach such grade 33184  
or age levels, and shall be elected by majority vote of the 33185  
classroom teachers holding such a license and the principal shall 33186  
be elected by all principals serving in buildings where any such 33187  
teachers serve. The district superintendent shall appoint a 33188  
replacement to fill any vacancy that occurs on a professional 33189  
development committee, except in the case of vacancies among the 33190  
elected classroom teacher members, which shall be filled by vote 33191  
of the remaining members of the committee so selected. 33192

Terms of office on professional development committees shall 33193  
be prescribed by the district board establishing the committees. 33194  
The conduct of elections for members of professional development 33195  
committees shall be prescribed by the district board establishing 33196  
the committees. A professional development committee may include 33197  
additional members, except that the majority of members on each 33198  
such committee shall be classroom teachers employed by the 33199  
district. Any member appointed to fill a vacancy occurring prior 33200  
to the expiration date of the term for which a predecessor was 33201  
appointed shall hold office as a member for the remainder of that 33202  
term. 33203

The initial meeting of any professional development 33204  
committee, upon election and appointment of all committee members, 33205  
shall be called by a member designated by the district 33206  
superintendent. At this initial meeting, the committee shall 33207  
select a chairperson and such other officers the committee deems 33208  
necessary, and shall adopt rules for the conduct of its meetings. 33209  
Thereafter, the committee shall meet at the call of the 33210  
chairperson or upon the filing of a petition with the district 33211  
superintendent signed by a majority of the committee members 33212  
calling for the committee to meet. 33213

(3) In the case of a school district in which an exclusive 33214  
representative has been established pursuant to Chapter 4117. of 33215

the Revised Code, professional development committees shall be 33216  
established in accordance with any collective bargaining agreement 33217  
in effect in the district that includes provisions for such 33218  
committees. 33219

If the collective bargaining agreement does not specify a 33220  
different method for the selection of teacher members of the 33221  
committees, the exclusive representative of the district's 33222  
teachers shall select the teacher members. 33223

If the collective bargaining agreement does not specify a 33224  
different structure for the committees, the board of education of 33225  
the school district shall establish the structure, including the 33226  
number of committees and the number of teacher and administrative 33227  
members on each committee; the specific administrative members to 33228  
be part of each committee; whether the scope of the committees 33229  
will be district levels, building levels, or by type of grade or 33230  
age levels for which educator licenses are designated; the lengths 33231  
of terms for members; the manner of filling vacancies on the 33232  
committees; and the frequency and time and place of meetings. 33233  
However, in all cases, except as provided in division (F)(4) of 33234  
this section, there shall be a majority of teacher members of any 33235  
professional development committee, there shall be at least five 33236  
total members of any professional development committee, and the 33237  
exclusive representative shall designate replacement members in 33238  
the case of vacancies among teacher members, unless the collective 33239  
bargaining agreement specifies a different method of selecting 33240  
such replacements. 33241

(4) Whenever an administrator's coursework plan is being 33242  
discussed or voted upon, the local professional development 33243  
committee shall, at the request of one of its administrative 33244  
members, cause a majority of the committee to consist of 33245  
administrative members by reducing the number of teacher members 33246  
voting on the plan. 33247

(G)(1) The department of education, educational service 33248  
centers, county boards of developmental disabilities, regional 33249  
professional development centers, special education regional 33250  
resource centers, college and university departments of education, 33251  
head start programs, and the Ohio education computer network may 33252  
establish local professional development committees to determine 33253  
whether the coursework proposed by their employees who are 33254  
licensed or certificated under this section or section 3319.222 of 33255  
the Revised Code, or under the former version of either section as 33256  
it existed prior to October 16, 2009, meet the requirements of the 33257  
rules adopted under this section. They may establish local 33258  
professional development committees on their own or in 33259  
collaboration with a school district or other agency having 33260  
authority to establish them. 33261

Local professional development committees established by 33262  
county boards of developmental disabilities shall be structured in 33263  
a manner comparable to the structures prescribed for school 33264  
districts in divisions (F)(2) and (3) of this section, as shall 33265  
the committees established by any other entity specified in 33266  
division (G)(1) of this section that provides educational services 33267  
by employing or contracting for services of classroom teachers 33268  
licensed or certificated under this section or section 3319.222 of 33269  
the Revised Code, or under the former version of either section as 33270  
it existed prior to October 16, 2009. All other entities specified 33271  
in division (G)(1) of this section shall structure their 33272  
committees in accordance with guidelines which shall be issued by 33273  
the state board. 33274

(2) Any public agency that is not specified in division 33275  
(G)(1) of this section but provides educational services and 33276  
employs or contracts for services of classroom teachers licensed 33277  
or certificated under this section or section 3319.222 of the 33278  
Revised Code, or under the former version of either section as it 33279

existed prior to October 16, 2009, may establish a local professional development committee, subject to the approval of the department of education. The committee shall be structured in accordance with guidelines issued by the state board.

(H) Not later than July 1, 2016, the state board, in accordance with Chapter 119. of the Revised Code, shall adopt rules pursuant to division (A)(3) of this section that do both of the following:

(1) Exempt consistently high-performing teachers from the requirement to complete any additional coursework for the renewal of an educator license issued under this section or section 3319.26 of the Revised Code. The rules also shall specify that such teachers are exempt from any requirements prescribed by professional development committees established under divisions (F) and (G) of this section.

(2) For purposes of division (H)(1) of this section, the state board shall define the term "consistently high-performing teacher."

**Sec. 3319.223.** (A) Not later than January 1, 2011, the superintendent of public instruction and the ~~chancellor of the Ohio board of regents~~ director of higher education jointly shall establish the Ohio teacher residency program, which shall be a four-year, entry-level program for classroom teachers. The teacher residency program shall include at least the following components:

(1) Mentoring by teachers who hold a lead professional educator license issued under section 3319.22 of the Revised Code for the first two years of the program;

(2) Counseling, as determined necessary by the school district or school, to ensure that program participants receive needed professional development;



(3) Measures of appropriate progression through the program, 33310  
which shall include the performance-based assessment prescribed by 33311  
the state board of education for resident educators in the third 33312  
year of the program. 33313

An individual who is teaching career-technical courses under 33314  
an alternative resident educator license issued under section 33315  
3319.26 of the Revised Code shall not be required to complete the 33316  
conditions of the Ohio teacher residency program that a 33317  
participant, as of the effective date of this amendment, would 33318  
have been required to complete during the participant's first and 33319  
second year of teaching under an alternative resident educator 33320  
license. Such an individual shall complete all the conditions 33321  
that, as of the effective date of this amendment, were necessary 33322  
for a participant in the third and fourth year of the program 33323  
prior to applying for a professional educator license under 33324  
division (A)(2) of section 3319.22 of the Revised Code. 33325

(B) The teacher residency program shall be aligned with the 33326  
standards for teachers adopted by the state board ~~of education~~ 33327  
under section 3319.61 of the Revised Code and best practices 33328  
identified by the superintendent of public instruction. 33329

(C) Each person who holds a resident educator license issued 33330  
under section 3319.22 or 3319.227 of the Revised Code or an 33331  
alternative resident educator license issued under section 3319.26 33332  
of the Revised Code shall participate in the teacher residency 33333  
program. Successful completion of the program shall be required to 33334  
qualify any such person for a professional educator license issued 33335  
under section 3319.22 of the Revised Code. 33336

**Sec. 3319.271.** (A) As used in this section, the "bright new 33337  
leaders for Ohio schools program" means the program created and 33338  
implemented by the nonprofit corporation incorporated pursuant to 33339  
Section 733.40 of Am. Sub. H.B. 59 of the 130th general assembly 33340

to provide an alternative path for individuals to receive training and development in the administration of primary and secondary education and leadership, enable those individuals to earn degrees and obtain licenses in public school administration, and promote the placement of those individuals in public schools that have a poverty percentage greater than fifty per cent. 33341  
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(B) The state board of education shall issue an alternative principal license or an alternative administrator license, as applicable, to an individual who successfully completes the bright new leaders for Ohio schools program and satisfies the requirements in rules adopted by the state board under division (C) of this section. 33347  
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(C) The state board, in consultation with the board of directors of the bright new leaders for Ohio schools program, shall adopt rules that prescribe the requirements for obtaining an alternative principal license or an alternative administrator license under this section. The state board shall use the rules adopted under section 3319.27 of the Revised Code as guidance in developing the rules adopted under this division. 33353  
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**Sec. 3319.301.** (A) As used in this section<sub>7</sub>: 33360

(1) "High-performing school district has the same meaning as in section 3302.16 of the Revised Code. 33361  
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(2) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 33363  
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(B) The state board of education shall issue permits to individuals who are not licensed as required by sections 3319.22 to 3319.30 of the Revised Code, but who are otherwise qualified, to teach classes for not more than a total of twelve hours a week, except that an individual teaching in a STEM school or a building 33366  
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in a high-performing school district may teach classes for not 33371  
more than a total of forty hours a week. The state board, by rule, 33372  
shall set forth the qualifications, other than licensure under 33373  
sections 3319.22 to 3319.30 of the Revised Code, to be met by 33374  
individuals in order to be issued a permit as provided in this 33375  
section. Such qualifications shall include the possession of a 33376  
baccalaureate, master's, or doctoral degree in, or significant 33377  
experience related to, the subject the individual is to teach. 33378  
Applications for permits pursuant to this section shall be made in 33379  
accordance with section 3319.29 of the Revised Code. 33380

The state board, by rule, shall authorize the board of 33381  
education of each school district and each STEM school to engage 33382  
individuals holding permits issued under this section to teach 33383  
classes for not more than the total number of hours a week 33384  
specified in the permit. The rules shall include provisions with 33385  
regard to each of the following: 33386

(1) That a board of education or STEM school shall engage a 33387  
nonlicensed individual to teach pursuant to this section on a 33388  
volunteer basis, or by entering into a contract with the 33389  
individual or the individual's employer on such terms and 33390  
conditions as are agreed to between the board or school and the 33391  
individual or the individual's employer; 33392

(2) That an employee of the board of education or STEM school 33393  
who is licensed under sections 3319.22 to 3319.30 of the Revised 33394  
Code shall directly supervise a nonlicensed individual who is 33395  
engaged to teach pursuant to this section until the superintendent 33396  
of the school district or the chief administrative officer of the 33397  
STEM school is satisfied that the nonlicensed individual has 33398  
sufficient understanding of, and experience in, effective teaching 33399  
methods to teach without supervision. 33400

(C) A nonlicensed individual engaged to teach pursuant to 33401  
this section is a teacher for the purposes of Title XXXIII of the 33402

Revised Code except for the purposes of Chapters 3307. and 3317. 33403  
and sections 3319.07 to 3319.31 of the Revised Code. Such an 33404  
individual is not an employee of the board of education or STEM 33405  
school for the purpose of Titles I or XLI or Chapter 3309. of the 33406  
Revised Code. 33407

(D) Students enrolled in a class taught by a nonlicensed 33408  
individual pursuant to this section and rules adopted thereunder 33409  
shall receive the same credit as if the class had been taught by 33410  
an employee licensed pursuant to sections 3319.22 to 3319.30 of 33411  
the Revised Code. 33412

(E) No board of education of any school district shall engage 33413  
any one or more nonlicensed individuals if such employment 33414  
displaces from employment an existing licensed employee of the 33415  
district. 33416

**Sec. 3319.303.** (A) The state board of education shall adopt 33417  
rules establishing standards and requirements for obtaining a 33418  
pupil-activity program permit for any individual who does not hold 33419  
a valid educator license, certificate, or permit issued by the 33420  
state board under section 3319.22, 3319.26, or 3319.27 of the 33421  
Revised Code. The permit issued under this section shall be valid 33422  
for coaching, supervising, or directing a pupil-activity program 33423  
under section 3313.53 of the Revised Code. Subject to the 33424  
provisions of section 3319.31 of the Revised Code, a permit issued 33425  
under this ~~section~~ division shall be valid for three years and 33426  
shall be renewable. 33427

(B) The state board shall adopt rules applicable to 33428  
individuals who hold valid educator licenses, certificates, or 33429  
permits issued by the state board under section 3319.22, 3319.26, 33430  
or 3319.27 of the Revised Code setting forth standards to assure 33431  
any such individual's competence to direct, supervise, or coach a 33432  
pupil-activity program described in section 3313.53 of the Revised 33433

Code. The rules adopted under this division shall not be more 33434  
stringent than the standards set forth in rules applicable to 33435  
individuals who do not hold such licenses, certificates, or 33436  
permits adopted under division (A) of this section. Subject to the 33437  
provisions of section 3319.31 of the Revised Code, a permit issued 33438  
to an individual under this division shall be valid for the same 33439  
number of years as the individual's educator license, certificate, 33440  
or permit issued under section 3319.22, 3319.26, or 3319.27 of the 33441  
Revised Code and shall be renewable. 33442

(C) As a condition to issuing or renewing a pupil-activity 33443  
program permit to coach interscholastic athletics: 33444

(1) The state board shall require each individual applying 33445  
for a first permit on or after April 26, 2013, to successfully 33446  
complete a training program that is specifically focused on brain 33447  
trauma and brain injury management. 33448

(2) The state board shall require each individual applying 33449  
for a permit renewal on or after that date to present evidence 33450  
that the individual has successfully completed, within the 33451  
previous three years, a training program in recognizing the 33452  
symptoms of concussions and head injuries to which the department 33453  
of health has provided a link on its internet web site under 33454  
section 3707.52 of the Revised Code or a training program 33455  
authorized and required by an organization that regulates 33456  
interscholastic athletic competition and conducts interscholastic 33457  
athletic events. 33458

**Sec. 3319.51.** (A)(1) The state board of education shall 33459  
annually establish the amount of the fees required to be paid for 33460  
any license, certificate, or permit issued under this chapter or 33461  
division (B) of section 3301.071 or section 3301.074 of the 33462  
Revised Code. The Except as provided in division (A)(2) of this 33463  
section, the amount of these fees shall be such that they, along 33464

with any appropriation made to the fund established under division 33465  
(B) of this section, will be sufficient to cover the annual 33466  
estimated cost of administering the requirements described under 33467  
division (B) of this section. 33468

(2) The state board shall not require any fee to be paid 33469  
under division (A)(1) of this section for a license, certificate, 33470  
or permit issued for the purpose of teaching in a junior reserve 33471  
officer training corps (JROTC) program approved by the congress of 33472  
the United States under title 10 of the United States Code. 33473

(B) There is hereby established in the state treasury the 33474  
state board of education licensure fund, which shall be used by 33475  
the state board of education solely to pay the cost of 33476  
administering requirements related to the issuance and renewal of 33477  
licenses, certificates, and permits described in this chapter and 33478  
sections 3301.071 and 3301.074 of the Revised Code. The fund shall 33479  
consist of the amounts paid into the fund pursuant to division (B) 33480  
of section 3301.071 and sections 3301.074 and 3319.29 of the 33481  
Revised Code and any appropriations to the fund by the general 33482  
assembly. 33483

**Sec. 3319.57.** (A) A grant program is hereby established under 33484  
which the department of education shall award grants to assist 33485  
certain schools in a city, exempted village, local, or joint 33486  
vocational school district in implementing one of the following 33487  
innovations: 33488

(1) The use of instructional specialists to mentor and 33489  
support classroom teachers; 33490

(2) The use of building managers to supervise the 33491  
administrative functions of school operation so that a school 33492  
principal can focus on supporting instruction, providing 33493  
instructional leadership, and engaging teachers as part of the 33494  
instructional leadership team; 33495

- (3) The reconfiguration of school leadership structure in a manner that allows teachers to serve in leadership roles so that teachers may share the responsibility for making and implementing school decisions; 33496  
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- (4) The adoption of new models for restructuring the school day or school year, such as including teacher planning and collaboration time as part of the school day; 33500  
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- (5) The creation of smaller schools or smaller units within larger schools for the purpose of facilitating teacher collaboration to improve and advance the professional practice of teaching; 33503  
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- (6) The implementation of "grow your own" recruitment strategies that are designed to assist individuals who show a commitment to education become licensed teachers, to assist experienced teachers obtain licensure in subject areas for which there is need, and to assist teachers in becoming principals; 33507  
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- (7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size; 33512  
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- (8) The provision of incentives to attract qualified mathematics, science, or special education teachers; 33514  
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- (9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas; 33516  
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- (10) The implementation of a program to increase the cultural competency of both new and veteran teachers; 33519  
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- (11) The implementation of a program to increase the subject matter competency of veteran teachers. 33521  
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- (B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria: 33523  
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(1) Be hard to staff, as defined by the department. 33526

(2) Use existing school district funds for the implementation 33527  
of the innovation in an amount equal to the grant amount 33528  
multiplied by (1 - the district's state share ~~index~~ percentage for 33529  
the fiscal year in which the grant is awarded). 33530

For purposes of division (B)(2) of this section, "state share 33531  
~~index~~ percentage" has the same meaning as in section 3317.02 of 33532  
the Revised Code. 33533

(C) The amount and number of grants awarded under this 33534  
section shall be determined by the department based on any 33535  
appropriations made by the general assembly for grants under this 33536  
section. 33537

(D) The state board of education shall adopt rules for the 33538  
administration of this grant program. 33539

**Sec. 3319.67.** (A) The state board of education may establish 33540  
an annual teacher of the year recognition program for outstanding 33541  
teachers. 33542

(B) Notwithstanding division (A) of section 2921.43 of the 33543  
Revised Code, a person or entity may make a voluntary contribution 33544  
to the recognition program described in division (A) of this 33545  
section. 33546

(C) Notwithstanding division (A) of section 2921.43 of the 33547  
Revised Code, a teacher who is recognized as a teacher of the year 33548  
by the recognition program described in division (A) of this 33549  
section may accept gifts and privileges as part of the recognition 33550  
program. 33551

**Sec. 3323.13.** (A) If a child who is a school resident of one 33552  
school district receives special education from another district, 33553  
the board of education of the district providing the education, 33554



subject to division (C) of this section, may require the payment 33555  
by the board of education of the district of residence of a sum 33556  
not to exceed one of the following, as applicable: 33557

(1) For any child except a preschool child with a disability 33558  
described in division (A)(2) of this section, the tuition of the 33559  
district providing the education for a child of normal needs of 33560  
the same school grade. The determination of the amount of such 33561  
tuition shall be in the manner provided for by division (A) of 33562  
section 3317.08 of the Revised Code. 33563

(2) For any preschool child with a disability, the tuition of 33564  
the district providing the education for the child as calculated 33565  
under division (B) of section 3317.08 of the Revised Code, ~~7~~ 33566  
~~multiplied by 0.50.~~ 33567

(B) The board of the district of residence may contract with 33568  
the board of another district for the transportation of such child 33569  
into any school in such other district, on terms agreed upon by 33570  
such boards. Upon direction of the state board of education, the 33571  
board of the district of residence shall pay for the child's 33572  
transportation and the tuition. 33573

(C) The board of education of a district providing the 33574  
education for a child shall be entitled to require payment from 33575  
the district of residence under this section or section 3323.14 of 33576  
the Revised Code only if the district providing the education has 33577  
done at least one of the following: 33578

(1) Invited the district of residence to send representatives 33579  
to attend the meetings of the team developing the child's 33580  
individualized education program; 33581

(2) Received from the district of residence a copy of the 33582  
individualized education program or a multifactored evaluation 33583  
developed for the child by the district of residence; 33584

(3) Informed the district of residence in writing that the 33585

district is providing the education for the child. 33586

As used in division (C)(2) of this section, "multifactored 33587  
evaluation" means an evaluation, conducted by a multidisciplinary 33588  
team, of more than one area of the child's functioning so that no 33589  
single procedure shall be the sole criterion for determining an 33590  
appropriate educational program placement for the child. 33591

**Sec. 3326.11.** Each science, technology, engineering, and 33592  
mathematics school established under this chapter and its 33593  
governing body shall comply with sections 9.90, 9.91, 109.65, 33594  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 33595  
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 33596  
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 33597  
3313.50, 3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 33598  
3313.6014, 3313.6015, 3313.6020, 3313.61, 3313.611, 3313.614, 33599  
3313.615, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 33600  
3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 33601  
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 33602  
3313.7112, 3317.721, 3313.80, 3313.801, 3313.814, 3313.816, 33603  
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 33604  
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3321.01, 33605  
3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 33606  
3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 33607  
1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 33608  
4167. of the Revised Code as if it were a school district. 33609

**Sec. 3326.33.** For each student enrolled in a science, 33610  
technology, engineering, and mathematics school established under 33611  
this chapter, on a full-time equivalency basis, the department of 33612  
education annually shall deduct from the state education aid of a 33613  
student's resident school district and, if necessary, from the 33614  
payment made to the district under sections 321.24 and 323.156 of 33615  
the Revised Code and pay to the school the sum of the following: 33616

(A) An opportunity grant in an amount equal to the formula amount;	33617 33618
(B) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;	33619 33620 33621 33622
(C) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:	33623 33624 33625
(1) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	33626 33627 33628
(2) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	33629 33630 33631
(3) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	33632 33633 33634
(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	33635 33636 33637
(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	33638 33639 33640
(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	33641 33642 33643
(D) If the student is in kindergarten through third grade, <del>\$211</del> <u>\$305</u> , in fiscal year <del>2014</del> <u>2016</u> , or <del>\$290</del> <u>\$320</u> , in fiscal year <del>2015</del> <u>2017</u> ;	33644 33645 33646

(E) If the student is economically disadvantaged, an amount equal to the following:	33647
<del>(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X (the</del>	33648
<del>resident district's economically disadvantaged index)</del>	33649
(F) Limited English proficiency funds, as follows:	33650
(1) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	33651
(2) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	33652
(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	33653
(G) Career-technical education funds as follows:	33654
(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	33655
(2) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	33656
(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	33657
(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	33658
(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	33659
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Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.

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**Sec. 3327.01.** Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and sections 3327.011, 3327.012, and 3327.02 of the Revised Code do not apply to any joint vocational or cooperative education school district.

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In all city, local, and exempted village school districts where resident school pupils in grades kindergarten through eight live more than two miles from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community school which they attend, the board of education shall provide transportation for such pupils to and from that school except as provided in section 3327.02 of the Revised Code.

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In all city, local, and exempted village school districts where pupil transportation is required under a career-technical plan approved by the state board of education under section 3313.90 of the Revised Code, for any student attending a career-technical program operated by another school district, including a joint vocational school district, as prescribed under that section, the board of education of the student's district of residence shall provide transportation from the public high school operated by that district to which the student is assigned to the career-technical program.

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In all city, local, and exempted village school districts, the board may provide transportation for resident school pupils in grades nine through twelve to and from the high school to which

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they are assigned by the board of education of the district of 33708  
residence or to and from the nonpublic or community high school 33709  
which they attend for which the state board of education 33710  
prescribes minimum standards pursuant to division (D) of section 33711  
3301.07 of the Revised Code. 33712

A board of education shall not be required to transport 33713  
elementary or high school pupils to and from a nonpublic or 33714  
community school where such transportation would require more than 33715  
thirty minutes of direct travel time as measured by school bus 33716  
from the public school building to which the pupils would be 33717  
assigned if attending the public school designated by the district 33718  
of residence. 33719

Where it is impractical to transport a pupil by school 33720  
conveyance, a board of education may offer payment, in lieu of 33721  
providing such transportation in accordance with section 3327.02 33722  
of the Revised Code. 33723

A board of education shall not be required to transport 33724  
elementary or high school pupils to and from a nonpublic or 33725  
community school on Saturday or Sunday, unless a board of 33726  
education and a nonpublic or community school have an agreement in 33727  
place to do so before the first day of July 1, 2014 of the school 33728  
year in which the agreement takes effect. 33729

In all city, local, and exempted village school districts, 33730  
the board shall provide transportation for all children who are so 33731  
disabled that they are unable to walk to and from the school for 33732  
which the state board of education prescribes minimum standards 33733  
pursuant to division (D) of section 3301.07 of the Revised Code 33734  
and which they attend. In case of dispute whether the child is 33735  
able to walk to and from the school, the health commissioner shall 33736  
be the judge of such ability. In all city, exempted village, and 33737  
local school districts, the board shall provide transportation to 33738  
and from school or special education classes for mentally disabled 33739

children in accordance with standards adopted by the state board 33740  
of education. 33741

When transportation of pupils is provided the conveyance 33742  
shall be run on a time schedule that shall be adopted and put in 33743  
force by the board not later than ten days after the beginning of 33744  
the school term. 33745

The cost of any transportation service authorized by this 33746  
section shall be paid first out of federal funds, if any, 33747  
available for the purpose of pupil transportation, and secondly 33748  
out of state appropriations, in accordance with regulations 33749  
adopted by the state board of education. 33750

No transportation of any pupils shall be provided by any 33751  
board of education to or from any school which in the selection of 33752  
pupils, faculty members, or employees, practices discrimination 33753  
against any person on the grounds of race, color, religion, or 33754  
national origin. 33755

**Sec. 3327.02.** (A) After considering each of the following 33756  
factors, the board of education of a city, exempted village, or 33757  
local school district, or a community school governing authority 33758  
providing transportation pursuant to section 3314.091 of the 33759  
Revised Code, may determine that it is impractical to transport a 33760  
pupil who is eligible for transportation to and from a school 33761  
under section 3327.01 of the Revised Code: 33762

(1) The time and distance required to provide the 33763  
transportation; 33764

(2) The number of pupils to be transported; 33765

(3) The cost of providing transportation in terms of 33766  
equipment, maintenance, personnel, and administration; 33767

(4) Whether similar or equivalent service is provided to 33768  
other pupils eligible for transportation; 33769

(5) Whether and to what extent the additional service	33770
unavoidably disrupts current transportation schedules;	33771
(6) Whether other reimbursable types of transportation are	33772
available.	33773
(B) <del>(1)</del> Based on its consideration of the factors established	33774
in division (A) of this section, the board <u>or governing authority</u>	33775
may pass a resolution declaring the impracticality of	33776
transportation. The resolution shall include each pupil's name and	33777
the reason for impracticality.	33778
<del>(2)</del> The board <u>or governing authority</u> shall report its	33779
determination to the state board of education in a manner	33780
determined by the state board.	33781
<del>(3) The board of education of a local school district</del>	33782
<del>additionally shall submit the resolution for concurrence to the</del>	33783
<del>educational service center that contains the local district's</del>	33784
<del>territory. If the educational service center governing board</del>	33785
<del>considers transportation by school conveyance practicable, it</del>	33786
<del>shall so inform the local board and transportation shall be</del>	33787
<del>provided by such local board. If the educational service center</del>	33788
<del>board agrees with the view of the local board, the local board may</del>	33789
<del>offer payment in lieu of transportation as provided in this</del>	33790
<del>section.</del>	33791
(C) After passing the resolution declaring the impracticality	33792
of transportation, the district board <u>or governing authority</u> shall	33793
offer to provide payment in lieu of transportation by doing the	33794
following:	33795
(1) In accordance with guidelines established by the	33796
department of education, informing the pupil's parent, guardian,	33797
or other person in charge of the pupil of both of the following:	33798
(a) The <del>board's</del> resolution;	33799



(b) The right of the pupil's parent, guardian, or other person in charge of the pupil to accept the offer of payment in lieu of transportation or to reject the offer and instead request the department to initiate mediation procedures.

(2) Issuing the pupil's parent, guardian, or other person in charge of the pupil a contract or other form on which the parent, guardian, or other person in charge of the pupil is given the option to accept or reject the board's offer of payment in lieu of transportation.

(D) If the parent, guardian, or other person in charge of the pupil accepts the offer of payment in lieu of providing transportation, the board or governing authority shall pay the parent, guardian, or other person in charge of the pupil an amount that shall be not less than the amount determined by the general assembly as the minimum for payment in lieu of transportation, and not more than the amount determined by the department of education as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year.

(E)(1)(a) Upon the request of a parent, guardian, or other person in charge of the pupil who rejected the payment in lieu of transportation, the department shall conduct mediation procedures.

(b) If the mediation does not resolve the dispute, the state board of education shall conduct a hearing in accordance with Chapter 119. of the Revised Code. The state board may approve the payment in lieu of transportation or may order the district board of education or governing authority to provide transportation. The decision of the state board is binding in subsequent years and on future parties in interest provided the facts of the determination remain comparable.

(2) The school district or governing authority shall provide

transportation for the pupil from the time the parent, guardian, 33831  
or other person in charge of the pupil requests mediation until 33832  
the matter is resolved under division (E)(1)(a) or (b) of this 33833  
section. 33834

(F)(1) If the department determines that a school district 33835  
board or governing authority has failed or is failing to provide 33836  
transportation as required by division (E)(2) of this section or 33837  
as ordered by the state board under division (E)(1)(b) of this 33838  
section, the department shall order the school district board or 33839  
governing authority to pay to the pupil's parent, guardian, or 33840  
other person in charge of the pupil, an amount equal to the state 33841  
average daily cost of transportation as determined by the state 33842  
board of education for the previous year. The school district 33843  
board or governing authority shall make payments on a schedule 33844  
ordered by the department. 33845

(2) If the department subsequently finds that a school 33846  
district board is not in compliance with an order issued under 33847  
division (F)(1) of this section and the affected pupils are 33848  
enrolled in a nonpublic or community school, the department shall 33849  
deduct the amount that the board is required to pay under that 33850  
order from any pupil transportation payments the department makes 33851  
to the school district board under section 3317.0212 of the 33852  
Revised Code or other provisions of law. The department shall use 33853  
the moneys so deducted to make payments to the nonpublic or 33854  
community school attended by the pupil. The department shall 33855  
continue to make the deductions and payments required under this 33856  
division until the school district board either complies with the 33857  
department's order issued under division (F)(1) of this section or 33858  
begins providing transportation. 33859

(G) A nonpublic or community school that receives payments 33860  
from the department under division (F)(2) of this section shall do 33861  
either of the following: 33862

(1) Disburse the entire amount of the payments to the parent, guardian, or other person in charge of the pupil affected by the failure of the school district of residence to provide transportation;

(2) Use the entire amount of the payments to provide acceptable transportation for the affected pupil.

**Sec. 3328.24.** A college-preparatory boarding school established under this chapter and its board of trustees shall comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.948, 3313.536, 3313.6013, 3313.6411, 3313.7112, 3313.721, 3313.89, 3319.39, and 3319.391 and Chapter 3365. of the Revised Code as if the school were a school district and the school's board of trustees were a district board of education.

**Sec. 3332.10.** (A) No individual shall sell any program or solicit students therefor in this state unless the individual is an employee of the school. Any individual whose primary duty, whether on or off school premises, is to solicit prospective students shall first secure a permit as an agent from the board of career colleges and schools. If the agent represents more than one school, a separate permit shall be obtained for each school represented by the agent. An agent who represents a person that operates more than one school in the same geographical area, as determined by the board, need not obtain a separate permit for each such school. Upon approval for a permit, the board shall issue a pocket card to the individual, giving the individual's name, address, permit number, and the name and address of the employing school, and certifying that the individual whose name appears on the card is an authorized agent of the school.

(B) The application for a permit shall be made on forms to be furnished by the board and accompanied by the fee established in

accordance with section 3332.07 of the Revised Code. A permit 33893  
shall be ~~renewed every twelve~~ granted for a period not to exceed 33894  
twenty-four months and shall be valid for up to thirty days after 33895  
its expiration date. An application for a renewal permit shall be 33896  
accompanied by the fee established in accordance with section 33897  
3332.07 of the Revised Code. 33898

(C) Each school subject to this chapter shall assume full 33899  
responsibility for the actions, statements, and conduct of its 33900  
agents, and shall provide them with adequate training and arrange 33901  
for proper supervision of their work. The board shall hold schools 33902  
liable for the actions, statements, and conduct of agents that 33903  
violate any provision of this chapter, unless an agent's acts or 33904  
omissions were manifestly outside the scope of the agent's 33905  
employment or official responsibilities. 33906

**Sec. 3333.01.** (A) There is hereby created the Ohio board of 33907  
regents as an advisory board to the ~~chancellor~~ director of higher 33908  
education appointed under section 3333.03 of the Revised Code. The 33909  
board shall consist of nine members to be appointed by the 33910  
governor with the advice and consent of the senate. The members 33911  
shall be residents of this state who possess an interest in and 33912  
knowledge of higher education. No member shall be a trustee, 33913  
officer, or employee of any Ohio public or private college or 33914  
university while serving as a member of the board. In addition to 33915  
the members appointed by the governor, the chairperson of the 33916  
education committee of the senate and the chairperson of the 33917  
education committee of the house of representatives shall, after 33918  
January 1, 1967, be ex officio members of the board without a 33919  
vote. 33920

(B) Prior to September 20, 2008, terms of office shall be for 33921  
nine years, commencing on the twenty-first day of September and 33922  
ending on the twentieth day of September. 33923

(C) Beginning on September 20, 2008, the terms of office for the members of the board of regents shall be as follows:

(1) The terms of office of the three members whose terms under division (B) of this section are scheduled to expire on September 20, 2008, shall expire on September 20, 2008. The governor, with the advice and consent of the senate, shall appoint successors for terms beginning on September 21, 2008, and ending on September 20, 2014.

(2) Notwithstanding division (B) of this section, the terms of office of the three members whose terms under division (B) of this section otherwise are scheduled to expire on September 20, 2011, shall expire on September 20, 2010. The governor, with the advice and consent of the senate, shall appoint successors for terms beginning on September 21, 2010, and ending on September 20, 2016.

(3) Notwithstanding division (B) of this section, the terms of office of the three members whose terms under division (B) of this section otherwise are scheduled to expire on September 20, 2014, shall expire on September 20, 2012. The governor, with the advice and consent of the senate, shall appoint successors for terms beginning on September 21, 2012, and ending on September 20, 2018.

Thereafter, the terms of office of all subsequent members of the board of regents shall be for six years beginning on the twenty-first day of September and ending on the twentieth day of September.

(D) Except as provided in division (C) of this section, each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall

hold office for the remainder of such term. Any member shall 33955  
continue in office subsequent to the expiration date of the 33956  
member's term until a successor takes office, or until a period of 33957  
sixty days has elapsed, whichever occurs first. 33958

No person who has served a full nine-year term under division 33959  
(B) of this section or two full six-year terms under division (C) 33960  
of this section shall be eligible for reappointment. 33961

(E) Board members shall serve without compensation, but shall 33962  
be reimbursed for necessary expenses incurred in the conduct of 33963  
board business. 33964

**Sec. 3333.011.** No member of the Ohio board of regents, 33965  
created by section 3333.01 of the Revised Code, shall be a 33966  
trustee, officer, or employee of a technical college while serving 33967  
as a member of the board. Neither the ~~chancellor~~ director of 33968  
higher education nor any staff member or employee of the ~~board~~ 33969  
department of higher education shall be a trustee, officer, or 33970  
employee of a technical college while serving on the board. 33971

**Sec. ~~3333.031~~ 3333.012.** Whenever the term "Ohio board of 33972  
regents" is used, referred to, or designated in any statute, rule, 33973  
contract, grant, or other document, the use, reference, or 33974  
designation shall be construed to mean the "~~chancellor of the Ohio~~ 33975  
~~board of regents~~ director of higher education," except in sections 33976  
3333.01, 3333.011, 3333.02, and 3333.032 of the Revised Code or 33977  
unless the use, reference, or designation of the term "Ohio board 33978  
of regents" relates to the board's duties to give advice to the 33979  
~~chancellor of the Ohio board of regents~~ director or unless another 33980  
section of law expressly provides otherwise. 33981

Whenever the term "chancellor of the Ohio board of regents" 33982  
or "chancellor" is used, referred to, or designated in any 33983  
statute, rule, contract, grant, or other document, the use, 33984

reference, or designation shall be construed to mean the director 33985  
of higher education. 33986

**Sec. 3333.021.** As used in this section, "university" means 33987  
any college or university that receives a state appropriation. 33988

(A) This division does not apply to proposed rules, 33989  
amendments, or rescissions subject to legislative review under 33990  
section 106.02 of the Revised Code. No action taken by the 33991  
~~chancellor of the Ohio board of regents~~ director of higher 33992  
education that could reasonably be expected to have an effect on 33993  
the revenue or expenditures of any university shall take effect 33994  
unless at least two weeks prior to the date on which the action is 33995  
taken, the ~~chancellor~~ director has filed with the speaker of the 33996  
house of representatives, the president of the senate, ~~the~~ 33997  
~~legislative budget office of the legislative service commission,~~ 33998  
and the director of budget and management a fiscal analysis of the 33999  
proposed action. The analysis shall include an estimate of the 34000  
amount by which, during the current and ensuing fiscal biennium, 34001  
the action would increase or decrease the university's revenues or 34002  
expenditures and increase or decrease any state expenditures and 34003  
any other information the ~~chancellor~~ director considers necessary 34004  
to explain the action's fiscal effect. 34005

(B) Within three days of the date the ~~chancellor~~ director 34006  
files with the clerk of the senate a proposed rule, amendment, or 34007  
rescission that is subject to legislative review and invalidation 34008  
under section 106.02 of the Revised Code, the ~~chancellor~~ director 34009  
shall file with the speaker of the house of representatives, the 34010  
president of the senate, the legislative service commission, and 34011  
the director of budget and management a fiscal analysis of the 34012  
proposed rule. The analysis shall include an estimate of the 34013  
amount by which, during the current and ensuing fiscal biennium, 34014  
the action would increase or decrease any university's revenues or 34015

expenditures and increase or decrease state revenues or 34016  
expenditures and any other information the ~~chancellor~~ director 34017  
considers necessary to explain the fiscal effect of the rule, 34018  
amendment, or rescission. No rule, amendment, or rescission shall 34019  
take effect unless the ~~chancellor~~ director has complied with this 34020  
division. 34021

**Sec. 3333.03.** (A) There is hereby created the department of 34022  
higher education, which shall be composed of the director of 34023  
higher education and the director's employees, agents, and 34024  
representatives. The director shall perform the functions, 34025  
exercise the powers, and discharge the duties as are assigned to 34026  
the director by law. 34027

(B) The governor, with the advice and consent of the senate, 34028  
shall appoint the ~~chancellor of the Ohio board of regents~~ director 34029  
of higher education. The ~~chancellor~~ director shall serve at the 34030  
pleasure of the governor, and the governor shall prescribe the 34031  
~~chancellor's~~ director's duties in addition to the ~~chancellor's~~ 34032  
director's duties prescribed by law. The governor shall fix the 34033  
compensation for the ~~chancellor~~ director. The ~~chancellor~~ director 34034  
shall be a member of the governor's cabinet. 34035

~~(B) The term of the chancellor in office on the effective~~ 34036  
~~date of this amendment shall coincide with the term of that~~ 34037  
~~chancellor's appointing governor. Subsequent appointments to the~~ 34038  
~~office of chancellor shall be made pursuant to division (A) of~~ 34039  
~~this section.~~ 34040

(C) The ~~chancellor~~ director is responsible for appointing and 34041  
fixing the compensation of all professional, administrative, and 34042  
clerical employees and staff members necessary to assist in the 34043  
performance of the ~~chancellor's~~ director's duties. All employees 34044  
and staff shall serve at the ~~chancellor's~~ director's pleasure. 34045

(D) The ~~chancellor~~ director shall be a person qualified by 34046



training and experience to understand the problems and needs of 34047  
the state in the field of higher education and to devise programs, 34048  
plans, and methods of solving the problems and meeting the needs. 34049

(E) Neither the ~~chancellor~~ director nor any staff member or 34050  
employee of the ~~chancellor~~ director shall be a trustee, officer, 34051  
or employee of any public or private college or university while 34052  
serving as ~~chancellor~~ director, staff member, or employee. 34053

**Sec. 3333.032.** The Ohio board of regents shall submit to the 34054  
general assembly, in accordance with division (B) of section 34055  
101.68 of the Revised Code, and to the governor, an annual report 34056  
on the condition of higher education in this state, including the 34057  
performance of the ~~chancellor of the board~~ director of higher 34058  
education. 34059

**Sec. 3333.04.** The ~~chancellor of the Ohio board of regents~~ 34060  
director of higher education shall: 34061

(A) Make studies of state policy in the field of higher 34062  
education and formulate a master plan for higher education for the 34063  
state, considering the needs of the people, the needs of the 34064  
state, and the role of individual public and private institutions 34065  
within the state in fulfilling these needs; 34066

(B)(1) Report annually to the governor and the general 34067  
assembly on the findings from the ~~chancellor's~~ director's studies 34068  
and the master plan for higher education for the state; 34069

(2) Report at least semiannually to the general assembly and 34070  
the governor the enrollment numbers at each state-assisted 34071  
institution of higher education. 34072

(C) Approve or disapprove the establishment of new branches 34073  
or academic centers of state colleges and universities; 34074

(D) Approve or disapprove the establishment of state 34075

technical colleges or any other state institution of higher 34076  
education; 34077

(E) Recommend the nature of the programs, undergraduate, 34078  
graduate, professional, state-financed research, and public 34079  
services which should be offered by the state colleges, 34080  
universities, and other state-assisted institutions of higher 34081  
education in order to utilize to the best advantage their 34082  
facilities and personnel; 34083

(F) Recommend to the state colleges, universities, and other 34084  
state-assisted institutions of higher education graduate or 34085  
professional programs, including, but not limited to, doctor of 34086  
philosophy, doctor of education, and juris doctor programs, that 34087  
could be eliminated because they constitute unnecessary 34088  
duplication, as shall be determined using the process developed 34089  
pursuant to this division, or for other good and sufficient cause. 34090  
Prior to recommending a program for elimination, the ~~chancellor~~ 34091  
director shall request the board of regents to hold at least one 34092  
public hearing on the matter and advise the ~~chancellor~~ director on 34093  
whether the program should be recommended for elimination. The 34094  
board shall provide notice of each hearing within a reasonable 34095  
amount of time prior to its scheduled date. Following the hearing, 34096  
the board shall issue a recommendation to the ~~chancellor~~ director. 34097  
The ~~chancellor~~ director shall consider the board's recommendation 34098  
but shall not be required to accept it. 34099

For purposes of determining the amounts of any state 34100  
instructional subsidies paid to state colleges, universities, and 34101  
other state-assisted institutions of higher education, the 34102  
~~chancellor~~ director may exclude students enrolled in any program 34103  
that the ~~chancellor~~ director has recommended for elimination 34104  
pursuant to this division except that the ~~chancellor~~ director 34105  
shall not exclude any such student who enrolled in the program 34106  
prior to the date on which the ~~chancellor~~ director initially 34107

commences to exclude students under this division. 34108

The ~~chancellor~~ director and state colleges, universities, and 34109  
other state-assisted institutions of higher education shall 34110  
jointly develop a process for determining which existing graduate 34111  
or professional programs constitute unnecessary duplication. 34112

(G) Recommend to the state colleges, universities, and other 34113  
state-assisted institutions of higher education programs which 34114  
should be added to their present programs; 34115

(H) Conduct studies for the state colleges, universities, and 34116  
other state-assisted institutions of higher education to assist 34117  
them in making the best and most efficient use of their existing 34118  
facilities and personnel; 34119

(I) Make recommendations to the governor and general assembly 34120  
concerning the development of state-financed capital plans for 34121  
higher education; the establishment of new state colleges, 34122  
universities, and other state-assisted institutions of higher 34123  
education; and the establishment of new programs at the existing 34124  
state colleges, universities, and other institutions of higher 34125  
education; 34126

(J) Review the appropriation requests of the public community 34127  
colleges and the state colleges and universities and submit to the 34128  
office of budget and management and to the chairpersons of the 34129  
finance committees of the house of representatives and of the 34130  
senate the ~~chancellor's~~ director's recommendations in regard to 34131  
the biennial higher education appropriation for the state, 34132  
including appropriations for the individual state colleges and 34133  
universities and public community colleges. For the purpose of 34134  
determining the amounts of instructional subsidies to be paid to 34135  
state-assisted colleges and universities, the ~~chancellor~~ director 34136  
shall define "full-time equivalent student" by program per 34137  
academic year. The definition may take into account the 34138

establishment of minimum enrollment levels in technical education 34139  
programs below which support allowances will not be paid. Except 34140  
as otherwise provided in this section, the ~~chancellor~~ director 34141  
shall make no change in the definition of "full-time equivalent 34142  
student" in effect on November 15, 1981, which would increase or 34143  
decrease the number of subsidy-eligible full-time equivalent 34144  
students, without first submitting a fiscal impact statement to 34145  
the president of the senate, the speaker of the house of 34146  
representatives, the legislative service commission, and the 34147  
director of budget and management. The ~~chancellor~~ director shall 34148  
work in close cooperation with the director of budget and 34149  
management in this respect and in all other matters concerning the 34150  
expenditures of appropriated funds by state colleges, 34151  
universities, and other institutions of higher education. 34152

(K) Seek the cooperation and advice of the officers and 34153  
trustees of both public and private colleges, universities, and 34154  
other institutions of higher education in the state in performing 34155  
the ~~chancellor's~~ director's duties and making the ~~chancellor's~~ 34156  
director's plans, studies, and recommendations; 34157

(L) Appoint advisory committees consisting of persons 34158  
associated with public or private secondary schools, members of 34159  
the state board of education, or personnel of the state department 34160  
of education; 34161

(M) Appoint advisory committees consisting of college and 34162  
university personnel, or other persons knowledgeable in the field 34163  
of higher education, or both, in order to obtain their advice and 34164  
assistance in defining and suggesting solutions for the problems 34165  
and needs of higher education in this state; 34166

(N) Approve or disapprove all new degrees and new degree 34167  
programs at all state colleges, universities, and other 34168  
state-assisted institutions of higher education; 34169

(O) Adopt such rules as are necessary to carry out the ~~chancellor's~~ director's duties and responsibilities. The rules shall prescribe procedures for the ~~chancellor~~ director to follow when taking actions associated with the ~~chancellor's~~ director's duties and responsibilities and shall indicate which types of actions are subject to those procedures. The procedures adopted under this division shall be in addition to any other procedures prescribed by law for such actions. However, if any other provision of the Revised Code or rule adopted by the ~~chancellor~~ director prescribes different procedures for such an action, the procedures adopted under this division shall not apply to that action to the extent they conflict with the procedures otherwise prescribed by law. The procedures adopted under this division shall include at least the following:

(1) Provision for public notice of the proposed action;

(2) An opportunity for public comment on the proposed action, which may include a public hearing on the action by the board of regents;

(3) Methods for parties that may be affected by the proposed action to submit comments during the public comment period;

(4) Submission of recommendations from the board of regents regarding the proposed action, at the request of the ~~chancellor~~ director;

(5) Written publication of the final action taken by the ~~chancellor~~ director and the ~~chancellor's~~ director's rationale for the action;

(6) A timeline for the process described in divisions (O)(1) to (5) of this section.

(P) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to

3333.26, and 5910.02 of the Revised Code; 34201

(Q) Participate in education-related state or federal 34202  
programs on behalf of the state and assume responsibility for the 34203  
administration of such programs in accordance with applicable 34204  
state or federal law; 34205

(R) Adopt rules for student financial aid programs as 34206  
required by sections 3333.12, 3333.122, 3333.21 to 3333.26, 34207  
3333.28, and 5910.02 of the Revised Code, and perform any other 34208  
administrative functions assigned to the ~~chancellor~~ director by 34209  
those sections; 34210

(S) Conduct enrollment audits of state-supported institutions 34211  
of higher education; 34212

(T) Appoint consortia of college and university personnel to 34213  
advise or participate in the development and operation of 34214  
statewide collaborative efforts, including the Ohio supercomputer 34215  
center, the Ohio academic resources network, OhioLink, and the 34216  
Ohio learning network. For each consortium, the ~~chancellor~~ 34217  
director shall designate a college or university to serve as that 34218  
consortium's fiscal agent, financial officer, and employer. Any 34219  
funds appropriated for the consortia shall be distributed to the 34220  
fiscal agents for the operation of the consortia. A consortium 34221  
shall follow the rules of the college or university that serves as 34222  
its fiscal agent. The ~~chancellor~~ director may restructure existing 34223  
consortia, appointed under this division, in accordance with 34224  
procedures adopted under divisions (O)(1) to (6) of this section. 34225

(U) Adopt rules establishing advisory duties and 34226  
responsibilities of the board of regents not otherwise prescribed 34227  
by law; 34228

(V) Respond to requests for information about higher 34229  
education from members of the general assembly and direct staff to 34230  
conduct research or analysis as needed for this purpose. 34231

**Sec. 3333.041.** (A) On or before the last day of December of 34232  
each year, the ~~chancellor of the Ohio board of regents~~ director of 34233  
higher education shall submit to the governor and, in accordance 34234  
with section 101.68 of the Revised Code, the general assembly a 34235  
report or reports concerning all of the following: 34236

(1) The status of graduates of Ohio school districts at state 34237  
institutions of higher education during the twelve-month period 34238  
ending on the thirtieth day of September of the current calendar 34239  
year. The report shall list, by school district, the number of 34240  
graduates of each school district who attended a state institution 34241  
of higher education and the percentage of each district's 34242  
graduates enrolled in a state institution of higher education 34243  
during the reporting period who were required during such period 34244  
by the college or university, as a prerequisite to enrolling in 34245  
those courses generally required for first-year students, to 34246  
enroll in a remedial course in English, including composition or 34247  
reading, mathematics, and any other area designated by the 34248  
~~chancellor~~ director. The ~~chancellor~~ director also shall make the 34249  
information described in division (A)(1) of this section available 34250  
to the board of education of each city, exempted village, and 34251  
local school district. 34252

Each state institution of higher education shall, by the 34253  
first day of November of each year, submit to the ~~chancellor~~ 34254  
director in the form specified by the ~~chancellor~~ director the 34255  
information the ~~chancellor~~ director requires to compile the 34256  
report. 34257

(2) ~~Aggregate academic growth data for students assigned to~~ 34258  
~~graduates of teacher preparation programs approved under section~~ 34259  
~~3333.048 of the Revised Code who teach English language arts or~~ 34260  
~~mathematics in any of grades four to eight in a public school in~~ 34261  
~~Ohio. For this purpose, the chancellor shall use the value added~~ 34262

~~progress dimension prescribed by section 3302.021 of the Revised Code or the alternative student academic progress measure if adopted under division (C)(1)(c) of section 3302.03 of the Revised Code. The chancellor shall aggregate the data by graduating class for each approved teacher preparation program, except that if a particular class has ten or fewer graduates to which this section applies, the chancellor shall report the data for a group of classes over a three year period. In no case shall the report identify any individual graduate. The department of education shall share any data necessary for the report with the chancellor.~~

~~(3)~~ The following information with respect to the Ohio tuition trust authority:

(a) The name of each investment manager that is a minority business enterprise or a women's business enterprise with which the ~~chancellor~~ director contracts;

(b) The amount of assets managed by investment managers that are minority business enterprises or women's business enterprises, expressed as a percentage of assets managed by investment managers with which the ~~chancellor~~ director has contracted;

(c) Efforts by the ~~chancellor~~ director to increase utilization of investment managers that are minority business enterprises or women's business enterprises.

~~(4)~~(3) A description of advanced standing programs, as defined in section 3313.6013 of the Revised Code, that are offered by school districts, community schools established under Chapter 3314. of the Revised Code, STEM schools established under Chapter 3326. of the Revised Code, college-preparatory boarding schools established under Chapter 3328. of the Revised Code, and chartered nonpublic high schools. The chancellor also shall post the information on the chancellor's web site.

~~(5)~~(4) The ~~chancellor's~~ director's strategy in assigning



choose Ohio first scholarships, as established under section 34294  
3333.61 of the Revised Code, among state universities and colleges 34295  
and how the actual awards fit that strategy. 34296

~~(6)~~(5) The academic and economic impact of the Ohio 34297  
co-op/internship program established under section 3333.72 of the 34298  
Revised Code. At a minimum, the report shall include the 34299  
following: 34300

(a) Progress and performance metrics for each initiative that 34301  
received an award in the previous fiscal year; 34302

(b) Economic indicators of the impact of each initiative, and 34303  
all initiatives as a whole, on the regional economies and the 34304  
statewide economy; 34305

(c) The ~~chancellor's~~ director's strategy in allocating awards 34306  
among state institutions of higher education and how the actual 34307  
awards fit that strategy. 34308

(B) On or before the fifteenth day of February of each year, 34309  
the director shall submit to the governor and, in accordance with 34310  
section 101.68 of the Revised Code, the general assembly a report 34311  
concerning aggregate academic growth data for students assigned to 34312  
graduates of teacher preparation programs approved under section 34313  
3333.048 of the Revised Code who teach English language arts or 34314  
mathematics in any of grades four to eight in a public school in 34315  
Ohio. For this purpose, the director shall use the value-added 34316  
progress dimension prescribed by section 3302.021 of the Revised 34317  
Code or the alternative student academic progress measure if 34318  
adopted under division (C)(1)(e) of section 3302.03 of the Revised 34319  
Code. The director shall aggregate the data by graduating class 34320  
for each approved teacher preparation program, except that if a 34321  
particular class has ten or fewer graduates to which this division 34322  
applies, the director shall report the data for a group of classes 34323  
over a three-year period. In no case shall the report identify any 34324

individual graduate. The department of education shall share any 34325  
data necessary for the report with the director. 34326

(C) As used in this section: 34327

(1) "Minority business enterprise" has the same meaning as in 34328  
section 122.71 of the Revised Code. 34329

(2) "State institution of higher education" and "state 34330  
university" have the same meanings as in section 3345.011 of the 34331  
Revised Code. 34332

(3) "State university or college" has the same meaning as in 34333  
section 3345.12 of the Revised Code. 34334

(4) "Women's business enterprise" means a business, or a 34335  
partnership, corporation, limited liability company, or joint 34336  
venture of any kind, that is owned and controlled by women who are 34337  
United States citizens and residents of this state. 34338

**Sec. 3333.042.** The ~~chancellor of the Ohio board of regents~~ 34339  
director of higher education may grant money to a nonprofit entity 34340  
that provides a statewide resource for aerospace research, 34341  
education, and technology, so long as the nonprofit entity makes 34342  
its resources accessible to state colleges and universities and to 34343  
agencies of this and other states and the United States. The 34344  
~~chancellor~~ director, by rule adopted in accordance with Chapter 34345  
119. of the Revised Code, shall establish procedures and forms 34346  
whereby nonprofit entities may apply for grants; standards and 34347  
procedures for reviewing applications for and awarding grants; 34348  
procedures for distributing grants to recipients; procedures for 34349  
monitoring the use of grants by recipients; requirements, 34350  
procedures, and forms whereby grant recipients shall report upon 34351  
their use of grants; and standards and procedures for terminating 34352  
and requiring repayment of grants in the event of their improper 34353  
use. 34354

A state college or university or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code and any agency of state government may provide assistance, in any form, to any nonprofit entity that receives a grant under this section. Such assistance shall be solely for the purpose of assisting the nonprofit entity in making proper use of the grant.

A nonprofit entity that expends a grant under this section for a capital project is not thereby subject to Chapter 123. or 153. of the Revised Code. An officer or employee of, or a person who serves on a governing or advisory board or committee of, a nonprofit entity that receives a grant under this section is not thereby an officer or employee of a state college or university or of the state. An officer or employee of a state college or university or of the state who is assigned to assist a nonprofit entity in making proper use of a grant does not, to the extent the officer or employee provides such assistance, thereby hold an incompatible office or employment, or have a direct or indirect interest in a contract or expenditure of the entity.

**Sec. 3333.043.** (A) As used in this section:

(1) "Institution of higher education" means the state universities listed in section 3345.011 of the Revised Code, municipal educational institutions established under Chapter 3349. of the Revised Code, community colleges established under Chapter 3354. of the Revised Code, university branches established under Chapter 3355. of the Revised Code, technical colleges established under Chapter 3357. of the Revised Code, state community colleges established under Chapter 3358. of the Revised Code, any institution of higher education with a certificate of registration from the state board of career colleges and schools, and any institution for which the ~~chancellor of the Ohio board of regents~~

director of higher education receives a notice pursuant to 34386  
division (C) of this section. 34387

(2) "Community service" has the same meaning as in section 34388  
3313.605 of the Revised Code. 34389

(B)(1) The board of trustees or other governing entity of 34390  
each institution of higher education shall encourage and promote 34391  
participation of students in community service through a program 34392  
appropriate to the mission, student population, and environment of 34393  
each institution. The program may include, but not be limited to, 34394  
providing information about community service opportunities during 34395  
student orientation or in student publications; providing awards 34396  
for exemplary community service; encouraging faculty members to 34397  
incorporate community service into students' academic experiences 34398  
wherever appropriate to the curriculum; encouraging recognized 34399  
student organizations to undertake community service projects as 34400  
part of their purposes; and establishing advisory committees of 34401  
students, faculty members, and community and business leaders to 34402  
develop cooperative programs that benefit the community and 34403  
enhance student experience. The program shall be flexible in 34404  
design so as to permit participation by the greatest possible 34405  
number of students, including part-time students and students for 34406  
whom participation may be difficult due to financial, academic, 34407  
personal, or other considerations. The program shall emphasize 34408  
community service opportunities that can most effectively use the 34409  
skills of students, such as tutoring or literacy programs. The 34410  
programs shall encourage students to perform services that will 34411  
not supplant the hiring of, result in the displacement of, or 34412  
impair any existing employment contracts of any particular 34413  
employee of any private or governmental entity for which services 34414  
are performed. 34415

(2) The ~~chancellor of the Ohio board of regents~~ director of 34416  
higher education shall encourage all institutions of higher 34417

education in the development of community service programs. With 34418  
the assistance of the Ohio commission on service and volunteerism 34419  
created in section 121.40 of the Revised Code, the ~~chancellor~~ 34420  
director shall make available information about higher education 34421  
community service programs to institutions of higher education and 34422  
to statewide organizations involved with or promoting 34423  
volunteerism, including information about model community service 34424  
programs, teacher training courses, and community service 34425  
curricula and teaching materials for possible use by institutions 34426  
of higher education in their programs. The ~~chancellor~~ director 34427  
shall encourage institutions of higher education to jointly 34428  
coordinate higher education community service programs through 34429  
consortia of institutions or other appropriate means of 34430  
coordination. 34431

(C) The board of trustees of any nonprofit institution with a 34432  
certificate of authorization issued pursuant to Chapter 1713. of 34433  
the Revised Code or the governing authority of a private 34434  
institution exempt from regulation under Chapter 3332. of the 34435  
Revised Code as prescribed in section 3333.046 of the Revised Code 34436  
may notify the ~~chancellor~~ director that it is making itself 34437  
subject to divisions (A) and (B) of this section. Upon receipt of 34438  
such a notice, these divisions shall apply to that institution. 34439

**Sec. 3333.044.** (A) The ~~chancellor of the Ohio board of~~ 34440  
~~regents~~ director of higher education may contract with any 34441  
consultants that are necessary for the discharge of the 34442  
~~chancellor's~~ director's duties under this chapter. 34443

(B) The ~~chancellor~~ director may purchase, upon the terms that 34444  
the ~~chancellor~~ director determines to be advisable, one or more 34445  
policies of insurance from insurers authorized to do business in 34446  
this state that insure consultants who have contracted with the 34447  
~~chancellor~~ director under division (A) of this section or members 34448

of an advisory committee appointed under section 3333.04 of the Revised Code, with respect to the activities of the consultants or advisory committee members in the course of the performance of their responsibilities as consultants or advisory committee members.

(C) Subject to the approval of the controlling board, the ~~chancellor~~ director may contract with any entities for the discharge of the ~~chancellor's~~ director's duties and responsibilities under any of the programs established pursuant to sections 3333.12, 3333.122, 3333.21 to 3333.28, and 5120.55, and Chapter 5910. of the Revised Code. The ~~chancellor~~ director shall not enter into a contract under this division unless the proposed contractor demonstrates that its primary purpose is to promote access to higher education by providing student financial assistance through loans, grants, or scholarships, and by providing high quality support services and information to students and their families with regard to such financial assistance.

Chapter 125. of the Revised Code does not apply to contracts entered into pursuant to this section. In awarding contracts under this division, the ~~chancellor~~ director shall consider factors such as the cost of the administration of the contract, the experience of the contractor, and the contractor's ability to properly execute the contract.

**Sec. 3333.045.** As used in this section, "state university or college" means any state university listed in section 3345.011 of the Revised Code, the northeast Ohio medical university, any community college under Chapter 3354. of the Revised Code, any university branch district under Chapter 3355. of the Revised Code, any technical college under Chapter 3357. of the Revised Code, and any state community college under Chapter 3358. of the

Revised Code. 34480

The ~~chancellor of the Ohio board of regents~~ director of 34481  
higher education shall work with the attorney general, the auditor 34482  
of state, and the Ohio ethics commission to develop a model for 34483  
training members of the boards of trustees of all state 34484  
universities and colleges and members of the board of regents 34485  
regarding the authority and responsibilities of a board of 34486  
trustees or the board of regents. This model shall include a 34487  
review of fiduciary responsibilities, ethics, and fiscal 34488  
management. Use of this model by members of boards of trustees and 34489  
the board of regents shall be voluntary. 34490

**Sec. 3333.047.** With regard to any state student financial aid 34491  
program established in this chapter, Chapter 5910., or section 34492  
5919.34 of the Revised Code, the ~~chancellor of the Ohio board of~~ 34493  
~~regents~~ director of higher education shall conduct audits to: 34494

(A) Determine the validity of information provided by 34495  
students and parents regarding eligibility for state student 34496  
financial aid. If the ~~chancellor~~ director determines that 34497  
eligibility data has been reported incorrectly or inaccurately, 34498  
and where the ~~chancellor~~ director determines an adjustment to be 34499  
appropriate, the institution of higher education shall adjust the 34500  
financial aid awarded to the student. 34501

(B) Ensure that institutions of higher education are in 34502  
compliance with the rules governing state student financial aid 34503  
programs. An institution that fails to comply with the rules in 34504  
the administration of any state student financial aid program 34505  
shall be fully liable to reimburse the state for the unauthorized 34506  
use of student financial aid funds. 34507

**Sec. 3333.048.** (A) Not later than one year after October 16, 34508  
2009, the ~~chancellor of the Ohio board of regents~~ director of 34509

higher education and the superintendent of public instruction 34510  
jointly shall do the following: 34511

(1) In accordance with Chapter 119. of the Revised Code, 34512  
establish metrics and educator preparation programs for the 34513  
preparation of educators and other school personnel and the 34514  
institutions of higher education that are engaged in their 34515  
preparation. The metrics and educator preparation programs shall 34516  
be aligned with the standards and qualifications for educator 34517  
licenses adopted by the state board of education under section 34518  
3319.22 of the Revised Code and the requirements of the Ohio 34519  
teacher residency program established under section 3319.223 of 34520  
the Revised Code. The metrics and educator preparation programs 34521  
also shall ensure that educators and other school personnel are 34522  
adequately prepared to use the value-added progress dimension 34523  
prescribed by section 3302.021 of the Revised Code or the 34524  
alternative student academic progress measure if adopted under 34525  
division (C)(1)(e) of section 3302.03 of the Revised Code. 34526

(2) Provide for the inspection of institutions of higher 34527  
education desiring to prepare educators and other school 34528  
personnel. 34529

(B) Not later than one year after October 16, 2009, the 34530  
~~chancellor~~ director shall approve institutions of higher education 34531  
engaged in the preparation of educators and other school personnel 34532  
that maintain satisfactory training procedures and records of 34533  
performance, as determined by the ~~chancellor~~ director. 34534

(C) If the metrics established under division (A)(1) of this 34535  
section require an institution of higher education that prepares 34536  
teachers to satisfy the standards of an independent accreditation 34537  
organization, the ~~chancellor~~ director shall permit each 34538  
institution to satisfy the standards of any applicable national 34539  
educator preparation accrediting agency recognized by the United 34540



States department of education. 34541

(D) The metrics and educator preparation programs established 34542  
under division (A)(1) of this section may require an institution 34543  
of higher education, as a condition of approval by the ~~chancellor~~ 34544  
director, to make changes in the curricula of its preparation 34545  
programs for educators and other school personnel. 34546

Notwithstanding division ~~(D)~~(E) of section 119.03 and 34547  
division (A)(1) of section 119.04 of the Revised Code, any 34548  
metrics, educator preparation programs, rules, and regulations, or 34549  
any amendment or rescission of such metrics, educator preparation 34550  
programs, rules, and regulations, adopted under this section that 34551  
necessitate institutions offering preparation programs for 34552  
educators and other school personnel approved by the ~~chancellor~~ 34553  
director to revise the curricula of those programs shall not be 34554  
effective for at least one year after the first day of January 34555  
next succeeding the publication of the said change. 34556

Each institution shall allocate money from its existing 34557  
revenue sources to pay the cost of making the curricular changes. 34558

(E) The ~~chancellor~~ director shall notify the state board of 34559  
the metrics and educator preparation programs established under 34560  
division (A)(1) of this section and the institutions of higher 34561  
education approved under division (B) of this section. The state 34562  
board shall publish the metrics, educator preparation programs, 34563  
and approved institutions with the standards and qualifications 34564  
for each type of educator license. 34565

(F) The graduates of educator preparation programs approved 34566  
by the ~~chancellor~~ director shall be licensed by the state board in 34567  
accordance with the standards and qualifications adopted under 34568  
section 3319.22 of the Revised Code. 34569

**Sec. 3333.049.** Not later than July 1, 2016, the ~~chancellor~~ of 34570

~~the Ohio board of regents~~ director of higher education shall 34571  
revise the requirements for reading endorsement programs offered 34572  
by institutions of higher education to align those requirements 34573  
with the reading competencies adopted by the state board of 34574  
education under section 3301.077 of the Revised Code. 34575

**Sec. 3333.0410.** ~~The chancellor of the Ohio board of regents~~ 34576  
director of higher education shall require each state institution 34577  
of higher education, as defined in section 3345.011 of the Revised 34578  
Code, when reporting student data to the ~~chancellor~~ director under 34579  
any provision of law, to use the student's data verification code 34580  
assigned under division (D)(2) of section 3301.0714 of the Revised 34581  
Code, if that code was included in the student's records submitted 34582  
to the institution by the student's high school or by another 34583  
state institution of higher education. 34584

**Sec. 3333.0411.** Not later than December 31, 2014, and 34585  
annually thereafter, the ~~chancellor of the Ohio board of regents~~ 34586  
director of higher education shall report for each approved 34587  
teacher preparation program, the number and percentage of all 34588  
graduates of the program who were rated at each of the performance 34589  
levels prescribed by division (B)(1) of section 3319.112 of the 34590  
Revised Code on an evaluation conducted in accordance with section 34591  
3319.111 of the Revised Code in the previous school year. 34592

In no case shall the report identify any individual graduate. 34593  
The department of education shall share any data necessary for the 34594  
report with the ~~chancellor~~ director. 34595

**Sec. 3333.0412.** No nonprofit institution that holds a 34596  
certificate of authorization issued under Chapter 1713. of the 34597  
Revised Code shall be liable for a breach of confidentiality 34598  
arising from the institution's submission of student data or 34599

records to the ~~board of regents~~ director of higher education or 34600  
any other state agency in compliance with any law, rule, or 34601  
regulation, provided that the breach occurs as a result of one of 34602  
the following: 34603

(A) An action by a third party during and after the 34604  
transmission of the data or records by the institution but prior 34605  
to receipt of the data or records by the ~~board of regents~~ director  
of higher education or other state agency; 34606  
34607

(B) An action by the ~~board of regents~~ director of higher 34608  
education or the state agency. 34609

This provision shall apply to the submission of any student 34610  
data or records that are subject to any laws of this state or, to 34611  
the extent permitted, any federal law, including the "Family 34612  
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 34613  
U.S.C. 1232g. 34614

**Sec. 3333.0413.** Not later than December 31, 2014, the 34615  
~~ehancellor of the Ohio board of regents~~ director of higher 34616  
education shall make available, in a prominent location on the 34617  
~~ehancellor's~~ director's web site, a complete inventory of 34618  
education programs that focus on workforce development and 34619  
training that includes both of the following: 34620

(A) Programs offered by state institutions of higher 34621  
education, as defined in section 3345.011 of the Revised Code, 34622  
adult career-technical institutions, and all private nonprofit and 34623  
for-profit postsecondary institutions operating in the state; 34624

(B) Programs registered with the apprenticeship council 34625  
established under Chapter 4139. of the Revised Code. 34626

The ~~ehancellor~~ director may update this inventory as 34627  
necessary. 34628

Sec. 3333.0414. The director of the department of higher education shall conduct a study of bachelor's degree programs approved and offered under sections 3354.071, 3357.071, and 3358.071 of the Revised Code to determine the effects of the programs on fulfilling the needs of students and local industry. The director shall complete the study not later than December 31, 2018, and conduct and complete a second study as prescribed by this section not later than December 31, 2020.

The director shall submit each study to the general assembly, in accordance with section 101.68 of the Revised Code, and the governor.

Sec. 3333.05. ~~The chancellor of the Ohio board of regents~~ director of higher education shall approve or disapprove proposed official plans of community college districts, prepared and submitted pursuant to sections 3354.01 to 3354.18 of the Revised Code, and issue or decline to issue charters for operation of community colleges, pursuant to section 3354.07 of the Revised Code.

~~The chancellor~~ director shall approve an official plan, and issue a charter, only upon the following findings:

(A) That the official plan and all past and proposed actions of the community college district are in conformity to law;

(B) That the proposed community college will not unreasonably and wastefully duplicate existing educational services available to students and prospective students residing in the community college district;

(C) That there is reasonable prospect of adequate current operating revenue for the proposed community college from its proposed opening date of operation;

(D) That the proposed lands and facilities of the community

colleges will be adequate and efficient for the purposes of the 34659  
proposed community college; 34660

(E) That the proposed curricular programs defined in section 34661  
3354.01 of the Revised Code as "arts and sciences" and 34662  
"technical," or either, are the programs for which there is 34663  
substantial need in the territory of the district. 34664

The employment and separation of individual personnel in a 34665  
community college, and the establishing or abolishing of 34666  
individual courses of instruction, shall not be subject to the 34667  
specific and individual approval or disapproval of the ~~chancellor~~ 34668  
director, but shall occur in the discretion of the local 34669  
management of such college within the limitations of law, the 34670  
official plan, and the charter of such college. 34671

**Sec. 3333.06.** The ~~chancellor of the Ohio board of regents~~ 34672  
director of higher education shall prepare a state plan and do all 34673  
other things necessary for participation in federal acts relative 34674  
to the construction of higher educational academic facilities. 34675

Such plan shall provide for objective standards and methods 34676  
of determining the relative priorities for eligible projects for 34677  
the construction of academic facilities submitted by institutions 34678  
of higher education within the state and for determining the 34679  
federal share of the development for each such project. 34680

The ~~chancellor~~ director shall provide for assigning 34681  
priorities in accordance with such criteria, standards, and 34682  
methods to eligible projects submitted to and approved by the 34683  
~~chancellor~~ director, shall recommend to the United States 34684  
secretary of education, in the order of such priority, 34685  
applications covering such eligible projects, and shall certify to 34686  
the secretary the federal share of the development cost of such 34687  
projects. 34688

The ~~chancellor~~ director shall provide a fair hearing to each 34689  
institution which has submitted a project as to the priority 34690  
assigned to such project by the ~~chancellor~~ director or as to any 34691  
other determination of the ~~chancellor~~ director adversely affecting 34692  
such institution. 34693

The ~~chancellor~~ director shall receive federal grants for the 34694  
proper and efficient administration of the state plan, and shall 34695  
provide for such fiscal control and fund accounting procedures as 34696  
may be necessary to ensure proper disbursement of, and accounting 34697  
for, federal funds paid to the ~~chancellor~~ director. 34698

The ~~chancellor~~ director shall make such reports in such form 34699  
and containing such information as may be reasonably required by 34700  
the secretary in the performance of the secretary's functions 34701  
under federal law relating to grants for the construction of 34702  
academic facilities. 34703

Each federal grant received by the ~~chancellor~~ director shall 34704  
be paid into the state treasury. 34705

**Sec. 3333.07.** (A) Colleges, universities, and other 34706  
institutions of higher education which receive state assistance, 34707  
but are not supported primarily by the state, shall submit to the 34708  
~~chancellor of the Ohio board of regents~~ director of higher 34709  
education such accounting of the expenditure of state funds at 34710  
such time and in such form as the ~~chancellor~~ director prescribes. 34711

(B) No state institution of higher education shall establish 34712  
a new branch or academic center without the approval of the 34713  
~~chancellor~~ director. 34714

(C) No state institution of higher education shall offer a 34715  
new degree or establish a new degree program without the approval 34716  
of the ~~chancellor~~ director. No degree approval shall be given for 34717  
a technical education program unless such program is offered by a 34718

state assisted university, a university branch, a technical 34719  
college, or a community college. 34720

(D) Any state college, university, or other state assisted 34721  
institution of higher education not complying with a 34722  
recommendation of the ~~chancellor~~ director pursuant to division (F) 34723  
or (G) of section 3333.04 of the Revised Code shall so notify the 34724  
~~chancellor~~ director in writing within one hundred twenty days 34725  
after receipt of the recommendation, stating the reasons why it 34726  
cannot or should not comply. 34727

(E) The officers, trustees, and employees of all institutions 34728  
of higher education which are state supported or state assisted 34729  
shall cooperate with the ~~chancellor~~ director in supplying 34730  
information regarding their institutions, and advising and 34731  
assisting the ~~chancellor~~ director on matters of higher education 34732  
in this state in every way possible when so requested by the 34733  
~~chancellor~~ director. 34734

(F) Persons associated with the public school systems in this 34735  
state, personnel of the state department of education, and members 34736  
of the state board of education shall provide such data about high 34737  
school students as are requested by the ~~chancellor~~ director to aid 34738  
in the development of state higher education plans. 34739

**Sec. 3333.071.** Notwithstanding section 3345.16 of the Revised 34740  
Code, no expenditure shall be made for land for higher education 34741  
purposes by public institutions of higher education or agents of 34742  
such institutions from any fund without the approval of the 34743  
~~chancellor of the Ohio board of regents~~ director of higher 34744  
education and the controlling board. No state appropriation for 34745  
capital improvements shall be released by the controlling board 34746  
for the purchase of land or buildings from any organization or 34747  
corporation which has been established to benefit or assist the 34748  
institution, except that such releases may be made if the land is 34749

to be used for a currently state-financed improvement. 34750

**Sec. 3333.08.** It is the declared policy of this state that 34751  
the availability of eminent domain on behalf of educational 34752  
institutions of higher education is in the public welfare. A 34753  
private college, university, or other institution of higher 34754  
education may therefore apply to the ~~chancellor of the Ohio board~~ 34755  
~~of regents~~ director of higher education for the right to 34756  
appropriate property when such institution is unable to agree with 34757  
the owner or owners of the subject property upon the price to be 34758  
paid for the property. The institution shall be one that any 34759  
educationally qualified member of the public who desires to attend 34760  
has, or can acquire, a right to be admitted upon equal terms 34761  
without discrimination. The institution shall certify to the 34762  
~~chancellor~~ director, in its application, that the use of the 34763  
property to be appropriated is to be for educational purposes, 34764  
including student housing and dining facilities, that reasonable 34765  
efforts have been made to purchase the property, and that it will 34766  
be used without discrimination against any person or group and be 34767  
equally available to all qualified persons. The institution also 34768  
shall submit to the ~~chancellor~~ director its plans for the use of 34769  
the property and such other information as the ~~chancellor~~ director 34770  
may require. The ~~chancellor~~ director may, thereafter, and upon a 34771  
determination that the intended use is in the public interest, 34772  
approve the application by resolution. Upon such approval, the 34773  
institution may appropriate the property in the same manner as is 34774  
provided for the appropriation of property in Chapter 163. of the 34775  
Revised Code. 34776

**Sec. 3333.09.** "Public university or college," as used in this 34777  
section, means any ~~non-profit~~ nonprofit university or college 34778  
situated within this state which is open to the public on equal 34779  
terms and which is not affiliated with or controlled by an 34780



organization which is not primarily educational in nature. Any 34781  
such university or college shall be considered to be serving a 34782  
public purpose. 34783

The ~~chancellor of the Ohio board of regents~~ director of 34784  
higher education may, upon the ~~chancellor's~~ director's 34785  
determination that such action would serve the interests of higher 34786  
education in this state, in terms of expansion of educational 34787  
opportunity in a major urban area and in terms of expansion of 34788  
educational service to a major urban community, accept conveyances 34789  
of land, situated within this state, from any public university or 34790  
college and enter into an agreement before or after such 34791  
conveyance to lease to such public university or college, upon 34792  
terms as may be prescribed by the ~~chancellor~~ director, such land 34793  
together with buildings constructed thereon and furniture, 34794  
fixtures, and equipment therein for use as an educational 34795  
facility. The lease shall be for a period not to exceed fifty 34796  
years, renewable for a like term, and shall provide that such 34797  
buildings be used solely for educational purposes and that the 34798  
~~chancellor~~ director may cancel such lease if such buildings are 34799  
used for other purposes. Such lease may contain provisions for the 34800  
sale of such property to the lessee, upon the consent of the 34801  
~~chancellor~~ director, for a purchase price not less than the actual 34802  
cost to the ~~chancellor~~ director, less depreciation, computed at 34803  
the rate customarily applied to similar structures. The ~~chancellor~~ 34804  
director, through the department of administrative services, may 34805  
construct, equip, or remodel buildings on lands accepted by the 34806  
~~chancellor~~ director in the name of the state pursuant to this 34807  
section. Title to lands acquired under this section shall be taken 34808  
in the name of the state. 34809

Responsibility for the proper use, maintenance, and repair of 34810  
leased buildings shall rest upon the lessee. 34811

Sec. 3333.10. (A) As used in this section: 34812

(1) "Qualified institution of higher education" or 34813  
"institution" means a nonprofit educational institution, holding 34814  
an effective certificate of authorization issued under section 34815  
1713.02 of the Revised Code, operating in the state an eligible 34816  
program, and admitting students without discrimination by reason 34817  
of race, creed, color, or national origin. 34818

(2) "School of dentistry" means an accredited dental college 34819  
as defined under section 4715.10 of the Revised Code. 34820

(3) "Eligible program" means a medical school accredited by 34821  
the liaison committee on medical education or an osteopathic 34822  
medical school accredited by the American osteopathic association, 34823  
or such a school together with a school of dentistry. 34824

(B) In order to provide better for the public health and the 34825  
necessary enhancement of instruction in medicine and dentistry in 34826  
the state, and to encourage the means of such instruction with the 34827  
least economic cost to the people of the state, the ~~chancellor of~~ 34828  
~~the Ohio board of regents~~ director of higher education may enter 34829  
into agreements with qualified institutions of higher education 34830  
providing for the continued operation by the institution of 34831  
eligible programs, conditioned upon continued payments by the 34832  
state to such institution for the purposes of such eligible 34833  
programs of amounts determined in the manner provided for the 34834  
state subsidy from time to time afforded to state universities on 34835  
the basis of comparable programs. Before entering into such 34836  
agreement, the ~~chancellor~~ director shall determine that the 34837  
institution is a qualified institution of higher education as 34838  
defined in division (A) of this section, and that the operation of 34839  
such eligible programs as provided for in such agreement and such 34840  
payments will contribute to the objectives stated in this section 34841  
and to the objectives of the master plan of higher education 34842

formulated under section 3333.04 of the Revised Code. 34843

(C) Agreements under this section shall contain provisions to 34844  
the effect that: 34845

(1) The institution shall submit to the ~~chancellor~~ director 34846  
accountings for the expenditure of state payments in the manner 34847  
and at the times as are requested for state-assisted institutions 34848  
of higher education pursuant to division (A) of section 3333.07 of 34849  
the Revised Code. 34850

(2) The institution shall notify the ~~chancellor~~ director in 34851  
the manner provided for state-assisted institutions under division 34852  
(D) of section 3333.07 of the Revised Code with regard to program 34853  
recommendations by the ~~chancellor~~ director in the nature of those 34854  
provided for in divisions (F) and (G) of section 3333.04 of the 34855  
Revised Code. 34856

(3) The agreement shall terminate if the institution ceases 34857  
to be a qualified institution of higher education as determined by 34858  
the ~~chancellor~~ director in accordance with Chapter 119. of the 34859  
Revised Code. 34860

(D) Agreements under this section may make further provision 34861  
for any one or more of the following as the parties determine: 34862

(1) The duration of any such agreement, or additional 34863  
provision for terminating the agreement; 34864

(2) Additional conditions for the effectiveness or continued 34865  
effectiveness of such agreement; 34866

(3) Procedures for the amendment or supplementation of the 34867  
agreement, including designation of the parties to approve or 34868  
execute such amendments or supplements; 34869

(4) Such other provisions as may be deemed necessary or 34870  
appropriate. 34871

(E) In case any provision or part of this section or any 34872

provision, agreement, covenant, stipulation, obligation, act or 34873  
action, or part thereof, made, assumed, or taken under or pursuant 34874  
to this section, or any application thereof, is for any reason 34875  
held to be illegal or invalid, such illegality or invalidity shall 34876  
not affect the remainder thereof or any other provision of this 34877  
section or any other provision, agreement, covenant, stipulation, 34878  
obligation, action, or part thereof, made, assumed, or taken under 34879  
or pursuant to this section, which shall be construed and enforced 34880  
as if such illegal or invalid portion were not contained therein, 34881  
nor shall such illegality or invalidity of any application thereof 34882  
affect any legal and valid application thereof, and each such 34883  
provision, agreement, covenant, stipulation, obligation, act, or 34884  
action, or part thereof, shall be deemed to be effective, 34885  
operative, made, done, or entered into in the manner and to the 34886  
full extent permitted by law to accomplish most nearly the 34887  
intention thereof. 34888

(F) No agreement shall be entered into under this section 34889  
with any institution which is not in compliance with section 34890  
3333.11 of the Revised Code. 34891

**Sec. 3333.11.** Each school or college of medicine or medical 34892  
university supported in whole or in part by the state shall create 34893  
a curriculum for and maintain a department of family practice, the 34894  
purpose of which shall be to acquaint undergraduates with and to 34895  
train postgraduate physicians for the practice of family medicine. 34896  
The minimum requirements for the department shall include courses 34897  
of study in family care, including clinical experience, a program 34898  
of preceptorships, and a program of family practice residencies in 34899  
university or other hospital settings. 34900

Each program of family practice shall: 34901

(A) Be designated to advance the field of family practice; 34902

(B) Educate all medical students in family practice and 34903

encourage students to enter it as a career; 34904

(C) Provide students an opportunity to study family practice 34905  
in various situations through preceptorships, seminars, model 34906  
family practice units within the medical school, classroom work, 34907  
hospital programs, or other means; 34908

(D) Develop residency and other training programs for family 34909  
practice in public and private hospitals, including those in 34910  
nonmetropolitan areas of the state; 34911

(E) The department shall be a full department co-equal with 34912  
all other major clinical departments and headed by a qualified 34913  
experienced family practitioner serving as chairperson of the 34914  
department of family practice and director of the family practice 34915  
residency program. 34916

Funds appropriated by the general assembly in support of 34917  
family practice programs shall not be disbursed until the 34918  
~~chancellor of the Ohio board of regents~~ director of higher 34919  
education has certified that the intent and requirements of this 34920  
section are being met. 34921

**Sec. 3333.12.** (A) As used in this section: 34922

(1) "Eligible student" means an undergraduate student who is: 34923

(a) An Ohio resident enrolled in an undergraduate program 34924  
before the 2006-2007 academic year; 34925

(b) Enrolled in either of the following: 34926

(i) An accredited institution of higher education in this 34927  
state that meets the requirements of Title VI of the Civil Rights 34928  
Act of 1964 and is state-assisted, is nonprofit and has a 34929  
certificate of authorization pursuant to Chapter 1713. of the 34930  
Revised Code, has a certificate of registration from the state 34931  
board of career colleges and schools and program authorization to 34932  
award an associate or bachelor's degree, or is a private 34933

institution exempt from regulation under Chapter 3332. of the 34934  
Revised Code as prescribed in section 3333.046 of the Revised 34935  
Code. Students who attend an institution that holds a certificate 34936  
of registration shall be enrolled in a program leading to an 34937  
associate or bachelor's degree for which associate or bachelor's 34938  
degree program the institution has program authorization issued 34939  
under section 3332.05 of the Revised Code. 34940

(ii) A technical education program of at least two years 34941  
duration sponsored by a private institution of higher education in 34942  
this state that meets the requirements of Title VI of the Civil 34943  
Rights Act of 1964. 34944

(c) Enrolled as a full-time student or enrolled as a less 34945  
than full-time student for the term expected to be the student's 34946  
final term of enrollment and is enrolled for the number of credit 34947  
hours necessary to complete the requirements of the program in 34948  
which the student is enrolled. 34949

(2) "Gross income" includes all taxable and nontaxable income 34950  
of the parents, the student, and the student's spouse, except 34951  
income derived from an Ohio academic scholarship, income earned by 34952  
the student between the last day of the spring term and the first 34953  
day of the fall term, and other income exclusions designated by 34954  
the ~~chancellor of the Ohio board of regents~~ director of higher 34955  
education. Gross income may be verified to the ~~chancellor~~ director 34956  
by the institution in which the student is enrolled using the 34957  
federal financial aid eligibility verification process or by other 34958  
means satisfactory to the ~~chancellor~~ director. 34959

(3) "Resident," "full-time student," "dependent," 34960  
"financially independent," and "accredited" shall be defined by 34961  
rules adopted by the ~~chancellor~~ director. 34962

(B) The ~~chancellor~~ director shall establish and administer an 34963  
instructional grant program and may adopt rules to carry out this 34964

section. The general assembly shall support the instructional 34965  
grant program by such sums and in such manner as it may provide, 34966  
but the ~~chancellor~~ director may also receive funds from other 34967  
sources to support the program. If the amounts available for 34968  
support of the program are inadequate to provide grants to all 34969  
eligible students, preference in the payment of grants shall be 34970  
given in terms of income, beginning with the lowest income 34971  
category of gross income and proceeding upward by category to the 34972  
highest gross income category. 34973

An instructional grant shall be paid to an eligible student 34974  
through the institution in which the student is enrolled, except 34975  
that no instructional grant shall be paid to any person serving a 34976  
term of imprisonment. Applications for such grants shall be made 34977  
as prescribed by the ~~chancellor~~ director, and such applications 34978  
may be made in conjunction with and upon the basis of information 34979  
provided in conjunction with student assistance programs funded by 34980  
agencies of the United States government or from financial 34981  
resources of the institution of higher education. The institution 34982  
shall certify that the student applicant meets the requirements 34983  
set forth in divisions (A)(1)(b) and (c) of this section. 34984  
Instructional grants shall be provided to an eligible student only 34985  
as long as the student is making appropriate progress toward a 34986  
nursing diploma or an associate or bachelor's degree. No student 34987  
shall be eligible to receive a grant for more than ten semesters, 34988  
fifteen quarters, or the equivalent of five academic years. A 34989  
grant made to an eligible student on the basis of less than 34990  
full-time enrollment shall be based on the number of credit hours 34991  
for which the student is enrolled and shall be computed in 34992  
accordance with a formula adopted by the ~~chancellor~~ director. No 34993  
student shall receive more than one grant on the basis of less 34994  
than full-time enrollment. 34995

An instructional grant shall not exceed the total 34996

instructional and general charges of the institution. 34997

(C) The tables in this division prescribe the maximum grant 34998  
amounts covering two semesters, three quarters, or a comparable 34999  
portion of one academic year. Grant amounts for additional terms 35000  
in the same academic year shall be determined under division (D) 35001  
of this section. 35002

For a full-time student who is a dependent and enrolled in a 35003  
nonprofit educational institution that is not a state-assisted 35004  
institution and that has a certificate of authorization issued 35005  
pursuant to Chapter 1713. of the Revised Code, the amount of the 35006  
instructional grant for two semesters, three quarters, or a 35007  
comparable portion of the academic year shall be determined in 35008  
accordance with the following table: 35009

Private Institution 35010

Table of Grants 35011

Maximum Grant \$5,466 35012

Gross Income

Number of Dependents 35013

	1	2	3	4	5 or more	
\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	35014
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	35015
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	35016
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	35017
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	35018
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	35019
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	35020
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	35021
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	35022
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	35023
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	35024
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	35025
\$34,001 - \$35,000	444	888	984	1,080	1,344	35026



\$35,001 - \$36,000	--	444	888	984	1,080	35028
\$36,001 - \$37,000	--	--	444	888	984	35029
\$37,001 - \$38,000	--	--	--	444	888	35030
\$38,001 - \$39,000	--	--	--	--	444	35031

For a full-time student who is financially independent and 35032  
enrolled in a nonprofit educational institution that is not a 35033  
state-assisted institution and that has a certificate of 35034  
authorization issued pursuant to Chapter 1713. of the Revised 35035  
Code, the amount of the instructional grant for two semesters, 35036  
three quarters, or a comparable portion of the academic year shall 35037  
be determined in accordance with the following table: 35038

Private Institution 35039

Table of Grants 35040

Maximum Grant \$5,466 35041

Gross Income Number of Dependents 35042

	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	35044
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	35045
\$5,301 - \$5,800	4,362	5,196	5,466	5,466	5,466	5,466	35046
\$5,801 - \$6,300	3,828	4,914	5,196	5,466	5,466	5,466	35047
\$6,301 - \$6,800	3,288	4,650	4,914	5,196	5,466	5,466	35048
\$6,801 - \$7,300	2,736	4,380	4,650	4,914	5,196	5,466	35049
\$7,301 - \$8,300	2,178	4,104	4,380	4,650	4,914	5,196	35050
\$8,301 - \$9,300	1,626	3,822	4,104	4,380	4,650	4,914	35051
\$9,301 - \$10,300	1,344	3,546	3,822	4,104	4,380	4,650	35052
\$10,301 - \$11,800	1,080	3,408	3,546	3,822	4,104	4,380	35053
\$11,801 - \$13,300	984	3,276	3,408	3,546	3,822	4,104	35054
\$13,301 - \$14,800	888	3,228	3,276	3,408	3,546	3,822	35055
\$14,801 - \$16,300	444	2,904	3,228	3,276	3,408	3,546	35056
\$16,301 - \$19,300	--	2,136	2,628	2,952	3,276	3,408	35057
\$19,301 - \$22,300	--	1,368	1,866	2,358	2,676	3,000	35058
\$22,301 - \$25,300	--	1,092	1,368	1,866	2,358	2,676	35059

\$25,301 - \$30,300	--	816	1,092	1,368	1,866	2,358	35060
\$30,301 - \$35,300	--	492	540	672	816	1,314	35061

For a full-time student who is a dependent and enrolled in an educational institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Career Institution

Table of Grants

Maximum Grant \$4,632

Gross Income

Number of Dependents

	1	2	3	4	5 or more	
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	35074
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	35075
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	35076
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	35077
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	35078
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	35079
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	35080
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	35081
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	35082
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	35083
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	35084
\$33,001 - \$34,000	750	852	906	1,134	1,416	35085
\$34,001 - \$35,000	372	750	852	906	1,134	35086
\$35,001 - \$36,000	--	372	750	852	906	35087
\$36,001 - \$37,000	--	--	372	750	852	35088
\$37,001 - \$38,000	--	--	--	372	750	35089
\$38,001 - \$39,000	--	--	--	--	372	35090
						35091

For a full-time student who is financially independent and 35092  
enrolled in an educational institution that holds a certificate of 35093  
registration from the state board of career colleges and schools 35094  
or a private institution exempt from regulation under Chapter 35095  
3332. of the Revised Code as prescribed in section 3333.046 of the 35096  
Revised Code, the amount of the instructional grant for two 35097  
semesters, three quarters, or a comparable portion of the academic 35098  
year shall be determined in accordance with the following table: 35099

Career Institution 35100

Table of Grants 35101

Maximum Grant \$4,632 35102

Gross Income Number of Dependents 35103

	Number of Dependents						35104
	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	35105
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	35106
\$5,301 - \$5,800	3,684	4,410	4,632	4,632	4,632	4,632	35107
\$5,801 - \$6,300	3,222	4,158	4,410	4,632	4,632	4,632	35108
\$6,301 - \$6,800	2,790	3,930	4,158	4,410	4,632	4,632	35109
\$6,801 - \$7,300	2,292	3,714	3,930	4,158	4,410	4,632	35110
\$7,301 - \$8,300	1,854	3,462	3,714	3,930	4,158	4,410	35111
\$8,301 - \$9,300	1,416	3,246	3,462	3,714	3,930	4,158	35112
\$9,301 - \$10,300	1,134	3,024	3,246	3,462	3,714	3,930	35113
\$10,301 - \$11,800	906	2,886	3,024	3,246	3,462	3,714	35114
\$11,801 - \$13,300	852	2,772	2,886	3,024	3,246	3,462	35115
\$13,301 - \$14,800	750	2,742	2,772	2,886	3,024	3,246	35116
\$14,801 - \$16,300	372	2,466	2,742	2,772	2,886	3,024	35117
\$16,301 - \$19,300	--	1,800	2,220	2,520	2,772	2,886	35118
\$19,301 - \$22,300	--	1,146	1,584	1,986	2,268	2,544	35119
\$22,301 - \$25,300	--	930	1,146	1,584	1,986	2,268	35120
\$25,301 - \$30,300	--	708	930	1,146	1,584	1,986	35121
\$30,301 - \$35,300	--	426	456	570	708	1,116	35122

For a full-time student who is a dependent and enrolled in a 35123

state-assisted educational institution, the amount of the 35124  
instructional grant for two semesters, three quarters, or a 35125  
comparable portion of the academic year shall be determined in 35126  
accordance with the following table: 35127

Public Institution 35128

Table of Grants 35129

Maximum Grant \$2,190 35130

Gross Income Number of Dependents 35131

	1	2	3	4	5 or more	
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	35133
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190	35134
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190	35135
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190	35136
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190	35137
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974	35138
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740	35139
\$25,001 - \$28,000	648	864	1,080	1,320	1,542	35140
\$28,001 - \$31,000	522	648	864	1,080	1,320	35141
\$31,001 - \$32,000	420	522	648	864	1,080	35142
\$32,001 - \$33,000	384	420	522	648	864	35143
\$33,001 - \$34,000	354	384	420	522	648	35144
\$34,001 - \$35,000	174	354	384	420	522	35145
\$35,001 - \$36,000	--	174	354	384	420	35146
\$36,001 - \$37,000	--	--	174	354	384	35147
\$37,001 - \$38,000	--	--	--	174	354	35148
\$38,001 - \$39,000	--	--	--	--	174	35149

For a full-time student who is financially independent and 35150  
enrolled in a state-assisted educational institution, the amount 35151  
of the instructional grant for two semesters, three quarters, or a 35152  
comparable portion of the academic year shall be determined in 35153  
accordance with the following table: 35154

	Public Institution						35155
	Table of Grants						35156
	Maximum Grant \$2,190						35157
Gross Income	Number of Dependents						35158
	0	1	2	3	4	5 or more	35159
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	35160
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	35161
\$5,301 - \$5,800	1,740	2,082	2,190	2,190	2,190	2,190	35162
\$5,801 - \$6,300	1,542	1,968	2,082	2,190	2,190	2,190	35163
\$6,301 - \$6,800	1,320	1,866	1,968	2,082	2,190	2,190	35164
\$6,801 - \$7,300	1,080	1,758	1,866	1,968	2,082	2,190	35165
\$7,301 - \$8,300	864	1,638	1,758	1,866	1,968	2,082	35166
\$8,301 - \$9,300	648	1,530	1,638	1,758	1,866	1,968	35167
\$9,301 - \$10,300	522	1,422	1,530	1,638	1,758	1,866	35168
\$10,301 - \$11,800	420	1,356	1,422	1,530	1,638	1,758	35169
\$11,801 - \$13,300	384	1,308	1,356	1,422	1,530	1,638	35170
\$13,301 - \$14,800	354	1,290	1,308	1,356	1,422	1,530	35171
\$14,801 - \$16,300	174	1,164	1,290	1,308	1,356	1,422	35172
\$16,301 - \$19,300	--	858	1,050	1,182	1,308	1,356	35173
\$19,301 - \$22,300	--	540	750	948	1,062	1,200	35174
\$22,301 - \$25,300	--	432	540	750	948	1,062	35175
\$25,301 - \$30,300	--	324	432	540	750	948	35176
\$30,301 - \$35,300	--	192	210	264	324	522	35177

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a percentage of the maximum prescribed in the applicable table of that division. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under that division. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under that division.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years.

(2) Division (F)(1) of this section does not apply to the following:

(a) Any student enrolled in an institution that under the federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary determines due to mitigating circumstances the institution may continue to participate in federal financial aid programs. The ~~chancellor~~ director shall adopt rules requiring institutions to provide information regarding an appeal to the ~~chancellor~~ director.

(b) Any student who has previously received a grant under this section who meets all other requirements of this section.

(3) The ~~chancellor~~ director shall adopt rules for the notification of all institutions whose students will be ineligible to participate in the grant program pursuant to division (F)(1) of this section.

(4) A student's attendance at an institution whose students  
lose eligibility for grants under division (F)(1) of this section  
shall not affect that student's eligibility to receive a grant  
when enrolled in another institution.

(G) Institutions of higher education that enroll students  
receiving instructional grants under this section shall report to  
the ~~chancellor~~ director all students who have received  
instructional grants but are no longer eligible for all or part of  
such grants and shall refund any moneys due the state within  
thirty days after the beginning of the quarter or term immediately  
following the quarter or term in which the student was no longer  
eligible to receive all or part of the student's grant. There  
shall be an interest charge of one per cent per month on all  
moneys due and payable after such thirty-day period. The  
~~chancellor~~ director shall immediately notify the office of budget  
and management and the legislative service commission of all  
refunds so received.

**Sec. 3333.121.** There is hereby established in the state  
treasury the state need-based financial aid reconciliation fund,  
which shall consist of refunds of instructional grant payments  
made pursuant to section 3333.12 of the Revised Code and refunds  
of state need-based financial aid payments made pursuant to  
section 3333.122 of the Revised Code. Revenues credited to the  
fund shall be used by the ~~chancellor of the Ohio board of regents~~  
director of higher education to pay to higher education  
institutions any outstanding obligations from the prior year owed  
for the Ohio instructional grant program and the Ohio college  
opportunity grant program that are identified through the annual  
reconciliation and financial audit. Any amount in the fund that is  
in excess of the amount certified to the director of budget and  
management by the ~~chancellor~~ director of higher education as  
necessary to reconcile prior year payments under the program shall

be transferred to the general revenue fund. 35250

**Sec. 3333.122.** (A) ~~The chancellor of the Ohio board of~~ 35251  
~~regents~~ director of higher education shall adopt rules to carry 35252  
out this section and as authorized under section 3333.123 of the 35253  
Revised Code. The rules shall include definitions of the terms 35254  
"resident," "expected family contribution," "full-time student," 35255  
"three-quarters-time student," "half-time student," 35256  
"one-quarter-time student," "state cost of attendance," and 35257  
"accredited" for the purpose of those sections. 35258

(B) Only an Ohio resident who meets both of the following is 35259  
eligible for a grant awarded under this section: 35260

(1) The resident has an expected family contribution of two 35261  
thousand one hundred ninety or less; 35262

(2) The resident enrolls in one of the following: 35263

(a) An undergraduate program, or a nursing diploma program 35264  
approved by the board of nursing under division (A)(5) of section 35265  
4723.06 of the Revised Code, at a state-assisted state institution 35266  
of higher education, as defined in section 3345.12 of the Revised 35267  
Code, that meets the requirements of Title VI of the Civil Rights 35268  
Act of 1964; 35269

(b) An undergraduate program, or a nursing diploma program 35270  
approved by the board of nursing under division (A)(5) of section 35271  
4723.06 of the Revised Code, at a private, nonprofit institution 35272  
in this state holding a certificate of authorization pursuant to 35273  
Chapter 1713. of the Revised Code; 35274

(c) An undergraduate program, or a nursing diploma program 35275  
approved by the board of nursing under division (A)(5) of section 35276  
4723.06 of the Revised Code, at a career college in this state 35277  
that holds a certificate of registration from the state board of 35278  
career colleges and schools under Chapter 3332. of the Revised 35279



Code or at a private institution exempt from regulation under 35280  
Chapter 3332. of the Revised Code as prescribed in section 35281  
3333.046 of the Revised Code, if the program has a certificate of 35282  
authorization pursuant to Chapter 1713. of the Revised Code. 35283

(C)(1) The ~~chancellor~~ director shall establish and administer 35284  
a needs-based financial aid grants program based on the United 35285  
States department of education's method of determining financial 35286  
need. The program shall be known as the Ohio college opportunity 35287  
grant program. The general assembly shall support the needs-based 35288  
financial aid program by such sums and in such manner as it may 35289  
provide, but the ~~chancellor~~ director also may receive funds from 35290  
other sources to support the program. If, for any academic year, 35291  
the amounts available for support of the program are inadequate to 35292  
provide grants to all eligible students, the ~~chancellor~~ director 35293  
shall do one of the following: 35294

(a) Give preference in the payment of grants based upon 35295  
expected family contribution, beginning with the lowest expected 35296  
family contribution category and proceeding upward by category to 35297  
the highest expected family contribution category; 35298

(b) Proportionately reduce the amount of each grant to be 35299  
awarded for the academic year under this section; 35300

(c) Use an alternate formula for such grants that addresses 35301  
the shortage of available funds and has been submitted to and 35302  
approved by the controlling board. 35303

(2) The needs-based financial aid grant shall be paid to the 35304  
eligible student through the institution in which the student is 35305  
enrolled, except that no needs-based financial aid grant shall be 35306  
paid to any person serving a term of imprisonment. Applications 35307  
for the grants shall be made as prescribed by the ~~chancellor~~ 35308  
director, and such applications may be made in conjunction with 35309  
and upon the basis of information provided in conjunction with 35310

student assistance programs funded by agencies of the United States government or from financial resources of the institution of higher education. The institution shall certify that the student applicant meets the requirements set forth in division (B) of this section. Needs-based financial aid grants shall be provided to an eligible student only as long as the student is making appropriate progress toward a nursing diploma or an associate or bachelor's degree. No student shall be eligible to receive a grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years. A grant made to an eligible student on the basis of less than full-time enrollment shall be based on the number of credit hours for which the student is enrolled and shall be computed in accordance with a formula adopted by rule issued by the ~~chancellor~~ director. No student shall receive more than one grant on the basis of less than full-time enrollment.

(D)(1) Except as provided in division (D)(4) of this section, no grant awarded under this section shall exceed the total state cost of attendance.

(2) Subject to divisions (D)(1), (3), and (4) of this section, the amount of a grant awarded to a student under this section shall equal the student's remaining state cost of attendance after the student's Pell grant and expected family contribution are applied to the instructional and general charges for the undergraduate program. However, for students enrolled in a state university or college as defined in section 3345.12 of the Revised Code or a university branch, the ~~chancellor~~ director may provide that the grant amount shall equal the student's remaining instructional and general charges for the undergraduate program after the student's Pell grant and expected family contribution have been applied to those charges, but, in no case, shall the grant amount for such a student exceed any maximum that the

~~chancellor~~ director may set by rule. 35343

(3) For a student enrolled for a semester or quarter in 35344  
addition to the portion of the academic year covered by a grant 35345  
under this section, the maximum grant amount shall be a percentage 35346  
of the maximum specified in any table established in rules adopted 35347  
by the ~~chancellor~~ director as provided in division (A) of this 35348  
section. The maximum grant for a fourth quarter shall be one-third 35349  
of the maximum amount so prescribed. The maximum grant for a third 35350  
semester shall be one-half of the maximum amount so prescribed. 35351

(4) If a student is enrolled in a two-year institution of 35352  
higher education and is eligible for an education and training 35353  
voucher through the Ohio education and training voucher program 35354  
that receives federal funding under the John H. Chafee foster care 35355  
independence program, 42 U.S.C. 677, the amount of a grant awarded 35356  
under this section may exceed the total state cost of attendance 35357  
to additionally cover housing costs. 35358

(E) No grant shall be made to any student in a course of 35359  
study in theology, religion, or other field of preparation for a 35360  
religious profession unless such course of study leads to an 35361  
accredited bachelor of arts, bachelor of science, associate of 35362  
arts, or associate of science degree. 35363

(F)(1) Except as provided in division (F)(2) of this section, 35364  
no grant shall be made to any student for enrollment during a 35365  
fiscal year in an institution with a cohort default rate 35366  
determined by the United States secretary of education pursuant to 35367  
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 35368  
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 35369  
preceding the fiscal year, equal to or greater than thirty per 35370  
cent for each of the preceding two fiscal years. 35371

(2) Division (F)(1) of this section does not apply in the 35372  
case of either of the following: 35373

(a) The institution pursuant to federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary determines due to mitigating circumstances that the institution may continue to participate in federal financial aid programs. The ~~chancellor~~ director shall adopt rules requiring any such appellant to provide information to the ~~chancellor~~ director regarding an appeal.

(b) Any student who has previously received a grant pursuant to any provision of this section, including prior to the section's amendment by H.B. 1 of the 128th general assembly, effective July 17, 2009, and who meets all other eligibility requirements of this section.

(3) The ~~chancellor~~ director shall adopt rules for the notification of all institutions whose students will be ineligible to participate in the grant program pursuant to division (F)(1) of this section.

(4) A student's attendance at any institution whose students are ineligible for grants due to division (F)(1) of this section shall not affect that student's eligibility to receive a grant when enrolled in another institution.

(G) Institutions of higher education that enroll students receiving needs-based financial aid grants under this section shall report to the ~~chancellor~~ director all students who have received such needs-based financial aid grants but are no longer eligible for all or part of those grants and shall refund any moneys due the state within thirty days after the beginning of the quarter or term immediately following the quarter or term in which the student was no longer eligible to receive all or part of the student's grant. There shall be an interest charge of one per cent per month on all moneys due and payable after such thirty-day

period. The ~~chancellor~~ director shall immediately notify the 35406  
office of budget and management and the legislative service 35407  
commission of all refunds so received. 35408

**Sec. 3333.123.** (A) As used in this section: 35409

(1) "The Ohio college opportunity grant program" means the 35410  
program established under section 3333.122 of the Revised Code. 35411

(2) "Rules for the Ohio college opportunity grant program" 35412  
means the rules authorized in division (R) of section 3333.04 of 35413  
the Revised Code for the implementation of the program. 35414

(B) In adopting rules for the Ohio college opportunity grant 35415  
program, the ~~chancellor of the Ohio board of regents~~ director of 35416  
higher education may include provisions that give preferential or 35417  
priority funding to low-income students who in their primary and 35418  
secondary school work participate in or complete rigorous academic 35419  
coursework, attain passing scores on the assessments prescribed in 35420  
section 3301.0710 or 3301.0712 of the Revised Code, or meet other 35421  
high academic performance standards determined by the ~~chancellor~~ 35422  
director to reduce the need for remediation and ensure academic 35423  
success at the postsecondary education level. Any such rules shall 35424  
include a specification of procedures needed to certify student 35425  
achievement of primary and secondary standards as well as the 35426  
timeline for implementation of the provisions authorized by this 35427  
section. 35428

**Sec. 3333.124.** There is hereby created in the state treasury 35429  
the Ohio college opportunity grant program reserve fund. ~~Not later~~ 35430  
~~than the first day of July~~ As soon as possible following the end 35431  
of each fiscal year, the ~~chancellor of the Ohio board of regents~~ 35432  
director of higher education shall certify to the director of 35433  
budget and management the unencumbered balance of the general 35434  
revenue fund appropriations made in the immediately preceding 35435

fiscal year for purposes of the Ohio college opportunity grant 35436  
program created in section 3333.122 of the Revised Code. Upon 35437  
receipt of the certification, the director of budget and 35438  
management may transfer an amount not exceeding the certified 35439  
amount from the general revenue fund to the Ohio college 35440  
opportunity grant program reserve fund. Moneys in the Ohio college 35441  
opportunity grant program reserve fund shall be used to pay grant 35442  
obligations in excess of the general revenue fund appropriations 35443  
made for that purpose. 35444

The director of budget and management may transfer any 35445  
unencumbered balance from the Ohio college opportunity grant 35446  
program reserve fund to the general revenue fund. 35447

If it is determined that general revenue fund appropriations 35448  
are insufficient to meet the obligations of the Ohio college 35449  
opportunity grant program in a fiscal year, the director of budget 35450  
and management may transfer funds from the Ohio college 35451  
opportunity grant program reserve fund to the general revenue fund 35452  
in order to meet those obligations. The amount transferred is 35453  
hereby appropriated. If the funds transferred from the Ohio 35454  
college opportunity grant program reserve fund are not needed, the 35455  
director of budget and management may transfer the unexpended 35456  
balance from the general revenue fund back to the Ohio college 35457  
opportunity grant program reserve fund. 35458

**Sec. 3333.13.** (A) Money appropriated to the ~~ehancellor of the~~ 35459  
~~Ohio board of regents~~ director of higher education for the 35460  
purposes of this division shall be paid at the times and in the 35461  
amounts necessary to meet all payments required to be made by the 35462  
~~ehancellor~~ director to the Ohio public facilities commission 35463  
pursuant to leases or agreements made under division (B) of 35464  
section 154.21 of the Revised Code, as certified under division 35465  
(C) of this section, including supplements to such certifications. 35466

(B) The ~~chancellor~~ director shall include in the estimate of 35467  
proposed expenses submitted pursuant to section 126.02 of the 35468  
Revised Code the estimated amounts of all such payments to be made 35469  
by the ~~chancellor~~ director. The ~~chancellor~~ director shall include 35470  
the estimated amounts of all such payments to be made by the 35471  
~~chancellor~~ director in recommendations for appropriation required 35472  
by division (J) of section 3333.04 of the Revised Code. The 35473  
director of budget and management shall include in the state 35474  
budget estimates provided for in section 126.02 of the Revised 35475  
Code the estimated amount of all such payments to be made during 35476  
the next biennium, and this amount shall be included in the state 35477  
budget to be submitted by the governor to the general assembly 35478  
pursuant to section 107.03 of the Revised Code. 35479

(C) On the first day of July of each year, or as soon 35480  
thereafter as is practicable, the ~~chancellor or a vice-chancellor~~ 35481  
director of higher education shall certify to the director of 35482  
budget and management the payments contracted to be made, during 35483  
the period of the then current appropriations made for the 35484  
purposes of division (A) of this section, to the commission by the 35485  
~~chancellor~~ director of higher education pursuant to leases and 35486  
agreements made under division (B) of section 154.21 of the 35487  
Revised Code. The certification shall state the amounts and dates 35488  
of payment required therefor and the amounts to be credited 35489  
pursuant to such leases and agreements to the higher education 35490  
bond service trust fund and other special funds established 35491  
pursuant to Chapter 154. of the Revised Code. If the director of 35492  
budget and management finds such certification to be correct, the 35493  
director shall promptly add the director's certification thereto 35494  
and submit it to the treasurer of state. Such annual certification 35495  
shall be supplemented in similar manner upon the execution of each 35496  
new lease or agreement, any supplement to an existing lease or 35497  
agreement, or any amendment thereof, affecting the amounts of 35498  
those payments. 35499

**Sec. 3333.14.** Effective July 1, 1971, all public post high school technical education programs shall be operated by technical colleges, community colleges, university branches, state colleges, state-affiliated universities and state universities. Subject to rules and regulations adopted by the ~~chancellor of the Ohio board of regents~~ director of higher education, the board of trustees or directors of one of the above such institutions shall adopt a plan of transition governing each public post high school technical education program not specifically identified or included in this section which is located in the geographic region of such institution as defined by the ~~chancellor~~ director. The plan of transition shall provide for the dissolution of such technical education programs either by transfer of a program's lands, buildings, and equipment to one of the above such institutions or by complete termination of the technical education program.

**Sec. 3333.15.** If the board of trustees of a state university fails to undertake appropriate action to establish a university branch campus within one year from the enactment of a capital improvement appropriation for the development of such university branch facility, the ~~chancellor of the Ohio board of regents~~ director of higher education may act as the ~~chancellor~~ director deems necessary in place of the board of trustees, including securing the release of construction planning and construction contract funds from the state controlling board. If the ~~chancellor~~ director takes action to plan and construct a university branch in accordance with this section, the officers and staff of such university shall perform all necessary functions incident to the planning and construction of such university branch as directed by the ~~chancellor~~ director.

**Sec. 3333.16.** As used in this section "state institution of



higher education" means an institution of higher education as 35530  
defined in section 3345.12 of the Revised Code. 35531

(A) The ~~chancellor of the Ohio board of regents~~ director of 35532  
higher education shall do all of the following: 35533

(1) Establish policies and procedures applicable to all state 35534  
institutions of higher education that ensure that students can 35535  
begin higher education at any state institution of higher 35536  
education and transfer coursework and degrees to any other state 35537  
institution of higher education without unnecessary duplication or 35538  
institutional barriers. The purpose of this requirement is to 35539  
allow students to attain their highest educational aspirations in 35540  
the most efficient and effective manner for the students and the 35541  
state. These policies and procedures shall require state 35542  
institutions of higher education to make changes or modifications, 35543  
as needed, to strengthen course content so as to ensure 35544  
equivalency for that course at any state institution of higher 35545  
education. 35546

(2) Develop and implement a universal course equivalency 35547  
classification system for state institutions of higher education 35548  
so that the transfer of students and the transfer and articulation 35549  
of equivalent courses or specified learning modules or units 35550  
completed by students are not inhibited by inconsistent judgment 35551  
about the application of transfer credits. Coursework completed 35552  
within such a system at one state institution of higher education 35553  
and transferred to another institution shall be applied to the 35554  
student's degree objective in the same manner as equivalent 35555  
coursework completed at the receiving institution. 35556

(3) Develop a system of transfer policies that ensure that 35557  
graduates with associate degrees which include completion of 35558  
approved transfer modules shall be admitted to a state institution 35559  
of higher education, shall be able to compete for admission to 35560  
specific programs on the same basis as students native to the 35561

institution, and shall have priority over out-of-state associate 35562  
degree graduates and transfer students. To assist a student in 35563  
advising and transferring, all state institutions of higher 35564  
education shall fully implement the information system for 35565  
advising and transferring selected by, contracted for, or 35566  
developed by the ~~chancellor~~ director. 35567

(4) Examine the feasibility of developing a transfer 35568  
marketing agenda that includes materials and interactive 35569  
technology to inform the citizens of Ohio about the availability 35570  
of transfer options at state institutions of higher education and 35571  
to encourage adults to return to colleges and universities for 35572  
additional education; 35573

(5) Study, in consultation with the state board of career 35574  
colleges and schools, and in light of existing criteria and any 35575  
other criteria developed by the articulation and transfer advisory 35576  
council, the feasibility of credit recognition and transferability 35577  
to state institutions of higher education for graduates who have 35578  
received associate degrees from a career college or school with a 35579  
certificate of registration from the state board of career 35580  
colleges and schools under Chapter 3332. of the Revised Code. 35581

(B) All provisions of the existing articulation and transfer 35582  
policy developed by the ~~Ohio board of regents~~ director shall 35583  
remain in effect except where amended by this section. 35584

**Sec. 3333.161.** (A) As used in this section: 35585

(1) "Articulation agreement" means an agreement between two 35586  
or more state institutions of higher education to facilitate the 35587  
transfer of students and credits between such institutions. 35588

(2) "State institution of higher education" and "state 35589  
university" have the same meanings as in section 3345.011 of the 35590  
Revised Code. 35591

(3) "Two year college" includes a community college, state 35592  
community college, technical college, and university branch. 35593

(B) The ~~chancellor of the Ohio board of regents~~ director of 35594  
higher education shall adopt rules establishing a statewide system 35595  
for articulation agreements among state institutions of higher 35596  
education for transfer students pursuing teacher education 35597  
programs. The rules shall require an articulation agreement 35598  
between institutions to include all of the following: 35599

(1) The development of a transfer module for teacher 35600  
education that includes introductory level courses that are 35601  
evaluated as appropriate by faculty employed by the state 35602  
institutions of higher education that are parties to the 35603  
articulation agreement; 35604

(2) A foundation of general studies courses that have been 35605  
identified as part of the transfer module for teacher education 35606  
and have been evaluated as appropriate for the preparation of 35607  
teachers and consistent with the academic content standards 35608  
adopted under section 3301.079 of the Revised Code; 35609

(3) A clear identification of university faculty who are 35610  
partnered with two year college faculty; 35611

(4) The publication of the articulation agreement that is 35612  
available to all students, faculty, and staff. 35613

**Sec. 3333.162.** (A) As used in this section, "state 35614  
institution of higher education" means an institution of higher 35615  
education as defined in section 3345.12 of the Revised Code. 35616

(B) By April 15, 2007, the ~~chancellor of the Ohio board of~~ 35617  
~~regents~~ director of higher education, in consultation with the 35618  
department of education, public adult and secondary 35619  
career-technical education institutions, and state institutions of 35620  
higher education, shall establish criteria, policies, and 35621

procedures that enable students to transfer agreed upon technical 35622  
courses completed through an adult career-technical education 35623  
institution, a public secondary career-technical institution, or a 35624  
state institution of higher education to a state institution of 35625  
higher education without unnecessary duplication or institutional 35626  
barriers. The courses to which the criteria, policies, and 35627  
procedures apply shall be those that adhere to recognized industry 35628  
standards and equivalent coursework common to the secondary career 35629  
pathway and adult career-technical education system and regionally 35630  
accredited state institutions of higher education. Where 35631  
applicable, the policies and procedures shall build upon the 35632  
articulation agreement and transfer initiative course equivalency 35633  
system required by section 3333.16 of the Revised Code. 35634

**Sec. 3333.163.** (A) As used in this section, "state 35635  
institution of higher education" has the same meaning as in 35636  
section 3345.011 of the Revised Code. 35637

(B) Not later than April 15, 2008, the articulation and 35638  
transfer advisory council of the ~~chancellor of the Ohio board of~~ 35639  
~~regents~~ director of higher education shall recommend to the 35640  
~~chancellor~~ director standards for awarding course credit toward 35641  
degree requirements at state institutions of higher education 35642  
based on scores attained on advanced placement examinations. The 35643  
recommended standards shall include a score on each advanced 35644  
placement examination that the council considers to be a passing 35645  
score for which course credit may be awarded. Upon adoption of the 35646  
standards by the ~~chancellor~~ director, each state institution of 35647  
higher education shall comply with the standards in awarding 35648  
course credit to any student enrolled in the institution who has 35649  
attained a passing score on an advanced placement examination. 35650

**Sec. 3333.164.** (A) As used in this section, "state 35651  
institution of higher education" has the same meaning as in 35652

section 3345.011 of the Revised Code. 35653

(B) Not later than December 31, 2014, the ~~chancellor of the~~ 35654  
~~Ohio board of regents~~ director of higher education shall do all of 35655  
the following with regard to the awarding of college credit for 35656  
military training, experience, and coursework: 35657

(1) Develop a set of standards and procedures for state 35658  
institutions of higher education to utilize in the granting of 35659  
college credit for military training, experience, and coursework; 35660

(2) Create a military articulation and transfer assurance 35661  
guide for college credit that is earned through military training, 35662  
experience, and coursework. The ~~chancellor~~ director shall use the 35663  
current articulation and transfer policy adopted pursuant to 35664  
section 3333.16 of the Revised Code as a model in developing this 35665  
guide. 35666

(3) Create a web site that contains information related to 35667  
the awarding of college credit for military training, experience, 35668  
and coursework. The web site shall include both of the following: 35669

(a) Standardized resources that address frequently asked 35670  
questions regarding the awarding of such credit and related 35671  
issues; 35672

(b) A statewide database that shows how specified military 35673  
training, experience, and coursework translates to college credit. 35674

(4) Develop a statewide training program that prepares 35675  
faculty and staff of state institutions of higher education to 35676  
evaluate various military training, experience, and coursework and 35677  
to award appropriate equivalent credit. The training program shall 35678  
incorporate the best practices of awarding credit for military 35679  
experiences, including both the recommendations of the American 35680  
council on education and the standards developed by the council 35681  
for adult and experiential learning. 35682

(C) Beginning on July 1, 2015, state institutions of higher education shall ensure that appropriate equivalent credit is awarded for military training, experience, and coursework that meet the standards developed by the ~~chancellor~~ director pursuant to this section.

**Sec. 3333.17.** The ~~chancellor of the Ohio board of regents~~ director of higher education may enter into contracts with the appropriate agency in a contiguous state whereby the agency provides for charging Ohio residents enrolled in state-assisted post-secondary educational institutions in the contiguous state, tuition and fees at rates no higher than the rates charged to students who are residents of that state, and whereby the ~~chancellor~~ director, as part of such contracts, may provide that rates for tuition and fees charged to residents of the contiguous state who are enrolled in state-assisted post-secondary educational institutions in Ohio shall not exceed those charged Ohio residents.

State-assisted post-secondary educational institutions in Ohio may enter into contracts with appropriate state-assisted post-secondary educational institutions in a contiguous state whereby the state-assisted post-secondary educational institution provides for charging Ohio residents enrolled in the institution in the contiguous state, tuition and fees at rates no higher than the rates charged to students who are residents of that state, and whereby the Ohio state-assisted post-secondary institution, as part of such contracts, may provide that rates for tuition and fees charged to residents of the contiguous state who are enrolled in the state-assisted post-secondary educational institutions in Ohio shall not exceed those charged Ohio residents.

The contracts entered into by the ~~chancellor~~ director or a state-assisted post-secondary educational institution may limit

the type of academic program offered at the reciprocal rates. 35714  
Residents of contiguous states enrolled in for credit courses 35715  
taught at the main campus and identified off-campus sites at 35716  
state-assisted post-secondary educational institutions in Ohio 35717  
under such contracts shall be included in calculating the number 35718  
of full-time equivalent students for state subsidy purposes. The 35719  
~~chancellor~~ director and each state-assisted post-secondary 35720  
educational institution shall periodically assess the costs and 35721  
benefits of each such contract and the extent to which parity is 35722  
achieved between Ohio and the contiguous state with respect to 35723  
students benefiting from the contract. All Ohio state-assisted 35724  
post-secondary educational institutions participating in these 35725  
contracts shall report enrollments and other information annually 35726  
to the ~~chancellor~~ director. No contract shall be entered into 35727  
under this section without the approval of the ~~chancellor~~ 35728  
director. The ~~chancellor~~ director shall report the status of these 35729  
contracts to the controlling board annually. 35730

**Sec. 3333.171.** (A) The ~~chancellor of the Ohio board of~~ 35731  
~~regents~~ director of higher education may enter into a reciprocity 35732  
agreement with the midwestern higher education compact whereby the 35733  
agreement provides for both of the following: 35734

(1) A participating institution in Ohio may enroll residents 35735  
of a participating state in distance education programs at that 35736  
institution without attaining prior approval from the appropriate 35737  
agency of that participating state. 35738

(2) A participating institution in another state may enroll 35739  
Ohio residents in distance education programs at that institution 35740  
without attaining prior approval from the ~~chancellor~~ director. 35741

(B) Under the terms of an agreement, the ~~chancellor~~ director 35742  
may do any of the following: 35743

(1) Apply on behalf of the state of Ohio to become an 35744

eligible state to participate in the agreement; 35745

(2) Designate the ~~board~~ department of ~~regents~~ higher 35746  
education as the lead agency to ensure that Ohio meets the 35747  
eligibility requirements of the agreement, as determined by the 35748  
midwestern higher education compact; 35749

(3) Develop criteria and procedures for eligible institutions 35750  
in Ohio to apply to participate in the agreement and for their 35751  
continued participation in the agreement; 35752

(4) Assess and collect fees, pursuant to rules adopted by the 35753  
~~chancellor~~ director under Chapter 119. of the Revised Code, from 35754  
participating institutions in Ohio; 35755

(5) Collect annual data, as prescribed by the ~~chancellor~~ 35756  
director or as required by the midwestern higher education 35757  
compact, from participating institutions in Ohio; 35758

(6) Develop a student grievance process to resolve complaints 35759  
brought against participating institutions in Ohio in regard to 35760  
the distance education programs that are eligible under the terms 35761  
of the agreement; 35762

(7) Work collaboratively with the state board of career 35763  
colleges and schools to determine the eligibility of institutions 35764  
authorized by that agency under section 3332.05 of the Revised 35765  
Code for initial and continued participation in the agreement; 35766

(8) Perform other duties and responsibilities as required for 35767  
participation in the agreement. 35768

(C) Any eligible institution in Ohio that wishes to 35769  
participate in the agreement entered into under this section shall 35770  
first attain approval for inclusion in the agreement from the 35771  
~~chancellor~~ director. Thereafter, a participating institution in 35772  
Ohio shall attain approval from the ~~chancellor~~ director for any 35773  
new distance education programs offered by that institution prior 35774



to enrolling residents of a participating state in such programs 35775  
under the terms of the agreement. 35776

(D) All other post-secondary activity that requires the 35777  
~~chancellor's~~ director's approval and is not included under the 35778  
terms of the agreement entered into under this section is subject 35779  
to the ~~chancellor's~~ director's review and approval pursuant to 35780  
Chapters 1713. and 3333. of the Revised Code. 35781

(E) The ~~chancellor~~ director may terminate the agreement 35782  
entered into under this section or remove the ~~board of regents~~ 35783  
department as the lead agency on the agreement, if the ~~chancellor~~ 35784  
director determines that the agreement is not in the best interest 35785  
of the state or the board. 35786

(F) For purposes of this section: 35787

(1) "Eligible institution in Ohio" is any of the following 35788  
types of institutions, as long as it is degree-granting and is 35789  
accredited by an accrediting agency recognized by the United 35790  
States secretary of education: 35791

(a) A state institution of higher education as defined in 35792  
section 3345.011 of the Revised Code; 35793

(b) An Ohio institution of higher education that has received 35794  
a certificate of authorization pursuant to Chapter 1713. of the 35795  
Revised Code; 35796

(c) An Ohio institution of higher education authorized by the 35797  
state board of career colleges and schools under section 3332.05 35798  
of the Revised Code. 35799

(2) "Participating institution in Ohio" is any "eligible 35800  
institution in Ohio" that has been approved by the ~~chancellor~~ 35801  
director for participation in the agreement entered into under 35802  
this section. 35803

(3) "Participating institution in another state" is any 35804

institution of higher education that is located outside of Ohio 35805  
that meets the eligibility requirements under the terms of a 35806  
similar reciprocity agreement and is approved by the appropriate 35807  
agency of that institution's home state to participate in an 35808  
agreement entered into with the midwestern higher education 35809  
compact, the New England board of higher education, the southern 35810  
regional education board, or the western interstate commission for 35811  
higher education. 35812

**Sec. 3333.18.** ~~The chancellor of the Ohio board of regents~~ 35813  
director of higher education may enter into contracts with the 35814  
appropriate agency in a contiguous state whereby financial aids 35815  
from the funds of each state may be used by qualified student 35816  
recipients to attend approved post-secondary educational 35817  
institutions in the other state. Approved institutions in Ohio are 35818  
those that are state-assisted or are nonprofit and have received 35819  
certificates of authorization pursuant to Chapter 1713. of the 35820  
Revised Code, or are private institutions exempt from regulation 35821  
under Chapter 3332. of the Revised Code as prescribed in section 35822  
3333.046 of the Revised Code. Eligible post-secondary educational 35823  
institutions in the contiguous state shall be similarly approved 35824  
by the appropriate agency of that state. In formulating and 35825  
executing such contracts with a contiguous state, the ~~chancellor~~ 35826  
director shall assure that the total cost to this state 35827  
approximates the total cost to the contiguous state. Any contract 35828  
entered into under this section shall be subject to the periodic 35829  
review of, and approval by, the controlling board. 35830

**Sec. 3333.19.** ~~The chancellor of the Ohio board of regents~~ 35831  
director of higher education may enter into agreements with the 35832  
appropriate agency in a foreign country or with an agency or 35833  
organization sponsoring foreign student exchanges under which the 35834  
agency or organization ensures that Ohio residents enrolled in 35835

post-secondary educational institutions in the foreign country 35836  
will pay tuition and fees at rates no higher than the rates 35837  
charged to students who are residents of that country and under 35838  
which the ~~chancellor~~ director provides that rates for tuition and 35839  
fees charged to a comparable number of students from the foreign 35840  
country who are enrolled in state-assisted institutions of higher 35841  
education in Ohio are to be no higher than the rates charged to 35842  
students who are Ohio residents. Notwithstanding that an Ohio 35843  
resident is enrolled in a post-secondary educational institution 35844  
in a foreign country under one of these agreements, any such 35845  
student who was previously enrolled in a state-assisted 35846  
institution shall be counted as enrolled in such institution for 35847  
state subsidy purposes in a manner prescribed by rules the 35848  
~~chancellor~~ director shall adopt. 35849

**Sec. 3333.20.** (A) The ~~chancellor of the Ohio board of regents~~ 35850  
director of higher education shall adopt educational service 35851  
standards that shall apply to all community colleges, university 35852  
branches, technical colleges, and state community colleges 35853  
established under Chapters 3354., 3355., 3357., and 3358. of the 35854  
Revised Code, respectively. These standards shall provide for such 35855  
institutions to offer or demonstrate at least the following: 35856

(1) An appropriate range of career or technical programs 35858  
designed to prepare individuals for employment in specific careers 35859  
at the technical or paraprofessional level; 35860

(2) Commitment to an effective array of developmental 35861  
education services providing opportunities for academic skill 35862  
enhancement; 35863

(3) Partnerships with industry, business, government, and 35864  
labor for the retraining of the workforce and the economic 35865  
development of the community; 35866

(4) Noncredit continuing education opportunities;	35867
(5) College transfer programs or the initial two years of a baccalaureate degree for students planning to transfer to institutions offering baccalaureate programs;	35868 35869 35870
(6) Linkages with high schools to ensure that graduates are adequately prepared for post-secondary instruction;	35871 35872
(7) Student access provided according to a convenient schedule and program quality provided at an affordable price;	35873 35874
(8) That student fees charged by any institution are as low as possible, especially if the institution is being supported by a local tax levy;	35875 35876 35877
(9) A high level of community involvement in the decision-making process in such critical areas as course delivery, range of services, fees and budgets, and administrative personnel.	35878 35879 35880
(B) The <del>chancellor</del> <u>director</u> shall consult with representatives of state-assisted colleges and universities, as defined in section 3333.041 of the Revised Code, in developing appropriate methods for achieving or maintaining the standards adopted pursuant to division (A) of this section.	35881 35882 35883 35884 35885
(C) In considering institutions that are co-located, the <del>chancellor</del> <u>director</u> shall apply the standards to them in two manners:	35886 35887 35888
(1) As a whole entity;	35889
(2) As separate entities, applying the standards separately to each.	35890 35891
When distributing any state funds among institutions based on the degree to which they meet the standards, the <del>chancellor</del> <u>director</u> shall provide to institutions that are co-located the higher amount produced by the two judgments under divisions (C)(1) and (2) of this section.	35892 35893 35894 35895 35896

Sec. 3333.21. As used in sections 3333.21 to 3333.23 of the Revised Code, "term" and "academic year" mean "term" and "academic year" as defined by the ~~chancellor of the Ohio board of regents~~ director of higher education.

The ~~chancellor~~ director shall establish and administer an academic scholarship program. Under the program, a total of one thousand new scholarships shall be awarded annually in the amount of not less than two thousand dollars per award. At least one such new scholarship shall be awarded annually to a student in each public high school and joint vocational school and each nonpublic high school for which the state board of education prescribes minimum standards in accordance with section 3301.07 of the Revised Code.

To be eligible for the award of a scholarship, a student shall be a resident of Ohio and shall be enrolled as a full-time undergraduate student in an Ohio institution of higher education that meets the requirements of Title VI of the "Civil Rights Act of 1964" and is state-assisted, is nonprofit and holds a certificate of authorization issued under section 1713.02 of the Revised Code, is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or holds a certificate of registration and program authorization issued under section 3332.05 of the Revised Code and awards an associate or bachelor's degree. Students who attend an institution holding a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization to offer the program issued under section 3332.05 of the Revised Code.

"Resident" and "full-time student" shall be defined in rules adopted by the ~~chancellor~~ director.

The ~~chancellor~~ director shall award the scholarships on the 35928  
basis of a formula designed by the ~~chancellor~~ director to identify 35929  
students with the highest capability for successful college study. 35930  
The formula shall weigh the factor of achievement, as measured by 35931  
grade point average, and the factor of ability, as measured by 35932  
performance on a competitive examination specified by the 35933  
~~chancellor~~ director. Students receiving scholarships shall be 35934  
known as "Ohio academic scholars." 35935

**Sec. 3333.22.** Each Ohio academic scholarship shall be awarded 35936  
for an academic year and may be renewed for each of three 35937  
additional academic years. The scholarship amount awarded to a 35938  
scholar for an academic year shall be not less than two thousand 35939  
dollars. A scholarship shall be renewed if the scholar maintains 35940  
an academic record satisfactory to the ~~chancellor of the Ohio~~ 35941  
~~board of regents~~ director of higher education and meets any of the 35942  
following conditions: 35943

(A) The scholar is enrolled as a full-time undergraduate; 35944

(B) The scholar was awarded an undergraduate degree in less 35945  
than four academic years and is enrolled as a full-time graduate 35946  
or professional student in an Ohio institution of higher education 35947  
that meets the requirements of Title VI of the "Civil Rights Act 35948  
of 1964" and is state-assisted or is nonprofit and holds a 35949  
certificate of authorization issued under section 1713.02 of the 35950  
Revised Code; 35951

(C) The scholar is a full-time student concurrently enrolled 35952  
as an undergraduate student and as a graduate or professional 35953  
student in an Ohio institution of higher education that meets the 35954  
requirements of division (B) of this section. 35955

Each amount awarded shall be paid in equal installments to 35956  
the scholar at the time of enrollment for each term of the 35957  
academic year for which the scholarship is awarded or renewed. No 35958

scholar is eligible to receive an Ohio academic scholarship for 35959  
more than the equivalent of four academic years. 35960

If an Ohio academic scholar is temporarily unable to attend 35961  
school because of illness or other cause satisfactory to the 35962  
~~chancellor~~ director, the ~~chancellor~~ director may grant a leave of 35963  
absence for a designated period of time. If a scholar discontinues 35964  
full-time attendance at the scholar's school during a term because 35965  
of illness or other cause satisfactory to the ~~chancellor~~ director, 35966  
the scholar may either claim a prorated payment for the period of 35967  
actual attendance or waive payment for that term. A term for which 35968  
prorated payment is made shall be considered a full term for which 35969  
a scholarship was received. A term for which payment is waived 35970  
shall not be considered a term for which a scholarship was 35971  
received. 35972

Receipt of an Ohio academic scholarship shall not affect a 35973  
scholar's eligibility for the Ohio instructional grant program. 35974

**Sec. 3333.23.** At the end of each term, each Ohio academic 35975  
scholar shall request the registrar of the school to send a copy 35976  
of the scholar's scholastic record to the ~~chancellor of the Ohio~~ 35977  
~~board of regents~~ director of higher education. If the scholar's 35978  
record fails to meet the standards established by the ~~chancellor~~ 35979  
director, further payments shall be suspended until the scholar 35980  
demonstrates promise of successful progress in the academic 35981  
program for which the award was made. The ~~chancellor~~ director may 35982  
revoke the scholarship if the scholar does not resume successful 35983  
academic progress within a reasonable time. 35984

**Sec. 3333.25.** There is hereby created the Ohio academic 35985  
scholarship payment fund, which shall be in the custody of the 35986  
treasurer of state but shall not be a part of the state treasury. 35987  
The fund shall consist of all moneys appropriated for the fund by 35988

the general assembly and other moneys otherwise made available to 35989  
the fund. The payment fund shall be used for the payment of Ohio 35990  
academic scholarships or for additional scholarships to recognize 35991  
outstanding academic achievement and ability. The ~~chancellor of~~ 35992  
~~the Ohio board of regents~~ director of higher education shall 35993  
administer this section and establish rules for the distribution 35994  
and awarding of any additional scholarships. 35995

The ~~chancellor~~ director may direct the treasurer of state to 35996  
invest any moneys in the payment fund not currently needed for 35997  
scholarship payments, in any kinds of investments in which moneys 35998  
of the public employees retirement system may be invested. 35999

The instruments of title of all investments shall be 36000  
delivered to the treasurer of state or to a qualified trustee 36001  
designated by the treasurer of state as provided in section 135.18 36002  
of the Revised Code. The treasurer of state shall collect both 36003  
principal and investment earnings on all investments as they 36004  
become due and pay them into the fund. 36005

All deposits to the fund shall be made in financial 36006  
institutions of this state secured as provided in section 135.18 36007  
of the Revised Code. 36008

**Sec. 3333.26.** (A) Any citizen of this state who has resided 36009  
within the state for one year, who was in the active service of 36010  
the United States as a soldier, sailor, nurse, or marine between 36011  
April 6, 1917, and November 11, 1918, and who has been honorably 36012  
discharged from that service, shall be admitted to any school, 36013  
college, or university that receives state funds in support 36014  
thereof, without being required to pay any tuition or 36015  
matriculation fee, but is not relieved from the payment of 36016  
laboratory or similar fees. 36017

(B)(1) As used in this division: 36018



- (a) "Volunteer firefighter" has the meaning as in division 36019  
(B)(1) of section 146.01 of the Revised Code. 36020
- (b) "Public service officer" means an Ohio firefighter, 36021  
volunteer firefighter, police officer, member of the state highway 36022  
patrol, employee designated to exercise the powers of police 36023  
officers pursuant to section 1545.13 of the Revised Code, or other 36024  
peace officer as defined by division (B) of section 2935.01 of the 36025  
Revised Code, or a person holding any equivalent position in 36026  
another state. 36027
- (c) "Qualified former spouse" means the former spouse of a 36028  
public service officer, or of a member of the armed services of 36029  
the United States, who is the custodial parent of a minor child of 36030  
that marriage pursuant to an order allocating the parental rights 36031  
and responsibilities for care of the child issued pursuant to 36032  
section 3109.04 of the Revised Code. 36033
- (d) "Operation enduring freedom" means that period of 36034  
conflict which began October 7, 2001, and ends on a date declared 36035  
by the president of the United States or the congress. 36036
- (e) "Operation Iraqi freedom" means that period of conflict 36037  
which began March 20, 2003, and ends on a date declared by the 36038  
president of the United States or the congress. 36039
- (f) "Combat zone" means an area that the president of the 36040  
United States by executive order designates, for purposes of 26 36041  
U.S.C. 112, as an area in which armed forces of the United States 36042  
are or have engaged in combat. 36043
- (2) Any resident of this state who is under twenty-six years 36044  
of age, or under thirty years of age if the resident has been 36045  
honorably discharged from the armed services of the United States, 36046  
who is the child of a public service officer killed in the line of 36047  
duty or of a member of the armed services of the United States 36048  
killed in the line of duty during operation enduring freedom or 36049

operation Iraqi freedom, and who is admitted to any state 36050  
university or college as defined in division (A)(1) of section 36051  
3345.12 of the Revised Code, community college, state community 36052  
college, university branch, or technical college shall not be 36053  
required to pay any tuition or any student fee for up to four 36054  
academic years of education, which shall be at the undergraduate 36055  
level. 36056

A child of a member of the armed services of the United 36057  
States killed in the line of duty during operation enduring 36058  
freedom or operation Iraqi freedom is eligible for a waiver of 36059  
tuition and student fees under this division only if the student 36060  
is not eligible for a war orphans scholarship authorized by 36061  
Chapter 5910. of the Revised Code. In any year in which the war 36062  
orphans scholarship board reduces the percentage of tuition 36063  
covered by a war orphans scholarship below one hundred per cent 36064  
pursuant to division (A) of section 5910.04 of the Revised Code, 36065  
the waiver of tuition and student fees under this division for a 36066  
child of a member of the armed services of the United States 36067  
killed in the line of duty during operation enduring freedom or 36068  
operation Iraqi freedom shall be reduced by the same percentage. 36069

(3) Any resident of this state who is the spouse or qualified 36070  
former spouse of a public service officer killed in the line of 36071  
duty, and who is admitted to any state university or college as 36072  
defined in division (A)(1) of section 3345.12 of the Revised Code, 36073  
community college, state community college, university branch, or 36074  
technical college, shall not be required to pay any tuition or any 36075  
student fee for up to four academic years of education, which 36076  
shall be at the undergraduate level. 36077

(4) Any resident of this state who is the spouse or qualified 36078  
former spouse of a member of the armed services of the United 36079  
States killed in the line of duty while serving in a combat zone 36080  
after May 7, 1975, and who is admitted to any state university or 36081

college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college, shall not be required to pay any tuition or any student fee for up to four years of academic education, which shall be at the undergraduate level. In order to qualify under division (B)(4) of this section, the spouse or qualified former spouse shall have been a resident of this state at the time the member was killed in the line of duty.

(C) Any institution that is not subject to division (B) of this section and that holds a valid certificate of registration issued under Chapter 3332. of the Revised Code, a valid certificate issued under Chapter 4709. of the Revised Code, or a valid license issued under Chapter 4713. of the Revised Code, or that is nonprofit and has a certificate of authorization issued under section 1713.02 of the Revised Code, or that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, which reduces tuition and student fees of a student who is eligible to attend an institution of higher education under the provisions of division (B) of this section by an amount indicated by the ~~chancellor of the Ohio board of regents~~ director of higher education shall be eligible to receive a grant in that amount from the ~~chancellor~~ director.

Each institution that enrolls students under division (B) of this section shall report to the ~~chancellor~~ director, by the first day of July of each year, the number of students who were so enrolled and the average amount of all such tuition and student fees waived during the preceding year. The ~~chancellor~~ director shall determine the average amount of all such tuition and student fees waived during the preceding year. The average amount of the tuition and student fees waived under division (B) of this section during the preceding year shall be the amount of grants that

participating institutions shall receive under this division 36114  
during the current year, but no grant under this division shall 36115  
exceed the tuition and student fees due and payable by the student 36116  
prior to the reduction referred to in this division. The grants 36117  
shall be made for four years of undergraduate education of an 36118  
eligible student. 36119

**Sec. 3333.28.** (A) The ~~chancellor of the Ohio board of regents~~ 36120  
director of higher education shall establish the nurse education 36121  
assistance program, the purpose of which shall be to make loans to 36122  
students enrolled in prelicensure nurse education programs at 36123  
institutions approved by the board of nursing under section 36124  
4723.06 of the Revised Code and postlicensure nurse education 36125  
programs approved by the ~~chancellor~~ director under section 3333.04 36126  
of the Revised Code or offered by an institution holding a 36127  
certificate of authorization issued under Chapter 1713. of the 36128  
Revised Code. The board of nursing shall assist the ~~chancellor~~ 36129  
director in administering the program. 36130

(B) There is hereby created in the state treasury the nurse 36131  
education assistance fund, which shall consist of all money 36132  
transferred to it pursuant to section 4743.05 of the Revised Code. 36133  
The fund shall be used by the ~~chancellor~~ director for loans made 36134  
under division (A) of this section and for expenses of 36135  
administering the loan program. 36136

(C) Between July 1, 2005, and January 1, 2012, the ~~chancellor~~ 36137  
director shall distribute money in the nurse education assistance 36138  
fund in the following manner: 36139

(1)(a) Fifty per cent of available funds shall be awarded as 36140  
loans to registered nurses enrolled in postlicensure nurse 36141  
education programs described in division (A) of this section. To 36142  
be eligible for a loan, the applicant shall provide the ~~chancellor~~ 36143  
director with a letter of intent to practice as a faculty member 36144

at a prelicensure or postlicensure program for nursing in this 36145  
state upon completion of the applicant's academic program. 36146

(b) If the borrower of a loan under division (C)(1)(a) of 36147  
this section secures employment as a faculty member of an approved 36148  
nursing education program in this state within six months 36149  
following graduation from an approved nurse education program, the 36150  
~~chancellor~~ director may forgive the principal and interest of the 36151  
student's loans received under division (C)(1)(a) of this section 36152  
at a rate of twenty-five per cent per year, for a maximum of four 36153  
years, for each year in which the borrower is so employed. A 36154  
deferment of the service obligation, and other conditions 36155  
regarding the forgiveness of loans may be granted as provided by 36156  
the rules adopted under division (D)(7) of this section. 36157

(c) Loans awarded under division (C)(1)(a) of this section 36158  
shall be awarded on the basis of the student's expected family 36159  
contribution, with preference given to those applicants with the 36160  
lowest expected family contribution. However, the ~~chancellor~~ 36161  
director may consider other factors the ~~chancellor~~ director 36162  
determines relevant in ranking the applications. 36163

(d) Each loan awarded to a student under division (C)(1)(a) 36164  
of this section shall be not less than five thousand dollars per 36165  
year. 36166

(2) Twenty-five per cent of available funds shall be awarded 36167  
to students enrolled in prelicensure nurse education programs for 36168  
registered nurses, as defined in section 4723.01 of the Revised 36169  
Code. 36170

(3) Twenty-five per cent of available funds shall be awarded 36171  
to students enrolled in nurse education programs as determined by 36172  
the ~~chancellor~~ director, with preference given to programs aimed 36173  
at increasing enrollment in an area of need. 36174

After January 1, 2012, the ~~chancellor~~ director shall 36175

determine the manner in which to distribute loans under this section.	36176 36177
(D) Subject to the requirements specified in division (C) of this section, the <del>chancellor</del> <u>director</u> shall adopt rules in accordance with Chapter 119. of the Revised Code establishing:	36178 36179 36180
(1) Eligibility criteria for receipt of a loan;	36181
(2) Loan application procedures;	36182
(3) The amounts in which loans may be made and the total amount that may be loaned to an individual;	36183 36184
(4) The total amount of loans that can be made each year;	36185
(5) The percentage of the money in the fund that must remain in the fund at all times as a fund balance;	36186 36187
(6) Interest and principal repayment schedules;	36188
(7) Conditions under which a portion of principal and interest obligations incurred by an individual under the program will be forgiven;	36189 36190 36191
(8) Conditions under which all or a portion of the principal and interest obligations incurred by an individual who is deployed on active duty outside of the state or who is the spouse of a person deployed on active duty outside of the state may be deferred or forgiven.	36192 36193 36194 36195 36196
(9) Ways that the program may be used to encourage individuals who are members of minority groups to enter the nursing profession;	36197 36198 36199
(10) Any other matters incidental to the operation of the program.	36200 36201
(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness	36202 36203 36204

established by division (C)(1)(b) of this section, in the case of 36205  
loans awarded under division (C)(1)(a) of this section, or by the 36206  
~~chancellor~~ director under the rule adopted under division (D)(7) 36207  
of this section, in the case of other loans awarded under this 36208  
section. 36209

(F) The obligation to repay all or a portion of the principal 36210  
and interest on a loan made under this section may be deferred or 36211  
forgiven if the recipient of the loan meets the criteria for 36212  
deferment or forgiveness established by the ~~chancellor~~ director 36213  
under the rule adopted under division (D)(8) of this section. 36214

(G) The receipt of a loan under this section shall not affect 36215  
a student's eligibility for assistance, or the amount of that 36216  
assistance, granted under section 3333.12, 3333.122, 3333.22, 36217  
3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code, but 36218  
the rules of the ~~chancellor~~ director may provide for taking 36219  
assistance received under those sections into consideration when 36220  
determining a student's eligibility for a loan under this section. 36221

(H) As used in this section, "active duty" means active duty 36222  
pursuant to an executive order of the president of the United 36223  
States, an act of the congress of the United States, or section 36224  
5919.29 or 5923.21 of the Revised Code. 36225

**Sec. 3333.29.** (A) As used in this section, "state institution 36226  
of higher education" has the same meaning as in section 3345.011 36227  
of the Revised Code. 36228

(B) The ~~chancellor of the Ohio board of regents~~ director of 36229  
higher education shall establish, within the Ohio skills bank, a 36230  
mechanism to facilitate communication, cooperation, and 36231  
partnerships among state institutions of higher education with 36232  
nursing education programs and between state institutions of 36233  
higher education and hospitals in this state to meet regional and 36234  
statewide nursing education needs. 36235

**Sec. 3333.30.** The ~~chancellor of the Ohio board of regents~~ 36236  
director of higher education may enter into an agreement with 36237  
private entities to provide log-in access or an internet link to 36238  
free career information for students via the web site maintained 36239  
by the ~~chancellor~~ director. A log-in access or internet link 36240  
authorized under this section shall not be considered an 36241  
advertisement, endorsement, or sponsorship for purposes of the 36242  
regulation of state-controlled web sites under any section of the 36243  
Revised Code, any rule of the Administrative Code, or any other 36244  
policy or directive adopted or issued by the office of information 36245  
technology or any other state agency. 36246

**Sec. 3333.31.** (A) For state subsidy and tuition surcharge 36247  
purposes, status as a resident of Ohio shall be defined by the 36248  
~~chancellor of the Ohio board of regents~~ director of higher 36249  
education by rule promulgated pursuant to Chapter 119. of the 36250  
Revised Code. No adjudication as to the status of any person under 36251  
such rule, however, shall be required to be made pursuant to 36252  
Chapter 119. of the Revised Code. The term "resident" for these 36253  
purposes shall not be equated with the definition of that term as 36254  
it is employed elsewhere under the laws of this state and other 36255  
states, and shall not carry with it any of the legal connotations 36256  
appurtenant thereto. Rather, except as provided in divisions (B), 36257  
(C), and ~~(D)~~(E) of this section, for such purposes, the rule 36258  
promulgated under this section shall have the objective of 36259  
excluding from treatment as residents those who are present in the 36260  
state primarily for the purpose of attending a state-supported or 36261  
state-assisted institution of higher education, and may prescribe 36262  
presumptive rules, rebuttable or conclusive, as to such purpose 36263  
based upon the source or sources of support of the student, 36264  
residence prior to first enrollment, evidence of intention to 36265  
remain in the state after completion of studies, or such other 36266



factors as the ~~chancellor~~ director deems relevant. 36267

(B) The rules of the ~~chancellor~~ director for determining 36268  
student residency shall grant residency status to a veteran and to 36269  
the veteran's spouse and any dependent of the veteran, if both of 36270  
the following conditions are met: 36271

(1) The veteran either: 36272

(a) Served one or more years on active military duty and was 36273  
honorably discharged or received a medical discharge that was 36274  
related to the military service; 36275

(b) Was killed while serving on active military duty or has 36276  
been declared to be missing in action or a prisoner of war. 36277

(2) If the veteran seeks residency status for tuition 36278  
surcharge purposes, the veteran has established domicile in this 36279  
state as of the first day of a term of enrollment in an 36280  
institution of higher education. If the spouse or a dependent of 36281  
the veteran seeks residency status for tuition surcharge purposes, 36282  
the veteran and the spouse or dependent seeking residency status 36283  
have established domicile in this state as of the first day of a 36284  
term of enrollment in an institution of higher education, except 36285  
that if the veteran was killed while serving on active military 36286  
duty, has been declared to be missing in action or a prisoner of 36287  
war, or is deceased after discharge, only the spouse or dependent 36288  
seeking residency status shall be required to have established 36289  
domicile in accordance with this division. 36290

(C) The rules of the director for determining student 36291  
residency shall grant residency status to both of the following: 36292

(1) A veteran who is the recipient of federal veterans' 36293  
benefits under the "All-Volunteer Force Educational Assistance 36294  
Program" or "Post-9/11 Veterans Educational Assistance Program," 36295  
38 U.S.C. 3001 et seq., or any successor program, if the veteran 36296  
meets all of the following criteria: 36297

<u>(a) The veteran served at least ninety days on active military duty.</u>	36298 36299
<u>(b) The veteran enrolls in a state institution of higher education, as defined in section 3345.011 of the Revised Code.</u>	36300 36301
<u>(c) The veteran resides in the state as of the first day of a term of enrollment in the state institution of higher education.</u>	36302 36303
<u>(2) A veteran's spouse or dependent who is the recipient of transferred federal veterans' benefits under any of the programs described in division (C)(1) of this section, if the spouse or dependent meets both of the following criteria:</u>	36304 36305 36306 36307
<u>(a) The spouse or dependent, whichever is applicable, enrolls in a state institution of higher education.</u>	36308 36309
<u>(b) The spouse or dependent, whichever is applicable, resides in the state as of the first day of a term of enrollment in the state institution of higher education.</u>	36310 36311 36312
<u>In order to qualify under division (C)(2) of this section, the veteran's period of active military duty must have been at least ninety days.</u>	36313 36314 36315
<u>(D) The rules of the <del>chancellor</del> director for determining student residency shall not deny residency status to a student who is either a dependent child of a parent, or the spouse of a person who, as of the first day of a term of enrollment in an institution of higher education, has accepted full-time employment and established domicile in this state for reasons other than gaining the benefit of favorable tuition rates.</u>	36316 36317 36318 36319 36320 36321 36322
Documentation of full-time employment and domicile shall include both of the following documents:	36323 36324
(1) A sworn statement from the employer or the employer's representative on the letterhead of the employer or the employer's representative certifying that the parent or spouse of the student	36325 36326 36327

is employed full-time in Ohio; 36328

(2) A copy of the lease under which the parent or spouse is 36329  
the lessee and occupant of rented residential property in the 36330  
state, a copy of the closing statement on residential real 36331  
property of which the parent or spouse is the owner and occupant 36332  
in this state or, if the parent or spouse is not the lessee or 36333  
owner of the residence in which the parent or spouse has 36334  
established domicile, a letter from the owner of the residence 36335  
certifying that the parent or spouse resides at that residence. 36336

Residency officers may also evaluate, in accordance with the 36337  
~~chancellor's~~ director's rule, requests for immediate residency 36338  
status from dependent students whose parents are not living and 36339  
whose domicile follows that of a legal guardian who has accepted 36340  
full-time employment and established domicile in the state for 36341  
reasons other than gaining the benefit of favorable tuition rates. 36342

~~(D)~~(E)(1) The rules of the ~~chancellor~~ director for 36343  
determining student residency shall grant residency status to a 36344  
person who, while a resident of this state for state subsidy and 36345  
tuition surcharge purposes, graduated from a high school in this 36346  
state or completed the final year of instruction at home as 36347  
authorized under section 3321.04 of the Revised Code, if the 36348  
person enrolls in an institution of higher education and 36349  
establishes domicile in this state, regardless of the student's 36350  
residence prior to that enrollment. 36351

(2) The rules of the ~~chancellor~~ director for determining 36352  
student residency shall not grant residency status to an alien if 36353  
the alien is not also an immigrant or a nonimmigrant. 36354

~~(E)~~(F) As used in this section: 36355

(1) "Dependent," "domicile," "institution of higher 36356  
education," and "residency officer" have the meanings ascribed in 36357  
the ~~chancellor's~~ director's rules adopted under this section. 36358

(2) "Alien" means a person who is not a United States citizen or a United States national. 36359  
36360

(3) "Immigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside permanently in the United States and to work without restrictions in the United States. 36361  
36362  
36363  
36364

(4) "Nonimmigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside temporarily in the United States. 36365  
36366  
36367

**Sec. 3333.33.** (A) A community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code may establish a tuition guarantee program, subject to approval of the ~~chancellor of the Ohio board of regents~~ director of higher education. 36368  
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(B) The ~~chancellor~~ director shall establish guidelines for the board of trustees of a community college, state community college, or technical college to follow when developing a tuition guarantee program and submitting applications to the ~~chancellor~~ director. 36375  
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36379

**Sec. 3333.34.** (A) As used in this section: 36380

(1) "Pre-college stackable certificate" means a certificate earned before an adult is enrolled in an institution of higher education that can be transferred to college credit based on standards established by the ~~chancellor of the Ohio board of regents~~ director of higher education and the department of education. 36381  
36382  
36383  
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(2) "College-level certificate" means a certificate earned while an adult is enrolled in an institution of higher education 36387  
36388

that can be transferred to college credit based on standards 36389  
established by the ~~chancellor~~ director and the department of 36390  
education. 36391

(B) The ~~chancellor~~ director and the department of education 36392  
shall create a system of pre-college stackable certificates to 36393  
provide a clear and accessible path for adults seeking to advance 36394  
their education. The system shall do all of the following: 36395

(1) Be uniform across the state; 36396

(2) Be available from an array of providers, including adult 36397  
career centers, institutions of higher education, and employers; 36398

(3) Be structured to respond to the expectations of both the 36399  
workplace and higher education; 36400

(4) Be articulated in a way that ensures the most effective 36401  
interconnection of competencies offered in specialized training 36402  
programs; 36403

(5) Establish standards for earning pre-college certificates; 36404

(6) Establish transferability of pre-college certificates to 36405  
college credit. 36406

(C) The ~~chancellor~~ director shall develop college-level 36407  
certificates that can be transferred to college credit in 36408  
different subject competencies. The certificates shall be based on 36409  
competencies and experience and not on classroom seat time. 36410

**Sec. 3333.342.** (A) The ~~chancellor of the Ohio board of~~ 36411  
~~regents~~ director of higher education may designate a "certificate 36412  
of value" for a certificate program at any adult career-technical 36413  
education institution or state institution of higher education, as 36414  
defined under section 3345.011 of the Revised Code, based on the 36415  
standards adopted under division (B) of this section. 36416

(B) The ~~chancellor~~ director shall develop standards for 36417

designation of the certificates of value for certificate programs 36418  
at adult career-technical education institutions and state 36419  
institutions of higher education. The standards shall include at 36420  
least the following considerations: 36421

(1) The quality of the certificate program; 36422

(2) The ability to transfer agreed-upon technical courses 36423  
completed through an adult career-technical education institution 36424  
to a state institution of higher education without unnecessary 36425  
duplication or institutional barriers; 36426

(3) The extent to which the certificate program encourages a 36427  
student to obtain an associate's or bachelor's degree; 36428

(4) The extent to which the certificate program increases a 36429  
student's likelihood to complete other certificate programs or an 36430  
associate's or bachelor's degree; 36431

(5) The ability of the certificate program to meet the 36432  
expectations of the workplace and higher education; 36433

(6) The extent to which the certificate program is aligned 36434  
with the strengths of the regional economy; 36435

(7) The extent to which the certificate program increases the 36436  
amount of individuals who remain in or enter the state's 36437  
workforce; 36438

(8) The extent of a certificate program's relationship with 36439  
private companies in the state to fill potential job growth. 36440

(C) The designation of a certificate of value under this 36441  
section shall expire six years after its designation date. 36442

(D) The ~~chancellor~~ director may revoke a designation prior to 36443  
its expiration date if the ~~chancellor~~ director determines that the 36444  
program no longer complies with the standards developed under 36445  
division (B) of this section. 36446

(E) Any revocation of a certificate of value under this 36447

section shall become effective one hundred eighty days after the 36448  
date the revocation was declared by the ~~chancellor~~ director. 36449

(F) Any adult career-technical education institution or state 36450  
institution of higher education that desires to be eligible to 36451  
receive a designation of certificate of value for one or more of 36452  
its certificate programs shall comply with all records and data 36453  
requests required by the ~~chancellor~~ director. 36454

**Sec. 3333.35.** The state board of education and the ~~chancellor~~ 36455  
~~of the Ohio board of regents~~ director of higher education shall 36456  
strive to reduce unnecessary student remediation costs incurred by 36457  
colleges and universities in this state, increase overall access 36458  
for students to higher education, enhance the college credit plus 36459  
program in accordance with Chapter 3365. of the Revised Code, and 36460  
enhance the alternative resident educator licensure program in 36461  
accordance with section 3319.26 of the Revised Code. 36462  
36463

**Sec. 3333.36.** If the ~~chancellor~~ director of higher education 36464  
determines that sufficient funds are available from general 36465  
revenue fund appropriations made to the ~~Ohio board of regents~~ 36466  
department of higher education or to the ~~chancellor of the Ohio~~ 36467  
~~board of regents~~ director, the ~~chancellor~~ director shall allocate 36468  
the following: 36469

(A) Up to seventy thousand dollars in each fiscal year to 36470  
make payments to the Columbus program in intergovernmental issues, 36471  
an Ohio internship program at Kent state university, for 36472  
scholarships of up to two thousand dollars for each student 36473  
enrolled in the program; 36474

(B) Up to one hundred sixty-five thousand dollars in each 36475  
fiscal year to make payments to the Washington center for 36476  
scholarships provided to undergraduates of Ohio's four-year public 36477

and private institutions of higher education selected to 36478  
participate in the Washington center internship program. The 36479  
amount of a student's scholarship shall not exceed the amount 36480  
specified for such scholarships in the biennial operating 36481  
appropriations act. 36482

The ~~chancellor~~ director may utilize any general revenue funds 36483  
appropriated to the ~~board of regents~~ department or to the 36484  
~~chancellor~~ director that the ~~chancellor~~ director determines to be 36485  
available for purposes of this section. 36486

**Sec. 3333.37.** As used in sections 3333.37 to 3333.375 of the 36487  
Revised Code, the following words and terms have the following 36488  
meanings unless the context indicates a different meaning or 36489  
intent: 36490

(A) "Cost of attendance" means all costs of a student 36491  
incurred in connection with a program of study at an eligible 36492  
institution, as determined by the institution, including tuition; 36493  
instructional fees; room and board; books, computers, and 36494  
supplies; and other related fees, charges, and expenses. 36495

(B) "Eligible institution" means one of the following: 36496

(1) A state-assisted post-secondary educational institution 36497  
within the state; 36498

(2) A nonprofit institution of higher education within the 36499  
state that holds a certificate of authorization issued under 36500  
Chapter 1713. of the Revised Code, that is accredited by the 36501  
appropriate regional and, when appropriate, professional 36502  
accrediting associations within whose jurisdiction it falls, is 36503  
authorized to grant a bachelor's degree or higher, and satisfies 36504  
other conditions as set forth in the policy guidelines; 36505

(3) A private institution exempt from regulation under 36506  
Chapter 3332. of the Revised Code as prescribed in section 36507



3333.046 of the Revised Code.	36508
(C) "Eligible student" means either of the following:	36509
(1) An undergraduate student who meets all of the following:	36510
(a) Is a resident of this state;	36511
(b) Has graduated from any Ohio secondary school for which the state board of education prescribes minimum standards in accordance with section 3301.07 of the Revised Code;	36512 36513 36514
(c) Is attending and in good standing, or has been accepted for attendance, at any eligible institution as a full-time student to pursue a bachelor's degree.	36515 36516 36517
(2) A graduate student who is a resident of this state, and is attending and in good standing, or has been accepted for attendance, at any eligible institution.	36518 36519 36520
(D) "Fellowship" or "fellowship program" means the Ohio priority needs fellowship created by sections 3333.37 to 3333.375 of the Revised Code.	36521 36522 36523
(E) "Full-time student" has the meaning as defined by rule of the <del>chancellor of the Ohio board of regents</del> <u>director of higher education</u> .	36524 36525 36526
(F) "Ohio outstanding scholar" means a student who is the recipient of a scholarship under sections 3333.37 to 3333.375 of the Revised Code.	36527 36528 36529
(G) "Policy guidelines" means the rules adopted by the <del>chancellor</del> <u>director</u> pursuant to section 3333.374 of the Revised Code.	36530 36531 36532
(H) "Priority needs fellow" means a student who is the recipient of a fellowship under sections 3333.37 to 3333.375 of the Revised Code.	36533 36534 36535
(I) "Priority needs field of study" means those academic	36536

majors and disciplines as determined by the ~~chancellor~~ director 36537  
that support the purposes and intent of sections 3333.37 to 36538  
3333.375 of the Revised Code as described in section 3333.371 of 36539  
the Revised Code. 36540

(J) "Scholarship" or "scholarship program" means the Ohio 36541  
outstanding scholarship created by sections 3333.37 to 3333.375 of 36542  
the Revised Code. 36543

**Sec. 3333.372.** (A) There are hereby authorized the "Ohio 36544  
outstanding scholarship" and the "Ohio priority needs fellowship" 36545  
programs, which shall be established and administered by the 36546  
~~chancellor of the Ohio board of regents~~ director of higher 36547  
education for eligible students. The programs shall provide 36548  
scholarships to eligible undergraduate students and fellowships to 36549  
eligible graduate students, equal to the annual cost of attendance 36550  
at eligible institutions, to pursue baccalaureate degrees and 36551  
post-baccalaureate degrees in priority needs field of study 36552  
consistent with section 3333.371 of the Revised Code. 36553

(B) The scholarship and fellowship programs created under 36554  
sections 3333.37 to 3333.375 of the Revised Code and any necessary 36555  
administrative expenses shall be funded solely from the Ohio 36556  
outstanding scholarship and the Ohio priority needs fellowship 36557  
programs payment funds established pursuant to section 3333.375 of 36558  
the Revised Code. 36559

(C) The scholarships shall be renewable for each of three 36560  
additional years for undergraduate study, and the fellowships 36561  
shall be renewable for each of two additional years for graduate 36562  
study, provided the Ohio outstanding scholar or priority needs 36563  
fellow remains an eligible student at an eligible institution. 36564

**Sec. 3333.373.** (A) The scholarship rules advisory committee 36565  
is hereby established. The committee shall consist of the 36566

~~chancellor of the Ohio board of regents~~ director of higher 36567  
education or the ~~chancellor's~~ director's designee, the treasurer 36568  
of state or the treasurer of state's designee, the director of 36569  
development or the director's designee, one state senator 36570  
appointed by the president of the senate, one state representative 36571  
appointed by the speaker of the house of representatives, and two 36572  
public members appointed by the ~~chancellor~~ director of higher 36573  
education representing the interests of the state-assisted 36574  
eligible institutions and private nonprofit eligible institutions, 36575  
respectively. 36576

(B) The committee shall provide recommendations to the 36577  
~~chancellor~~ director of higher education as to rules, criteria, and 36578  
guidelines necessary and appropriate to implement the scholarship 36579  
and fellowship programs created by sections 3333.37 to 3333.375 of 36580  
the Revised Code. 36581

(C) The committee shall meet at least annually to review the 36582  
scholarship and fellowship programs guidelines; make 36583  
recommendations to amend, rescind, or modify the policy 36584  
guidelines; and approve scholarship and fellowship awards to 36585  
eligible students. 36586

(D) Sections 101.82 to 101.87 of the Revised Code do not 36587  
apply to this section. 36588

**Sec. 3333.374.** (A) After receipt of recommendations from the 36589  
scholarship rules advisory committee or if no recommendations are 36590  
received, the ~~chancellor of the Ohio board of regents~~ director of 36591  
higher education, with the approval of the treasurer of state, 36592  
shall adopt rules, in accordance with Chapter 119. of the Revised 36593  
Code, establishing policy guidelines for the implementation of the 36594  
scholarship and fellowship programs. 36595

(B) Nothing in this section or section 3333.373 of the 36596  
Revised Code shall prevent the ~~chancellor~~ director, with the 36597

approval of the treasurer of state, from amending or rescinding 36598  
rules adopted pursuant to division (A) of this section, or from 36599  
adopting new rules, in accordance with Chapter 119. of the Revised 36600  
Code, from time to time as are necessary to further the purposes 36601  
of sections 3333.37 to 3333.375 of the Revised Code. 36602

**Sec. 3333.375.** (A)(1) There are hereby created the Ohio 36603  
outstanding scholarship and the Ohio priority needs fellowship 36604  
programs payment funds, which shall be in the custody of the 36605  
treasurer of state, but shall not be a part of the state treasury. 36606

(2) The payment funds shall consist solely of all moneys 36607  
returned to the treasurer of state, as issuer of certain 36608  
tax-exempt student loan revenue bonds, from all indentures of 36609  
trust, both presently existing and future, created as a result of 36610  
tax-exempt student loan revenue bonds issued under Chapter 3366. 36611  
of the Revised Code, and any moneys earned from allowable 36612  
investments of the payment funds under division (B) of this 36613  
section. 36614

(3) Except as provided in division (E) of this section, the 36615  
payment funds shall be used solely for scholarship and fellowships 36616  
awarded under sections 3333.37 to 3333.375 of the Revised Code by 36617  
the ~~chancellor of the Ohio board of regents~~ director of higher 36618  
education and for any necessary administrative expenses incurred 36619  
by the ~~chancellor~~ director in administering the scholarship and 36620  
fellowship programs. 36621

(B) The treasurer of state may invest any moneys in the 36622  
payment funds not currently needed for scholarship and fellowship 36623  
payments in any kind of investments in which moneys of the public 36624  
employees retirement system may be invested under Chapter 145. of 36625  
the Revised Code. 36626

(C)(1) The instruments of title of all investments shall be 36627  
delivered to the treasurer of state or to a qualified trustee 36628

designated by the treasurer of state as provided in section 135.18 36629  
of the Revised Code. 36630

(2) The treasurer of state shall collect both principal and 36631  
investment earnings on all investments as they become due and pay 36632  
them into the payment funds. 36633

(3) All deposits to the payment funds shall be made in public 36634  
depositories of this state and secured as provided in section 36635  
135.18 of the Revised Code. 36636

(D) On or before March 1, 2001, and on or before the first 36637  
day of March in each subsequent year, the treasurer of state shall 36638  
provide to the ~~chancellor of the Ohio board of regents~~ director a 36639  
statement indicating the moneys in the Ohio outstanding 36640  
scholarship and the Ohio priority needs fellowship programs 36641  
payment funds that are available for the upcoming academic year to 36642  
award scholarships and fellowships under sections 3333.37 to 36643  
3333.375 of the Revised Code. 36644

(E) The ~~chancellor~~ director may use funds the treasurer has 36645  
indicated as available pursuant to division (D) of this section to 36646  
support distribution of state need-based financial aid in 36647  
accordance with sections 3333.12 and 3333.122 of the Revised Code. 36648

**Sec. 3333.39.** The ~~chancellor of the Ohio board of regents~~ 36649  
director of higher education and the superintendent of public 36650  
instruction shall establish and administer the teach Ohio program 36651  
to promote and encourage citizens of this state to consider 36652  
teaching as a profession. The program shall include all of the 36653  
following: 36654

(A) A statewide program administered by a nonprofit 36655  
corporation that has been in existence for at least fifteen years 36656  
with demonstrated results in encouraging high school students from 36657  
economically disadvantaged groups to enter the teaching 36658

profession. The ~~chancellor~~ director and superintendent jointly 36659  
shall select the nonprofit corporation. 36660

(B) The Ohio teaching fellows program established under 36661  
sections 3333.391 and 3333.392 of the Revised Code; 36662

(C) The Ohio teacher residency program established under 36663  
section 3319.223 of the Revised Code; 36664

(D) Alternative licensure procedures established under 36665  
section 3319.26 of the Revised Code; 36666

(E) Any other program as identified by the ~~chancellor~~ 36667  
director and the superintendent. 36668

**Sec. 3333.391.** (A) As used in this section and in section 36669  
3333.392 of the Revised Code: 36670

(1) "Academic year" shall be as defined by the ~~chancellor of~~ 36671  
~~the Ohio board of regents~~ director of higher education. 36672

(2) "Hard-to-staff school" and "hard-to-staff subject" shall 36673  
be as defined by the department of education. 36674

(3) "Parent" means the parent, guardian, or custodian of a 36675  
qualified student. 36676

(4) "Qualified service" means teaching at a qualifying 36677  
school. 36678

(5) "Qualifying school" means a hard-to-staff school district 36679  
building or a school district building that has a persistently low 36680  
performance rating, as determined jointly by the ~~chancellor~~ 36681  
director and superintendent of public instruction, under section 36682  
3302.03 of the Revised Code at the time the recipient becomes 36683  
employed by the district. 36684

(B) If the ~~chancellor of the Ohio board of regents~~ director 36685  
of higher education determines that sufficient funds are available 36686  
from general revenue fund appropriations made to the ~~Ohio board of~~ 36687

~~regents~~ director of higher education or to the ~~chancellor~~ 36688  
director, the ~~chancellor~~ director and the superintendent of public 36689  
instruction jointly may develop and agree on a plan for the Ohio 36690  
teaching fellows program to promote and encourage high school 36691  
seniors to enter and remain in the teaching profession. Upon 36692  
agreement of such a plan, the ~~chancellor~~ director shall establish 36693  
and administer the program in conjunction with the superintendent 36694  
and with the cooperation of teacher training institutions. Under 36695  
the program, the ~~chancellor~~ director annually shall provide 36696  
scholarships to students who commit to teaching in a qualifying 36697  
school for a minimum of four years upon graduation from a teacher 36698  
training program at a state institution of higher education or an 36699  
Ohio nonprofit institution of higher education that has a 36700  
certificate of authorization under Chapter 1713. of the Revised 36701  
Code. The scholarships shall be for up to four years at the 36702  
undergraduate level at an amount determined by the ~~chancellor~~ 36703  
director based on state appropriations. 36704

(C) The ~~chancellor~~ director shall adopt a competitive process 36705  
for awarding scholarships under the teaching fellows program, 36706  
which shall include minimum grade point average and scores on 36707  
national standardized tests for college admission. The process 36708  
shall also give additional consideration to all of the following: 36709

(1) A person who has participated in the program described in 36710  
division (A) of section 3333.39 of the Revised Code; 36711

(2) A person who plans to specialize in teaching students 36712  
with special needs; 36713

(3) A person who plans to teach in the disciplines of 36714  
science, technology, engineering, or mathematics. 36715

The ~~chancellor~~ director shall require that all applicants to 36716  
the teaching fellows program shall file a statement of service 36717  
status in compliance with section 3345.32 of the Revised Code, if 36718

applicable, and that all applicants have not been convicted of, 36719  
plead guilty to, or adjudicated a delinquent child for any 36720  
violation listed in section 3333.38 of the Revised Code. 36721

(D) Teaching fellows shall complete the four-year teaching 36722  
commitment within not more than seven years after graduating from 36723  
the teacher training program. Failure to fulfill the commitment 36724  
shall convert the scholarship into a loan to be repaid under 36725  
section 3333.392 of the Revised Code. 36726

(E) The ~~chancellor~~ director shall adopt rules in accordance 36727  
with Chapter 119. of the Revised Code to administer this section 36728  
and section 3333.392 of the Revised Code. 36729

**Sec. 3333.392.** (A) Each recipient who accepts a scholarship 36730  
under the Ohio teaching fellows program created under section 36731  
3333.391 of the Revised Code, or the recipient's parent if the 36732  
recipient is younger than eighteen years of age, shall sign a 36733  
promissory note payable to the state in the event the recipient 36734  
does not satisfy the service requirement of division (D) of 36735  
section 3333.391 of the Revised Code or the scholarship is 36736  
terminated. The amount payable under the note shall be the amount 36737  
of total scholarships accepted by the recipient under the program 36738  
plus ten per cent interest accrued annually beginning on the first 36739  
day of September after graduating from the teacher training 36740  
program or immediately after termination of the scholarship. The 36741  
period of repayment under the note shall be determined by the 36742  
~~chancellor of the Ohio board of regents~~ director of higher 36743  
education. The note shall stipulate that the obligation to make 36744  
payments under the note is canceled following completion of four 36745  
years of qualified service by the recipient in accordance with 36746  
division (D) of section 3333.391 of the Revised Code, or if the 36747  
recipient dies, becomes totally and permanently disabled, or is 36748  
unable to complete the required qualified service as a result of a 36749



reduction in force at the recipient's school of employment before 36750  
the obligation under the note has been satisfied. 36751

(B) Repayment of the principal amount of the scholarship and 36752  
interest accrued shall be deferred while the recipient is enrolled 36753  
in an approved teaching program, while the recipient is seeking 36754  
employment to fulfill the service obligation, for a period not to 36755  
exceed six months, or while the recipient is engaged in qualified 36756  
service. 36757

(C) During the seven-year period following the recipient's 36758  
graduation from an approved teaching program, the ~~chancellor~~ 36759  
director shall deduct twenty-five per cent of the outstanding 36760  
balance that may be converted to a loan for each year the 36761  
recipient teaches at a qualifying school. 36762

(D) The ~~chancellor~~ director may terminate the scholarship, in 36763  
which case the scholarship shall be converted to a loan to be 36764  
repaid under division (A) of this section. 36765

(E) The scholarship shall be deemed terminated upon the 36766  
recipient's withdrawal from school or the recipient's failure to 36767  
meet the standards of the scholarship as determined by the 36768  
~~chancellor~~ director and shall be converted to a loan to be repaid 36769  
under division (A) of this section. 36770

(F) The ~~chancellor~~ director and the attorney general shall 36771  
collect payments on the converted loan in accordance with section 36772  
131.02 of the Revised Code. 36773

**Sec. 3333.43.** This section does not apply to any 36774  
baccalaureate degree program that is a cooperative education 36775  
program, as defined in section 3333.71 of the Revised Code. 36776

(A) The ~~chancellor of the Ohio board of regents~~ director of 36777  
higher education shall require all state institutions of higher 36778  
education that offer baccalaureate degrees, as a condition of 36779

reauthorization for certification of each baccalaureate program 36780  
offered by the institution, to submit a statement describing how 36781  
each major for which the school offers a baccalaureate degree may 36782  
be completed within three academic years. The chronology of the 36783  
statement shall begin with the fall semester of a student's first 36784  
year of the baccalaureate program. 36785

(B) The statement required under this section may include, 36786  
but not be limited to, any of the following methods to contribute 36787  
to earning a baccalaureate degree in three years: 36788

(1) Advanced placement credit; 36789

(2) International baccalaureate program credit; 36790

(3) A waiver of degree and credit-hour requirements by 36791  
completion of courses that are widely available at community 36792  
colleges in the state or through online programs offered by state 36793  
institutions of higher education or private nonprofit institutions 36794  
of higher education holding certificates of authorization under 36795  
Chapter 1713. of the Revised Code, and through courses taken by 36796  
the student through the college credit plus program under Chapter 36797  
3365. of the Revised Code; 36798

(4) Completion of coursework during summer sessions; 36799

(5) A waiver of foreign-language degree requirements based on 36800  
a proficiency examination specified by the institution. 36801

(C)(1) Not later than October 15, 2012, each state 36802  
institution of higher education shall provide statements required 36803  
under this section for ten per cent of all baccalaureate degree 36804  
programs offered by the institution. 36805

(2) Not later than June 30, 2014, each state institution of 36806  
higher education shall provide statements required under this 36807  
section for sixty per cent of all baccalaureate degree programs 36808  
offered by the institution. 36809

(D) Each state institution of higher education required to 36810  
submit statements under this section shall post its three-year 36811  
option on its web site and also provide that information to the 36812  
department of education. The department shall distribute that 36813  
information to the superintendent, high school principal, and 36814  
guidance counselor, or equivalents, of each school district, 36815  
community school established under Chapter 3314. of the Revised 36816  
Code, and STEM school established under Chapter 3326. of the 36817  
Revised Code. 36818

(E) Nothing in this section requires an institution to take 36819  
any action that would violate the requirements of any independent 36820  
association accrediting baccalaureate degree programs. 36821

**Sec. 3333.44.** ~~The chancellor of the Ohio board of regents~~ 36822  
director of higher education shall designate a postsecondary 36823  
globalization liaison to work with state institutions of higher 36824  
education, as defined in section 3345.011 of the Revised Code, 36825  
other state agencies, and representatives of the business 36826  
community to enhance the state's globalization efforts. 36827

The ~~chancellor~~ director may designate a person already 36828  
employed by the ~~chancellor~~ director as the liaison. 36829

**Sec. 3333.50.** ~~The Ohio board of regents~~ director of higher 36830  
education, in consultation with the governor and the department of 36831  
development, shall develop a critical needs rapid response system 36832  
to respond quickly to critical workforce shortages in the state. 36833  
Not later than ninety days after a critical workforce shortage is 36834  
identified, the ~~chancellor of the board~~ director shall submit to 36835  
the governor a proposal for addressing the shortage through 36836  
initiatives of the ~~board~~ department of higher education or 36837  
institutions of higher education. 36838

**Sec. 3333.55.** (A) The health information and imaging 36839

technology workforce development pilot project is hereby 36840  
established. Under the project, in fiscal years 2008 through 2010, 36841  
the ~~Ohio board of regents~~ director of higher education shall 36842  
design and implement a three-year pilot program to test, in the 36843  
vicinity of Clark, Greene, and Montgomery counties, how a P-16 36844  
public-private education and workforce development collaborative 36845  
may address each of the following goals: 36846

(1) Increase the number of students taking and mastering 36847  
high-level science, technology, engineering, or mathematics 36848  
courses and pursuing careers in those subjects, in all demographic 36849  
regions of the state; 36850

(2) Increase the number of students pursuing professional 36851  
careers in health information and imaging technology upon 36852  
receiving related technical education and professional experience, 36853  
in all demographic regions of the state; 36854

(3) Unify efforts among schools, career centers, 36855  
post-secondary programs, and employers in a region for career and 36856  
workforce development, preservation, and public education. 36857

(B) The project shall focus on enhancing P-16 education and 36858  
workforce development in the field of health information and 36859  
imaging technology through such activities as increased academic 36860  
intervention in related areas of study, after-school and summer 36861  
intervention programs, tutoring, career and job fairs and other 36862  
promotional and recruitment activities, externships, professional 36863  
development, field trips, academic competitions, development of 36864  
related specialized study modules, development of honors programs, 36865  
and development and enhancement of dual high school and college 36866  
enrollment programs. 36867

(C) Project participants shall include Clark-Shawnee local 36868  
school district, Springfield city school district, Greene county 36869  
career center, Clark state community college, Central state 36870

university, Wright state university, Cedarville university, 36871  
Wittenberg university, the university of Dayton, and private 36872  
employers in the health information and imaging technology 36873  
industry in the vicinity of Clark, Greene, and Montgomery 36874  
counties, selected by the ~~board of regents~~ director. 36875

For the third year of the project, the ~~board of regents~~ 36876  
director may add as participants the Dayton city school district 36877  
and Xenia city school district. 36878

(D) Wittenberg university shall be the lead coordinating 36879  
agent and Clark state community college shall be the fiscal agent 36880  
for the project. 36881

(E) The ~~board of regents~~ director shall create an advisory 36882  
council made up of representatives of the participating entities 36883  
to coordinate, monitor, and evaluate the project. The advisory 36884  
council shall submit an annual activity report to the ~~board of~~ 36885  
~~regents~~ director by a date specified by the ~~board of regents~~ 36886  
director. 36887

**Sec. 3333.58.** There is hereby created at Shawnee state 36888  
university the Ohio Appalachian center for higher education to 36889  
increase the educational attainment of the residents of Ohio's 36890  
Appalachian region, as defined in section 107.21 of the Revised 36891  
Code. The board of directors of the center shall consist of the 36892  
following members: 36893

(A) The presidents of all of the following: 36894

(1) Shawnee state university; 36895

(2) Belmont technical college; 36896

(3) Hocking college; 36897

(4) Jefferson community college; 36898

(5) Zane state college; 36899

(6) Rio Grande community college;	36900
(7) Southern state community college;	36901
(8) Central Ohio technical college, Coshocton campus;	36902
(9) Washington state community college.	36903
(B) The president of Ohio university, or the president's designee;	36904 36905
(C) The dean of one of the Salem, Tuscarawas, or East Liverpool regional campuses of Kent state university, as designated by the president of Kent state university;	36906 36907 36908
(D) A representative of the <del>chancellor of the Ohio board of regents</del> <u>director of higher education</u> as designated by the <del>chancellor</del> <u>director</u> .	36909 36910 36911
<b>Sec. 3333.59.</b> (A) As used in this section:	36912
(1) "Allocated state share of instruction" means, for any fiscal year, the amount of the state share of instruction appropriated to the <del>Ohio board of regents</del> <u>department of higher education</u> by the general assembly that is allocated to a community or technical college or community or technical college district for such fiscal year.	36913 36914 36915 36916 36917 36918
(2) "Issuing authority" has the same meaning as in section 154.01 of the Revised Code.	36919 36920
(3) "Bond service charges" has the same meaning as in section 154.01 of the Revised Code.	36921 36922
(4) " <del>Chancellor</del> <u>Director</u> " means the <del>chancellor of the Ohio board of regents</del> <u>director of higher education</u> .	36923 36924
(5) "Community or technical college" or "college" means any of the following state-supported or state-assisted institutions of higher education:	36925 36926 36927

(a) A community college as defined in section 3354.01 of the Revised Code; 36928  
36929

(b) A technical college as defined in section 3357.01 of the Revised Code; 36930  
36931

(c) A state community college as defined in section 3358.01 of the Revised Code. 36932  
36933

(6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted: 36934  
36935  
36936

(a) A community college district as defined in section 3354.01 of the Revised Code; 36937  
36938

(b) A technical college district as defined in section 3357.01 of the Revised Code; 36939  
36940

(c) A state community college district as defined in section 3358.01 of the Revised Code. 36941  
36942

(7) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code. 36943  
36944

(8) "Obligations" has the meaning as in section 154.01 or 3345.12 of the Revised Code, as the context requires. 36945  
36946

(B) The board of trustees of any community or technical college district authorizing the issuance of obligations under section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the Revised Code, or for whose benefit and on whose behalf the issuing authority proposes to issue obligations under section 154.25 of the Revised Code, may adopt a resolution requesting the ~~chancellor~~ director to enter into an agreement with the community or technical college district and the primary paying agent or fiscal agent for such obligations, providing for the withholding and deposit of funds otherwise due the district or the community or technical college it operates in respect of its allocated state 36947  
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share of instruction, for the payment of bond service charges on 36958  
such obligations. 36959

The board of trustees shall deliver to the ~~chancellor~~ 36960  
director a copy of the resolution and any additional pertinent 36961  
information the ~~chancellor~~ director may require. 36962

The ~~chancellor~~ director and the office of budget and 36963  
management, and the issuing authority in the case of obligations 36964  
to be issued by the issuing authority, shall evaluate each request 36965  
received from a community or technical college district under this 36966  
section. The ~~chancellor~~ director, with the advice and consent of 36967  
the director of budget and management and the issuing authority in 36968  
the case of obligations to be issued by the issuing authority, 36969  
shall approve each request if all of the following conditions are 36970  
met: 36971

(1) Approval of the request will enhance the marketability of 36972  
the obligations for which the request is made; 36973

(2) The ~~chancellor~~ director and the office of budget and 36974  
management, and the issuing authority in the case of obligations 36975  
to be issued by the issuing authority, have no reason to believe 36976  
the requesting community or technical college district or the 36977  
community or technical college it operates will be unable to pay 36978  
when due the bond service charges on the obligations for which the 36979  
request is made, and bond service charges on those obligations are 36980  
therefore not anticipated to be paid pursuant to this section from 36981  
the allocated state share of instruction for purposes of Section 36982  
17 of Article VIII, Ohio Constitution. 36983

(3) Any other pertinent conditions established in rules 36984  
adopted under division (H) of this section. 36985

(C) If the ~~chancellor~~ director approves the request of a 36986  
community or technical college district to withhold and deposit 36987  
funds pursuant to this section, the ~~chancellor~~ director shall 36988



enter into a written agreement with the district and the primary 36989  
paying agent or fiscal agent for the obligations, which agreement 36990  
shall provide for the withholding of funds pursuant to this 36991  
section for the payment of bond service charges on those 36992  
obligations. The agreement may also include both of the following: 36993

(1) Provisions for certification by the district to the 36994  
~~chancellor~~ director, prior to the deadline for payment of the 36995  
applicable bond service charges, whether the district and the 36996  
community or technical college it operates are able to pay those 36997  
bond service charges when due; 36998

(2) Requirements that the district or the community or 36999  
technical college it operates deposits amounts for the payment of 37000  
those bond service charges with the primary paying agent or fiscal 37001  
agent for the obligations prior to the date on which the bond 37002  
service charges are due to the owners or holders of the 37003  
obligations. 37004

(D) Whenever a district or the community or technical college 37005  
it operates notifies the ~~chancellor~~ director that it will not be 37006  
able to pay the bond service charges when they are due, subject to 37007  
the withholding provisions of this section, or whenever the 37008  
applicable paying agent or fiscal agent notifies the ~~chancellor~~ 37009  
director that it has not timely received from a district or from 37010  
the college it operates the full amount needed for payment of the 37011  
bond service charges when due to the holders or owners of such 37012  
obligations, the ~~chancellor~~ director shall immediately contact the 37013  
district or college and the paying agent or fiscal agent to 37014  
confirm that the district and the college are not able to make the 37015  
required payment by the date on which it is due. 37016

If the ~~chancellor~~ director confirms that the district and the 37017  
college are not able to make the payment and the payment will not 37018  
be made pursuant to a credit enhancement facility, the ~~chancellor~~ 37019  
director shall promptly pay to the applicable primary paying agent 37020

or fiscal agent the lesser of the amount due for bond service 37021  
charges or the amount of the next periodic distribution scheduled 37022  
to be made to the district or to the college in respect of its 37023  
allocated state share of instruction. If this amount is 37024  
insufficient to pay the total amount then due the agent for the 37025  
payment of bond service charges, the ~~chancellor~~ director shall 37026  
continue to pay to the agent from each periodic distribution 37027  
thereafter, and until the full amount due the agent for unpaid 37028  
bond service charges is paid in full, the lesser of the remaining 37029  
amount due the agent for bond service charges or the amount of the 37030  
next periodic distribution scheduled to be made to the district or 37031  
college in respect of its allocated state share of instruction. 37032

(E) The ~~chancellor~~ director may make any payments under this 37033  
section by direct deposit of funds by electronic transfer. 37034

Any amount received by a paying agent or fiscal agent under 37035  
this section shall be applied only to the payment of bond service 37036  
charges on the obligations of the community or technical college 37037  
district or community or technical college subject to this section 37038  
or to the reimbursement of the provider of a credit enhancement 37039  
facility that has paid the bond service charges. 37040

(F) The ~~chancellor~~ director may make payments under this 37041  
section to paying agents or fiscal agents during any fiscal 37042  
biennium of the state only from and to the extent that money is 37043  
appropriated to the ~~board of regents~~ department by the general 37044  
assembly for distribution during such biennium for the state share 37045  
of instruction and only to the extent that a portion of the state 37046  
share of instruction has been allocated to the community or 37047  
technical college district or community or technical college. 37048  
Obligations of the issuing authority or of a community or 37049  
technical college district to which this section is made 37050  
applicable do not constitute an obligation or a debt or a pledge 37051  
of the faith, credit, or taxing power of the state, and the 37052

holders or owners of those obligations have no right to have 37053  
excises or taxes levied or appropriations made by the general 37054  
assembly for the payment of bond service charges on the 37055  
obligations, and the obligations shall contain a statement to that 37056  
effect. The agreement for or the actual withholding and payment of 37057  
money under this section does not constitute the assumption by the 37058  
state of any debt of a community or technical college district or 37059  
a community or technical college, and bond service charges on the 37060  
related obligations are not anticipated to be paid from the state 37061  
general revenue fund for purposes of Section 17 of Article VIII, 37062  
Ohio Constitution. 37063

(G) In the case of obligations subject to the withholding 37064  
provisions of this section, the issuing community or technical 37065  
college district, or the issuing authority in the case of 37066  
obligations issued by the issuing authority, shall appoint a 37067  
paying agent or fiscal agent who is not an officer or employee of 37068  
the district or college. 37069

(H) The ~~chancellor~~ director, with the advice and consent of 37070  
the office of budget and management, may adopt reasonable rules 37071  
not inconsistent with this section for the implementation of this 37072  
section to secure payment of bond service charges on obligations 37073  
issued by a community or technical college district or by the 37074  
issuing authority for the benefit of a community or technical 37075  
college district or the community or technical college it 37076  
operates. Those rules shall include criteria for the evaluation 37077  
and approval or denial of community or technical college district 37078  
requests for withholding under this section. 37079

(I) The authority granted by this section is in addition to 37080  
and not a limitation on any other authorizations granted by or 37081  
pursuant to law for the same or similar purposes. 37082

**Sec. 3333.61.** The ~~chancellor of the Ohio board of regents~~ 37083

director of higher education shall establish and administer the 37084  
Ohio innovation partnership, which shall consist of the choose 37085  
Ohio first scholarship program and the Ohio research scholars 37086  
program. Under the programs, the ~~chancellor~~ director, subject to 37087  
approval by the controlling board, shall make awards to state 37088  
universities or colleges for programs and initiatives that recruit 37089  
students and scientists in the fields of science, technology, 37090  
engineering, mathematics, medicine, and dentistry to state 37091  
universities or colleges, in order to enhance regional educational 37092  
and economic strengths and meet the needs of the state's regional 37093  
economies. Awards may be granted for programs and initiatives to 37094  
be implemented by a state university or college alone or in 37095  
collaboration with other state institutions of higher education, 37096  
nonpublic Ohio universities and colleges, or other public or 37097  
private Ohio entities. If the ~~chancellor~~ director makes an award 37098  
to a program or initiative that is intended to be implemented by a 37099  
state university or college in collaboration with other state 37100  
institutions of higher education or nonpublic Ohio universities or 37101  
colleges, the ~~chancellor~~ director may provide that some portion of 37102  
the award be received directly by the collaborating universities 37103  
or colleges consistent with all terms of the Ohio innovation 37104  
partnership. 37105

The choose Ohio first scholarship program shall assign a 37106  
number of scholarships to state universities and colleges to 37107  
recruit Ohio residents as undergraduate, or as provided in section 37108  
3333.66 of the Revised Code graduate, students in the fields of 37109  
science, technology, engineering, mathematics, medicine, and 37110  
dentistry, or in science, technology, engineering, mathematics, 37111  
medical, or dental education. Choose Ohio first scholarships shall 37112  
be awarded to each participating eligible student as a grant to 37113  
the state university or college the student is attending and shall 37114  
be reflected on the student's tuition bill. Choose Ohio first 37115  
scholarships are student-centered grants from the state to 37116

students to use to attend a university or college and are not 37117  
grants from the state to universities or colleges. 37118

Notwithstanding any other provision of this section or 37119  
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 37120  
four-year Ohio institution of higher education may submit a 37121  
proposal for choose Ohio first scholarships or Ohio research 37122  
scholars grants. If the ~~chancellor~~ director awards a nonpublic 37123  
institution scholarships or grants, the nonpublic institution 37124  
shall comply with all requirements of this section, sections 37125  
3333.62 to 3333.69 of the Revised Code, and the rules adopted 37126  
under this section that apply to state universities or colleges 37127  
awarded choose Ohio first scholarships or Ohio research scholars 37128  
grants. 37129

The Ohio research scholars program shall award grants to use 37130  
in recruiting scientists to the faculties of state universities or 37131  
colleges. 37132

The ~~chancellor~~ director shall adopt rules in accordance with 37133  
Chapter 119. of the Revised Code to administer the programs. 37134

**Sec. 3333.611.** (A) All of the following individuals shall 37135  
jointly develop a proposal for the creation of a primary care 37136  
medical student component of the choose Ohio first scholarship 37137  
program operated under section 3333.61 of the Revised Code under 37138  
which scholarships are annually made available and awarded to 37139  
medical students who meet the requirements specified in division 37140  
(D) of this section: 37141

(1) The dean of the Ohio state university school of medicine; 37142

(2) The dean of the Case western reserve university school of 37143  
medicine; 37144

(3) The dean of the university of Toledo college of medicine; 37145

(4) The president and dean of the northeast Ohio medical 37146

university;	37147
(5) The dean of the university of Cincinnati college of medicine;	37148 37149
(6) The dean of the Boonshoft school of medicine at Wright state university;	37150 37151
(7) The dean of the Ohio university college of osteopathic medicine.	37152 37153
(B) The individuals specified in division (A) of this section shall consider including the following provisions in the proposal:	37154 37155
(1) Establishing a scholarship of sufficient size to permit annually not more than fifty medical students to receive scholarships;	37156 37157 37158
(2) Specifying that a scholarship, once granted, may be provided to a medical student for not more than four years.	37159 37160
(C) The individuals specified in division (A) of this section shall submit the proposal for the component to the <del>chancellor of the Ohio board of regents</del> <u>director of higher education</u> not later than March 6, 2011. The <del>chancellor</del> <u>director</u> shall review the proposal and determine whether to implement the component as part of the program.	37161 37162 37163 37164 37165 37166
(D) To be eligible for a scholarship made available under the component, a medical student shall meet all of the following requirements:	37167 37168 37169
(1) Participate in identified patient centered medical home model training opportunities during medical school;	37170 37171
(2) Commit to a post-residency primary care practice in this state for not less than three years;	37172 37173
(3) Accept medicaid recipients as patients, without restriction and, as compared to other patients, in a proportion that is specified in the scholarship.	37174 37175 37176

**Sec. 3333.612.** (A) All of the following individuals shall 37177  
jointly develop a proposal for the creation of a primary care 37178  
nursing student component of the choose Ohio first scholarship 37179  
program operated under section 3333.61 of the Revised Code under 37180  
which scholarships are annually made available and awarded to 37181  
advanced practice nursing students who meet the requirements 37182  
specified in division (D) of this section: 37183

(1) The dean of the college of nursing at the university of 37184  
Toledo; 37185

(2) The dean of the Wright state university college of 37186  
nursing and health; 37187

(3) The dean of the college of nursing at Kent state 37188  
university; 37189

(4) The dean of the university of Akron college of nursing; 37190

(5) The director of the school of nursing at Ohio university. 37191

(B) The individuals specified in division (A) of this section 37192  
shall consider including the following provisions in the proposal: 37193

(1) Establishing a scholarship of sufficient size to permit 37194  
annually not more than thirty advanced practice nursing students 37195  
to receive scholarships; 37196

(2) Specifying that a scholarship, once granted, may be 37197  
provided to an advanced practice nursing student for not more than 37198  
three years. 37199

(C) The individuals specified in division (A) of this section 37200  
shall submit the proposal for the component to the ~~chancellor of~~ 37201  
~~the Ohio board of regents~~ director of higher education not later 37202  
than six months after ~~the effective date of this section~~ September 37203  
6, 2010. The ~~chancellor~~ director shall review the proposal and 37204  
determine whether to implement the component as part of the 37205  
program. 37206

(D) To be eligible for a scholarship made available under the 37207  
component, an advanced practice nursing student shall meet all of 37208  
the following requirements: 37209

(1) Participate in identified patient centered medical home 37210  
model training opportunities during nursing school; 37211

(2) Commit to an advanced practice nursing primary care 37212  
practice in this state after completing nursing school for not 37213  
less than three years; 37214

(3) Accept medicaid recipients as patients, without 37215  
restriction and, as compared to other patients, in a proportion 37216  
that is specified in the scholarship. 37217

**Sec. 3333.613.** There is hereby created in the state treasury 37218  
the choose Ohio first scholarship reserve fund. ~~Not later than the~~ 37219  
~~first day of July~~ As soon as possible following the end of each 37220  
fiscal year, the ~~chancellor of the Ohio board of regents~~ director 37221  
of higher education shall certify to the director of budget and 37222  
management the unencumbered balance of the general revenue fund 37223  
appropriations made in the immediately preceding fiscal year for 37224  
purposes of the choose Ohio first scholarship program created in 37225  
section 3333.61 of the Revised Code. Upon receipt of the 37226  
certification, the director of budget and management may transfer 37227  
an amount not exceeding the certified amount from the general 37228  
revenue fund to the choose Ohio first scholarship reserve fund. 37229  
Moneys in the choose Ohio first scholarship reserve fund shall be 37230  
used to pay scholarship obligations in excess of the general 37231  
revenue fund appropriations made for that purpose. 37232

The director of budget and management may transfer any 37233  
unencumbered balance from the choose Ohio first scholarship 37234  
reserve fund to the general revenue fund. 37235

If it is determined that general revenue fund appropriations 37236



are insufficient to meet the obligations for the choose Ohio first 37237  
scholarship in a fiscal year, the director of budget and 37238  
management may transfer funds from the choose Ohio first 37239  
scholarship reserve fund to the general revenue fund in order to 37240  
meet those obligations. The amount transferred is hereby 37241  
appropriated. If the funds transferred from the choose Ohio first 37242  
scholarship reserve fund are not needed, the director of budget 37243  
and management may transfer the unexpended balance from the 37244  
general revenue fund back to the choose Ohio first scholarship 37245  
reserve fund. 37246

**Sec. 3333.62.** ~~The chancellor of the Ohio board of regents~~ 37247  
director of higher education shall establish a competitive process 37248  
for making awards under the choose Ohio first scholarship program 37249  
and the Ohio research scholars program. ~~The chancellor~~ director, 37250  
on completion of that process, shall make a recommendation to the 37251  
controlling board asking for approval of each award selected by 37252  
the ~~chancellor~~ director. 37253

Any state university or college may apply for one or more 37254  
awards under one or both programs. The state university or college 37255  
shall submit a proposal and other documentation required by the 37256  
~~chancellor~~ director, in the form and manner prescribed by the 37257  
~~chancellor~~ director, for each award it seeks. A proposal may 37258  
propose an initiative to be implemented solely by the state 37259  
university or college or in collaboration with other state 37260  
institutions of higher education, nonpublic Ohio universities or 37261  
colleges, or other public or nonpublic Ohio entities. A single 37262  
proposal may seek an award under one or both programs. 37263

The ~~chancellor~~ director shall determine which proposals will 37264  
receive awards each fiscal year, and the amount of each award, on 37265  
the basis of the merit of each proposal, which the ~~chancellor~~ 37266  
director, subject to approval by the controlling board, shall 37267

determine based on one or more of the following criteria:	37268
(A) The quality of the program that is the subject of the proposal and the extent to which additional resources will enhance its quality;	37269 37270 37271
(B) The extent to which the proposal is integrated with the strengths of the regional economy;	37272 37273
(C) The extent to which the proposal is integrated with centers of research excellence within the private sector;	37274 37275
(D) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, that the proposal pledges to leverage;	37276 37277 37278
(E) The extent to which the proposal is collaborative with other public or nonpublic Ohio institutions of higher education;	37279 37280
(F) The extent to which the proposal is integrated with the university's or college's mission and does not displace existing resources already committed to the mission;	37281 37282 37283
(G) The extent to which the proposal facilitates a more efficient utilization of existing faculty and programs;	37284 37285
(H) The extent to which the proposal meets a statewide educational need;	37286 37287
(I) The demonstrated productivity or future capacity of the students or scientists to be recruited;	37288 37289
(J) The extent to which the proposal will create additional capacity in educational or economic areas of need;	37290 37291
(K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology, engineering, mathematics, or medicine from two-year institutions to transfer to state universities or colleges to pursue baccalaureate degrees in science, technology, engineering, mathematics, or medicine;	37292 37293 37294 37295 37296 37297

(L) The extent to which the proposal encourages students enrolled in state universities to transfer into science, technology, engineering, mathematics, or medicine programs;	37298 37299 37300
(M) The extent to which the proposal facilitates the completion of a baccalaureate degree in a cost-effective manner, for example, by facilitating students' completing two years at a two-year institution and two years at a state university or college;	37301 37302 37303 37304 37305
(N) The extent to which the proposal allows attendance at a state university or college of students who otherwise could not afford to attend;	37306 37307 37308
(O) The extent to which other institutional, public, or private resources pledged to the proposal will be deployed to assist in sustaining students' scholarships over their academic careers;	37309 37310 37311 37312
(P) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education;	37313 37314 37315 37316 37317
(Q) The extent to which the proposal ensures that a student who is awarded a scholarship is appropriately qualified and prepared to successfully complete a degree program in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education;	37318 37319 37320 37321 37322
(R) The extent to which the proposal will increase the number of women participating in the choose Ohio first scholarship program.	37323 37324 37325
<b>Sec. 3333.63.</b> <del>The chancellor of the Ohio board of regents</del> <u>director of higher education</u> shall conduct at least one public	37326 37327

meeting annually, prior to deciding awards under the Ohio 37328  
innovation partnership. At the meeting, an employee of the 37329  
~~chancellor~~ director shall summarize the proposals submitted for 37330  
consideration, and each state university or college that has a 37331  
proposal pending shall have the opportunity to review the summary 37332  
of their proposal prepared by the ~~chancellor's~~ director's staff 37333  
and answer questions or respond to concerns about the proposal 37334  
raised by the ~~chancellor's~~ director's staff. 37335

**Sec. 3333.64.** The ~~chancellor of the Ohio board of regents~~ 37336  
director of higher education shall endeavor to make awards under 37337  
the choose Ohio first scholarship program and the Ohio research 37338  
scholars program such that the aggregate, statewide amount of 37339  
other institutional, public, and private money pledged to the 37340  
proposals in each fiscal year equals at least one hundred per cent 37341  
of the aggregate amount of the money awarded under both programs 37342  
that year. The ~~chancellor~~ director shall endeavor to make awards 37343  
under the choose Ohio first scholarship program in such a way that 37344  
at least fifty per cent of the students receiving the scholarships 37345  
are involved in a co-op or internship program in a private 37346  
industry or a university laboratory. The value of institutional, 37347  
public, or private industry co-ops and internships shall count 37348  
toward the statewide aggregate amount of other institutional, 37349  
public, or private money specified in this paragraph. 37350

The ~~chancellor~~ director also shall endeavor to distribute 37351  
awards in such a way that all regions of the state benefit from 37352  
the economic development impact of the programs and shall 37353  
guarantee that students from all regions of the state are able to 37354  
participate in the scholarship program. 37355

**Sec. 3333.65.** The ~~chancellor of the Ohio board of regents~~ 37356  
director of higher education shall require each state university 37357  
or college that the controlling board approves to receive an award 37358

under the Ohio innovation partnership to enter into an agreement 37359  
governing the use of the award. The agreement shall contain terms 37360  
the ~~chancellor~~ director determines to be necessary, which shall 37361  
include performance measures, reporting requirements, and an 37362  
obligation to fulfill pledges of other institutional, public, or 37363  
nonpublic resources for the proposal. 37364

The ~~chancellor~~ director may require a state university or 37365  
college that violates the terms of its agreement to repay the 37366  
award plus interest at the rate required by section 5703.47 of the 37367  
Revised Code to the ~~chancellor~~ director. 37368

If the ~~chancellor~~ director makes an award to a program or 37369  
initiative that is intended to be implemented by a state 37370  
university or college in collaboration with other state 37371  
institutions of higher education or nonpublic Ohio universities or 37372  
colleges, the ~~chancellor~~ director may enter into an agreement with 37373  
the collaborating universities or colleges that permits awards to 37374  
be received directly by the collaborating universities or colleges 37375  
consistent with the terms of the program or initiative. In that 37376  
case, the ~~chancellor~~ director shall incorporate into the agreement 37377  
terms consistent with the requirements of this section. 37378

**Sec. 3333.66.** (A)(1) Except as provided in division (A)(2) of 37380  
this section, in each academic year, no student who receives a 37381  
choose Ohio first scholarship shall receive less than one thousand 37382  
five hundred dollars or more than one-half of the highest in-state 37383  
undergraduate instructional and general fees charged by all state 37384  
universities. For this purpose, if Miami university is 37385  
implementing the pilot tuition restructuring plan originally 37386  
recognized in Am. Sub. H.B. 95 of the 125th general assembly, that 37387  
university's instructional and general fees shall be considered to 37388  
be the average full-time in-state undergraduate instructional and 37389

general fee amount after taking into account the Ohio resident and 37390  
Ohio leader scholarships and any other credit provided to all Ohio 37391  
residents. 37392

(2) The ~~chancellor of the Ohio board of regents~~ director of 37393  
higher education may authorize a state university or college or a 37394  
nonpublic Ohio institution of higher education to award a choose 37395  
Ohio first scholarship in an amount greater than one-half of the 37396  
highest in-state undergraduate instructional and general fees 37397  
charged by all state universities to either of the following: 37398

(a) Any undergraduate student who qualifies for a scholarship 37399  
and is enrolled in a program leading to a teaching profession in 37400  
science, technology, engineering, mathematics, or medicine; 37401

(b) Any graduate student who qualifies for a scholarship, if 37402  
any initiatives are selected for award under division (B) of this 37403  
section. 37404

(B) The ~~chancellor~~ director shall encourage state 37405  
universities and colleges, alone or in collaboration with other 37406  
state institutions of higher education, nonpublic Ohio 37407  
universities and colleges, or other public or private Ohio 37408  
entities, to submit proposals under the choose Ohio first 37409  
scholarship program for initiatives that recruit either of the 37410  
following: 37411

(1) Ohio residents who enrolled in colleges and universities 37412  
in other states or other countries to return to Ohio and enroll in 37413  
state universities or colleges as graduate students in the fields 37414  
of science, technology, engineering, mathematics, and medicine, or 37415  
in the fields of science, technology, engineering, mathematics, or 37416  
medical education. If such proposals are submitted and meet the 37417  
~~chancellor's~~ director's competitive criteria for awards, the 37418  
~~chancellor~~ director, subject to approval by the controlling board, 37419  
shall give at least one of the proposals preference for an award. 37420

(2) Graduates, or undergraduates who will graduate in time to participate in the program described in this division by the subsequent school year, from an Ohio college or university who received, or will receive, a degree in science, technology, engineering, mathematics, or medicine to participate in a graduate-level teacher education masters program in one of those fields that requires the student to establish a domicile in the state and to commit to teach for a minimum of three years in a hard-to-staff school district in the state upon completion of the master's degree program. The ~~chancellor~~ director may require a college or university to give priority to qualified candidates who graduated from a high school in this state.

"Hard-to-staff" shall be as defined by the department of education.

(C) The general assembly intends that money appropriated for the choose Ohio first scholarship program in each fiscal year be used for scholarships in the following academic year.

**Sec. 3333.67.** Each state university or college that receives an award under the Ohio research scholars program shall deposit the amount it receives into a new or existing endowment fund. The university or college shall maintain the amount received and use income generated from that amount, and other institutional, public, or nonpublic resources, to finance the proposal approved by the ~~chancellor of the Ohio board of regents~~ director of higher education and the controlling board.

**Sec. 3333.68.** When making an award under the Ohio innovation partnership, the ~~chancellor of the Ohio board of regents~~ director of higher education, subject to approval by the controlling board, may commit to giving a state university's or college's proposal preference for future awards after the current fiscal year or

fiscal biennium. A proposal's eligibility for future awards 37451  
remains conditional on all of the following: 37452

(A) Future appropriations of the general assembly; 37453

(B) The university's or college's adherence to the agreement 37454  
entered into under section 3333.65 of the Revised Code, including 37455  
its fulfillment of pledges of other institutional, public, or 37456  
nonpublic resources; 37457

(C) With respect to the choose Ohio first scholarship 37458  
program, a demonstration that the students receiving the 37459  
scholarship are satisfied with the state universities or colleges 37460  
selected by the ~~chancellor~~ director to offer the scholarships. 37461

The ~~chancellor~~ director and the controlling board shall not 37462  
commit to awarding any proposal for more than five fiscal years at 37463  
a time. However, when a commitment for future awards expires, a 37464  
state university or college may reapply. 37465

**Sec. 3333.69.** The ~~chancellor of the Ohio board of regents~~ 37466  
director of higher education shall monitor each initiative for 37467  
which an award is granted under the Ohio innovation partnership to 37468  
ensure the following: 37469

(A) Fiscal accountability, so that the award is used in 37470  
accordance with the agreement entered into under section 3333.65 37471  
of the Revised Code; 37472

(B) Operating progress, so that the initiative is managed to 37473  
achieve the goals stated in the proposal and in the agreement, and 37474  
so that problems may be promptly identified and remedied; 37475

(C) Desired outcomes, so that the initiative contributes to 37476  
the programs' goals of enhancing regional educational and economic 37477  
strengths and meeting regional economic needs. 37478

**Sec. 3333.70.** (A) The director of higher education shall 37479



establish and administer the Ohio higher education innovation 37480  
grant program to promote educational excellence and economic 37481  
efficiency throughout the state in order to stabilize or reduce 37482  
student tuition rates at institutions of higher education. Under 37483  
the program, the director shall award grants to state institutions 37484  
of higher education, as defined in section 3345.011 of the Revised 37485  
Code, and private nonprofit institutions for innovative projects 37486  
that incorporate academic achievement and economic efficiencies. 37487  
State institutions of higher education and private nonprofit 37488  
institutions may apply for grants and initiate collaboration with 37489  
other institutions of higher education, either public or private, 37490  
on such projects. 37491

(B) The director shall adopt rules to administer the program 37492  
including, but not limited to, requirements that each grant 37493  
application provides for all of the following: 37494

(1) A system by which to measure academic achievement and 37495  
reductions in expenditures, both in funding and administration; 37496

(2) Demonstration of how the project will be sustained beyond 37497  
the grant period and continue to provide substantial value and 37498  
lasting impact; 37499

(3) Proof of commitment from all parties responsible for the 37500  
implementation of the project; 37501

(4) Implementation of an ongoing evaluation process and 37502  
improvement plans, as necessary. 37503

(C) As used in this section, "private nonprofit institution" 37504  
means a nonprofit institution in this state that has a certificate 37505  
of authorization pursuant to Chapter 1713. of the Revised Code. 37506

**Sec. 3333.71.** As used in sections 3333.71 to 3333.79 of the 37507  
Revised Code: 37508

(A) "Cooperative education program" means a partnership 37509

between students, institutions of higher education, and employers 37510  
that formally integrates students' academic study with work 37511  
experience in cooperating employer organizations and that meets 37512  
all of the following conditions: 37513

(1) Alternates or combines periods of academic study and work 37514  
experience in appropriate fields as an integral part of student 37515  
education; 37516

(2) Provides students with compensation from the cooperative 37517  
employer in the form of wages or salaries for work performed; 37518

(3) Evaluates each participating student's performance in the 37519  
cooperative position, both from the perspective of the student's 37520  
institution of higher education and the student's cooperative 37521  
employer; 37522

(4) Provides participating students with academic credit from 37523  
the institution of higher education upon successful completion of 37524  
their cooperative education; 37525

(5) Is part of an overall degree or certificate program for 37526  
which a percentage of the total program acceptable to the 37527  
~~chancellor of the Ohio board of regents~~ director of higher 37528  
education involves cooperative education. 37529

(B) "Internship program" means a partnership between 37530  
students, institutions of higher education, and employers that 37531  
formally integrates students' academic study with work or 37532  
community service experience and that does both of the following: 37533

(1) Offers internships of specified and definite duration; 37534

(2) Evaluates each participating student's performance in the 37535  
internship position, both from the perspective of the student's 37536  
institution of higher education and the student's internship 37537  
employer. 37538

An internship program may provide participating students with 37539

academic credit upon successful completion of the internship, and 37540  
may provide students with compensation in the form of wages or 37541  
salaries, stipends, or scholarships. 37542

(C) "Nonpublic university or college" means a nonprofit 37543  
institution holding a certificate of authorization issued under 37544  
Chapter 1713. of the Revised Code. 37545

(D) "State institution of higher education" has the same 37546  
meaning as in section 3345.011 of the Revised Code. 37547

**Sec. 3333.72.** The ~~chancellor of the Ohio board of regents~~ 37548  
director of higher education shall establish and administer the 37549  
Ohio co-op/internship program to promote and encourage cooperative 37550  
education programs or internship programs at Ohio institutions of 37551  
higher education for the purpose of recruiting Ohio students to 37552  
stay in the state, and recruiting Ohio residents who left Ohio to 37553  
attend out-of-state institutions of higher education back to Ohio 37554  
institutions of higher education, to participate in high quality 37555  
academic programs that use cooperative education programs or 37556  
significant internship programs, in order to support the growth of 37557  
Ohio's businesses by providing businesses with Ohio's most 37558  
talented students and providing Ohio graduates with job 37559  
opportunities with Ohio's growing companies. 37560

The ~~chancellor~~ director, subject to approval by the 37561  
controlling board, shall make awards to state institutions of 37562  
higher education for new or existing programs and initiatives 37563  
meeting the goals of the Ohio co-op/internship program. Awards may 37564  
be granted for programs and initiatives to be implemented by a 37565  
state institution of higher education alone or in collaboration 37566  
with other state institutions of higher education or nonpublic 37567  
Ohio universities and colleges. If the ~~chancellor~~ director makes 37568  
an award to a program or initiative that is intended to be 37569  
implemented by a state institution of higher education in 37570

collaboration with other state institutions of higher education or 37571  
nonpublic Ohio universities or colleges, the ~~chancellor~~ director 37572  
may provide that some portion of the award be received directly by 37573  
the collaborating universities or colleges consistent with all 37574  
terms of the Ohio co-op/internship program. 37575

The Ohio co-op/internship program shall support the creation 37576  
and maintenance of high quality academic programs that utilize an 37577  
intensive cooperative education or internship program for students 37578  
at state institutions of higher education, or assign a number of 37579  
scholarships to institutions to recruit Ohio residents as students 37580  
in a high quality academic program, or both. If scholarships are 37581  
included in an award to an institution of higher education, the 37582  
scholarships shall be awarded to each participating eligible 37583  
student as a grant to the state institution of higher education 37584  
the student is attending and shall be reflected on the student's 37585  
tuition bill. 37586

Notwithstanding any other provision of this section or 37587  
sections 3333.73 to 3333.79 of the Revised Code, an Ohio four-year 37588  
nonpublic university or college may submit a proposal as lead 37589  
applicant or co-lead applicant for an award under the Ohio 37590  
co-op/internship program if the proposal is to be implemented in 37591  
collaboration with a state institution of higher education. If the 37592  
~~chancellor~~ director grants a nonpublic university or college an 37593  
award, the nonpublic university or college shall comply with all 37594  
requirements of this section, sections 3333.73 to 3333.79 of the 37595  
Revised Code, and the rules adopted under this section that apply 37596  
to state institutions of higher education that receive awards 37597  
under the program. 37598

The ~~chancellor~~ director shall adopt rules in accordance with 37599  
Chapter 119. of the Revised Code to administer the Ohio 37600  
co-op/internship program. 37601

Sec. 3333.73. The ~~chancellor of the Ohio board of regents~~ 37602  
director of higher education shall establish a competitive process 37603  
for making awards under the Ohio co-op/internship program. The 37604  
~~chancellor~~ director, on completion of that process, shall make a 37605  
recommendation to the controlling board asking for approval of 37606  
each award selected by the ~~chancellor~~ director. 37607

The state institution of higher education shall submit a 37608  
proposal and other documentation required by the ~~chancellor~~ 37609  
director, in the form and manner prescribed by the ~~chancellor~~ 37610  
director, for each award it seeks. A proposal may propose an 37611  
initiative to be implemented solely by the state institution of 37612  
higher education or in collaboration with other state institutions 37613  
of higher education or nonpublic Ohio universities or colleges. 37614

The ~~chancellor~~ director shall determine which proposals will 37615  
receive awards each fiscal year, and the amount of each award, on 37616  
the basis of the merit of each proposal, which the ~~chancellor~~ 37617  
director, subject to approval by the controlling board, shall 37618  
determine based on one or more of the following criteria: 37619

(A) The extent to which the proposal will keep Ohio students 37620  
in Ohio institutions of higher education; 37621

(B) The extent to which the proposal will attract Ohio 37622  
residents who left Ohio to attend out-of-state institutions of 37623  
higher education to return to Ohio institutions of higher 37624  
education; 37625

(C) The extent to which the proposal will increase the number 37626  
of Ohio graduates who remain in Ohio and enter Ohio's workforce; 37627

(D) The quality of the program that is the subject of the 37628  
proposal and the extent to which additional resources will enhance 37629  
its quality; 37630

(E) The extent to which the proposal is integrated with the 37631

strengths of the regional economy;	37632
(F) The extent to which the proposal supports the workforce policies of the governor's office of workforce transformation to meet the workforce needs of the state and to provide a student participating in the program with the skills needed for workplace success;	37633 37634 37635 37636 37637
(G) The extent to which the proposal facilitates the development of high quality academic programs with a cooperative education program or a significant internship program at state institutions of higher education;	37638 37639 37640 37641
(H) The extent to which the proposal is integrated with supporting private companies to fill potential job growth, is responsive to the needs of employers, aligns with the skills identified by employers as necessary to fill high-demand job openings, particularly job openings in targeted industry sectors as identified by the governor's office of workforce transformation;	37642 37643 37644 37645 37646 37647 37648
(I) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, the proposal pledges to leverage that are in addition to the monetary cost-sharing requirement prescribed in section 3333.74 of the Revised Code;	37649 37650 37651 37652
(J) The extent to which the proposal is collaborative with other Ohio institutions of higher education;	37653 37654
(K) The extent to which the proposal is integrated with the institution's mission;	37655 37656
(L) The extent to which the proposal meets a statewide educational need at the undergraduate or graduate level;	37657 37658
(M) The demonstrated productivity or future capacity of the students to be recruited;	37659 37660
(N) The extent to which the proposal will create additional	37661

capacity in a high quality academic program with a cooperative 37662  
education program or significant internship program; 37663

(O) The extent to which the proposal will encourage students 37664  
who received degrees from two-year institutions to pursue 37665  
baccalaureate degrees; 37666

(P) The extent to which the proposal facilitates the 37667  
completion of a baccalaureate degree in a cost-effective manner; 37668

(Q) The extent to which other institutional, public, or 37669  
private resources that are pledged to the proposal, in addition to 37670  
the monetary cost-sharing requirement prescribed in section 37671  
3333.74 of the Revised Code, will be deployed to assist in 37672  
sustaining the academic program of excellence; 37673

(R) The extent to which the proposal increases the likelihood 37674  
that students will successfully complete their degree programs or 37675  
certificate programs; 37676

(S) The extent to which the proposal ensures that a student 37677  
participating in the high quality academic program funded by the 37678  
Ohio co-op/internship program is appropriately qualified and 37679  
prepared to successfully transition into professions in Ohio's 37680  
growing companies and industries. 37681

**Sec. 3333.731.** (A) The co-op/internship program advisory 37682  
committee is hereby created. The committee shall consist of the 37683  
following members: 37684

(1) Five members appointed by the governor, two of whom shall 37685  
represent academia, two of whom shall be representatives of 37686  
private industry, and one of whom shall be a member of the public; 37687

(2) The director of development, or the director's designee; 37688

(3) Five members appointed by the president of the senate, 37689  
three of whom shall be members of the senate, but not more than 37690  
two from the same political party, one of whom shall represent 37691

academia, and one of whom shall be a member of the public; 37692

(4) Five members appointed by the speaker of the house of 37693  
representatives, three of whom shall be members of the house of 37694  
representatives, but not more than two from the same political 37695  
party, one of whom shall represent private industry, and one of 37696  
whom shall be a member of the public. 37697

(B) Members of the committee who are members of the general 37698  
assembly shall serve for terms of four years or until their 37699  
legislative terms end, whichever is sooner. The director of 37700  
development or the director's designee shall serve as an 37701  
ex-officio, voting member. Otherwise, initial members shall serve 37702  
the following terms: 37703

(1) Of the initial members appointed by the governor, the 37704  
member representing the public and one member representing 37705  
academia shall serve for terms of one year; one member 37706  
representing private industry shall serve for a term of two years; 37707  
and one member representing private industry and one member 37708  
representing academia shall serve for terms of three years. 37709

(2) The member representing academia and the representative 37710  
of the public initially appointed by the president of the senate 37711  
shall serve for terms of two years. 37712

(3) The member representing private industry initially 37713  
appointed by the speaker of the house of representatives shall 37714  
serve for a term of one year. 37715

(4) The representative of the public initially appointed by 37716  
the speaker of the house of representatives shall serve for a term 37717  
of three years. 37718

Thereafter, terms shall be for three years, with each term 37719  
ending on the same day of the same month as did the term that it 37720  
succeeds. Each member shall serve from the date of appointment 37721  
until the end of the term for which the member was appointed. 37722



Members may be reappointed. Vacancies shall be filled in the same 37723  
manner as provided for original appointments. Any member appointed 37724  
to fill a vacancy occurring prior to the expiration date of the 37725  
term for which the member was appointed shall hold office for the 37726  
remainder of that term. A member shall continue to serve after the 37727  
expiration date of the member's term until the member's successor 37728  
is appointed or until a period of sixty days has elapsed, 37729  
whichever occurs first. The appointing authority may remove a 37730  
member from the committee for failure to attend two consecutive 37731  
meetings without showing good cause for the absences. 37732

(C) The committee annually shall select a chairperson and a 37733  
vice-chairperson. Only the members who represent academia and 37734  
private industry may serve as chairperson and vice-chairperson. 37735  
For this purpose, any committee member appointed as a member of 37736  
the public who is a trustee, officer, employee, or student of an 37737  
institution of higher education shall be included among the 37738  
representatives of academia who may serve as chairperson or 37739  
vice-chairperson, and any committee member appointed as a member 37740  
of the public who is a director, officer, or employee of a private 37741  
business shall be included among the representatives of private 37742  
industry who may serve as chairperson or vice-chairperson. The 37743  
committee annually shall rotate the selection of the chairperson 37744  
between these two groups and shall select a member of the other 37745  
group to serve as vice-chairperson. 37746

The committee annually shall select one of its members to 37747  
serve as secretary to keep a record of the committee's 37748  
proceedings. 37749

(D) A majority vote of the members of the full committee is 37750  
necessary to take action on any matter. The committee may adopt 37751  
bylaws governing its operation, including bylaws that establish 37752  
the frequency of meetings. 37753

(E) Members of the committee shall serve without 37754

compensation. 37755

(F) A member of the committee shall not participate in 37756  
discussions or votes concerning a proposed initiative or an actual 37757  
award under the Ohio co-op/internship program that involves an 37758  
institution of higher education of which the member is a trustee, 37759  
officer, employee, or student; an organization of which the member 37760  
is a trustee, director, officer, or employee; or a business of 37761  
which the member is a director, officer, or employee or a 37762  
shareholder of more than five per cent of the business' stock. 37763

(G) The committee shall advise the ~~chancellor of the Ohio~~ 37764  
~~board of regents~~ director of higher education on growing 37765  
industries well-suited for awards under the Ohio co-op/internship 37766  
program. The ~~chancellor~~ director shall consult with the committee 37767  
and request the committee's advice at each of the following times: 37768

(1) Prior to issuing each request for applications under the 37769  
program; 37770

(2) While the ~~chancellor~~ director is reviewing applications 37771  
and before deciding on awards to submit for the controlling 37772  
board's approval; 37773

(3) After deciding on awards to submit for the controlling 37774  
board's approval and prior to submitting them. 37775

The committee shall advise the ~~chancellor~~ director on other 37776  
matters the ~~chancellor~~ director considers appropriate. 37777

(H) The ~~chancellor~~ director shall provide meeting space for 37778  
the committee. The committee shall be assisted in its duties by 37779  
the ~~chancellor's~~ director's staff. 37780

(I) Sections 101.82 to 101.87 of the Revised Code do not 37781  
apply to the committee. 37782

**Sec. 3333.74.** (A) Except as provided in division (B) of this 37783  
section, each award under the Ohio co-op/internship program shall 37784

require a pledge of private funds equal to the following: 37785

(1) In the case of a program, initiative, or scholarships for 37786  
undergraduate students, at least one hundred per cent of the money 37787  
awarded; 37788

(2) In the case of a program, initiative, or scholarships for 37789  
graduate students, at least one hundred fifty per cent of the 37790  
money awarded. 37791

(B) The ~~chancellor of the Ohio board of regents~~ director of 37792  
higher education may waive the requirement of division (A) of this 37793  
section if the ~~chancellor~~ director finds that exceptional 37794  
circumstances exist to do so, provided that the ~~chancellor~~ 37795  
director reviews the proposal with the advisory committee 37796  
established under section 3333.731 of the Revised Code and 37797  
provides an explanation for the waiver to the controlling board. 37798

(C) The ~~chancellor~~ director shall endeavor to distribute 37799  
awards in such a way that a wide range of disciplines is supported 37800  
and that all regions of the state benefit from the economic 37801  
development impact of the program. 37802

**Sec. 3333.75.** The ~~chancellor of the Ohio board of regents~~ 37803  
director of higher education shall require each state institution 37804  
of higher education that the controlling board approves to receive 37805  
an award under the Ohio co-op/internship program to enter into an 37806  
agreement governing the use of the award. The agreement shall 37807  
contain terms the ~~chancellor~~ director determines to be necessary, 37808  
which shall include performance measures, reporting requirements, 37809  
and an obligation to fulfill pledges of other institutional, 37810  
public, or nonpublic resources for the proposal. 37811

The ~~chancellor~~ director may require a state institution of 37812  
higher education that violates the terms of its agreement to repay 37813  
the award plus interest at the rate required by section 5703.47 of 37814

the Revised Code to the ~~chancellor~~ director. 37815

If the ~~chancellor~~ director makes an award to a program or 37816  
initiative that is intended to be implemented by a state 37817  
institution of higher education in collaboration with other state 37818  
institutions of higher education or nonpublic Ohio universities or 37819  
colleges, the ~~chancellor~~ director may enter into an agreement with 37820  
the collaborating universities or colleges that permits awards to 37821  
be received directly by the collaborating universities or colleges 37822  
consistent with the terms of the program or initiative. In that 37823  
case, the ~~chancellor~~ director shall incorporate into the agreement 37824  
terms consistent with the requirements of this section. 37825  
37826

**Sec. 3333.76.** The ~~chancellor of the Ohio board of regents~~ 37827  
director of higher education shall encourage state institutions of 37828  
higher education, alone or in collaboration with other state 37829  
institutions of higher education or nonpublic Ohio universities 37830  
and colleges, to submit proposals under the Ohio co-op/internship 37831  
program for initiatives that recruit Ohio residents enrolled in 37832  
colleges and universities in other states or other countries to 37833  
return to Ohio and enroll in state institutions of higher 37834  
education or nonpublic Ohio universities and colleges as graduate 37835  
students in a high quality academic program that uses a 37836  
cooperative education program, a significant internship program in 37837  
a private industry or institutional laboratory, or a similar model 37838  
involving a variation of cooperative education or internship 37839  
programs common to graduate education, and is in an educational 37840  
area, industry, or industry sector of need. 37841

The ~~chancellor~~ director may encourage state institutions of 37842  
higher education, alone or in collaboration with other state 37843  
institutions of higher education or nonpublic Ohio universities 37844  
and colleges, to submit proposals for initiatives that recruit 37845

Ohio residents who have received baccalaureate degrees to remain 37846  
in Ohio and enroll in state institutions of higher education or 37847  
nonpublic Ohio universities and colleges as graduate students in a 37848  
high quality academic program of the type described in the 37849  
preceding paragraph. 37850

**Sec. 3333.77.** When making an award under the Ohio 37851  
co-op/internship program, the ~~chancellor of the Ohio board of~~ 37852  
~~regents~~ director of higher education, subject to approval by the 37853  
controlling board, may commit to giving a state institution of 37854  
higher education's proposal preference for future awards after the 37855  
current fiscal year or fiscal biennium. A proposal's eligibility 37856  
for future awards remains conditional on all of the following: 37857

(A) Future appropriations of the general assembly; 37858

(B) The institution's adherence to the agreement entered into 37859  
under section 3333.75 of the Revised Code, including its 37860  
fulfillment of pledges of other institutional, public, or 37861  
nonpublic resources; 37862

(C) A demonstration that the students participating in the 37863  
programs and initiatives or receiving scholarships financed by the 37864  
awards are satisfied with the institutions selected by the 37865  
~~chancellor~~ director to offer the programs, initiatives, or 37866  
scholarships financed by the awards. 37867

The ~~chancellor~~ director and the controlling board shall not 37868  
commit to awarding any proposal for a period that exceeds five 37869  
fiscal years. However, when an award, or the commitment for an 37870  
award, expires, a state institution of higher education may apply 37871  
for a new award. 37872

**Sec. 3333.78.** The ~~chancellor of the Ohio board of regents~~ 37873  
director of higher education shall monitor each initiative for 37874  
which an award is granted under the Ohio co-op/internship program 37875

to ensure the following: 37876

(A) Fiscal accountability, so that the award is used in 37877  
accordance with the agreement entered into under section 3333.75 37878  
of the Revised Code; 37879

(B) Operating progress, so that the initiative is managed to 37880  
achieve the goals stated in the proposal and in the agreement, and 37881  
so that problems may be promptly identified and remedied; 37882

(C) Desired outcomes, so that the initiative contributes to 37883  
the program's goal of retaining Ohio's students after graduation. 37884

**Sec. 3333.79.** (A) As used in this section, "minority" has the 37885  
same meaning as in section 184.17 of the Revised Code. The term 37886  
also includes an individual who is economically disadvantaged. 37887

(B) The ~~chancellor of the board of regents~~ director of higher 37888  
education shall conduct outreach activities in Ohio that seek to 37889  
include minorities in the Ohio co-op/internship program 37890  
established under section 3333.72 of the Revised Code. The 37891  
outreach activities shall include the following, when appropriate: 37892

(1) Identifying and partnering with historically black 37893  
colleges and universities; 37894

(2) Working with all institutions of higher education in the 37895  
state to support minority faculty and students involved in 37896  
cooperative and intern programs; 37897

(3) Developing a plan to contact by telephone minorities and 37898  
other economically disadvantaged individuals to notify them of 37899  
opportunities to participate in the co-op/internship program; 37900

(4) Identifying minority professional and trade associations 37901  
and economic development assistance organizations and notifying 37902  
them of the co-op/internship program; 37903

(5) Partnering with regional technology councils to foster 37904

local efforts to support minority participation in the 37905  
co-op/internship program. 37906

(C) To the extent possible, outreach activities described in 37907  
this section shall be conducted in conjunction with the EDGE 37908  
program created in section 123.152 of the Revised Code. 37909

**Sec. 3333.82.** (A) The ~~chancellor of the Ohio board of regents~~ 37910  
director of higher education shall establish a clearinghouse of 37911  
digital texts, interactive distance learning courses, and other 37912  
distance learning courses delivered via a computer-based method 37913  
offered by school districts, community schools, STEM schools, 37914  
state institutions of higher education, private colleges and 37915  
universities, and other nonprofit and for-profit course providers 37916  
for sharing with other school districts, community schools, STEM 37917  
schools, state institutions of higher education, private colleges 37918  
and universities, and individuals for the fee set pursuant to 37919  
section 3333.84 of the Revised Code. The director shall not be 37920  
responsible for the content of digital texts or courses offered 37921  
through the clearinghouse; however, all such digital texts and 37922  
courses shall be delivered only in accordance with technical 37923  
specifications approved by the ~~chancellor~~ director and on a common 37924  
statewide platform administered by the ~~chancellor~~ director. The 37925  
~~chancellor~~ director may provide professional development and 37926  
training on the use of the distance learning clearinghouse. 37927

The clearinghouse's distance learning program for students in 37928  
grades kindergarten to twelve shall be based on the following 37929  
principles: 37930  
37931

(1) All Ohio students shall have access to high quality 37932  
digital texts and distance learning courses at any point in their 37933  
educational careers. 37934

(2) All students shall be able to customize their education 37935

using digital texts and distance learning courses offered through 37936  
the clearinghouse and no student shall be denied access to any 37937  
digital text or course in the clearinghouse in which the student 37938  
is eligible to enroll. 37939

(3) Students may take distance learning courses for all or 37940  
any portion of their curriculum requirements and may utilize a 37941  
combination of digital texts and distance learning courses and 37942  
courses taught in a traditional classroom setting. 37943

(4) Students may earn an unlimited number of academic credits 37944  
through distance learning courses. 37945

(5) Students may take distance learning courses at any time 37946  
of the calendar year. 37947

(6) Student advancement to higher coursework shall be based 37948  
on a demonstration of subject area competency instead of 37949  
completion of any particular number of hours of instruction. 37950

(B) To offer digital texts or a course through the 37951  
clearinghouse, a provider shall apply to the ~~chancellor~~ director 37952  
in a form and manner prescribed by the ~~chancellor~~ director. The 37953  
application for each digital text or course shall describe the 37954  
digital text or course of study in as much detail as required by 37955  
the ~~chancellor~~ director, whether an instructor is provided, the 37956  
qualification and credentials of the instructor, the number of 37957  
hours of instruction, and any other information required by the 37958  
~~chancellor~~ director. The ~~chancellor~~ director may require course 37959  
providers to include in their applications information recommended 37960  
by the state board of education under former section 3353.30 of 37961  
the Revised Code. 37962

(C) The ~~chancellor~~ director shall review the technical 37963  
specifications of each application submitted under division (B) of 37964  
this section. In reviewing applications, the ~~chancellor~~ director 37965  
may consult with the department of education; however, the 37966



responsibility to either approve or not approve a digital text or 37967  
course for the clearinghouse belongs to the ~~chancellor~~ director. 37968  
The ~~chancellor~~ director may request additional information from a 37969  
provider that submits an application under division (B) of this 37970  
section, if the ~~chancellor~~ director determines that such 37971  
information is necessary. The ~~chancellor~~ director may negotiate 37972  
changes in the proposal to offer a digital text or course, if the 37973  
~~chancellor~~ director determines that changes are necessary in order 37974  
to approve the digital text or course. 37975

(D) The ~~chancellor~~ director shall catalog each digital text 37976  
or course approved for the clearinghouse, through a print or 37977  
electronic medium, displaying the following: 37978

(1) Information necessary for a student and the student's 37979  
parent, guardian, or custodian and the student's school district, 37980  
community school, STEM school, college, or university to decide 37981  
whether to enroll in or subscribe to the course; 37982

(2) Instructions for enrolling in that digital text or 37983  
course, including deadlines for enrollment. 37984

(E) Any expenses related to the installation of a course into 37985  
the common statewide platform shall be borne by the course 37986  
provider. 37987

(F) The ~~chancellor~~ director may contract with an entity to 37988  
perform any or all of the ~~chancellor's~~ director's duties under 37989  
sections 3333.81 to 3333.88 of the Revised Code. 37990

**Sec. 3333.83.** (A) Each school district, community school, and 37991  
STEM school shall encourage students to take advantage of the 37992  
distance learning opportunities offered through the clearinghouse 37993  
and shall assist any student electing to participate in the 37994  
clearinghouse with the selection and scheduling of courses that 37995  
satisfy the district's or school's curriculum requirements and 37996

promote the student's post-secondary college or career plans. 37997

(B) For each student enrolled in a school operated by a 37998  
school district or in a community school or STEM school who is 37999  
enrolling in a course provided through the clearinghouse by 38000  
another school district, community school, or STEM school, the 38001  
student's school district, community school, or STEM school shall 38002  
transmit the student's name to the course provider. 38003

The course provider may request from the student's school 38004  
district, community school, or STEM school other information from 38005  
the student's school record. The district or school shall provide 38006  
the requested information only in accordance with section 3319.321 38007  
of the Revised Code. 38008

(C) The student's school district, community school, or STEM 38009  
school shall determine the manner in which and facilities at which 38010  
the student shall participate in the course consistent with 38011  
specifications for technology and connectivity adopted by the 38012  
~~ehancellor of the Ohio board of regents~~ director of higher 38013  
education. 38014

(D) A student may withdraw from a course prior to the end of 38015  
the course only by a date and in a manner prescribed by the 38016  
student's school district, community school, or STEM school. 38017

(E) A student who is enrolled in a school operated by a 38018  
school district or in a community school or STEM school and who 38019  
takes a course through the clearinghouse shall be counted in the 38020  
formula ADM of a school district under section 3317.03 of the 38021  
Revised Code as if the student were taking the course from the 38022  
student's school district, community school, or STEM school. 38023

**Sec. 3333.84.** (A) The fee charged for any digital ~~texts~~ text 38024  
or course offered through the clearinghouse shall be set by the 38025  
provider. 38026

(B) The ~~chancellor of the Ohio board of regents~~ director of higher education shall prescribe the manner in which the fee for a digital ~~texts~~ text or course shall be collected or deducted from the school district, school, college or university, or individual subscribing to the digital ~~texts~~ text or course and in which manner the fee shall be paid to the provider.

(C) The ~~chancellor~~ director may retain a percentage of the fee charged for a digital ~~texts~~ text or course to offset the cost of maintaining and operating the clearinghouse, including the payment of compensation for an entity or a private entity that is under contract with the ~~chancellor~~ director under division (F) of section 3333.82 of the Revised Code. The percentage retained shall be determined by the ~~chancellor~~ director.

(D) Nothing in this section shall be construed to require the school district, community school, or STEM school in which a student is enrolled to pay the fee charged for a digital ~~texts~~ text or course taken by the student.

**Sec. 3333.86.** The ~~chancellor of the Ohio board of regents~~ director of higher education may determine the manner in which a course included in the clearinghouse may be offered as an advanced standing program as defined in section 3313.6013 of the Revised Code, may be offered to students who are enrolled in nonpublic schools or are instructed at home pursuant to section 3321.04 of the Revised Code, or may be offered at times outside the normal school day or school week, including any necessary additional fees and methods of payment for a course so offered.

**Sec. 3333.87.** The ~~chancellor of the Ohio board of regents~~ director of higher education and the state board of education jointly, and in consultation with the director of the governor's office of 21st century education, shall adopt rules in accordance

with Chapter 119. of the Revised Code prescribing procedures for 38057  
the implementation of sections 3333.81 to 3333.86 of the Revised 38058  
Code. 38059

**Sec. 3333.90.** (A) The ~~chancellor of the Ohio board of regents~~ 38060  
director of higher education shall establish a course and program 38061  
sharing network that enables members of the university system of 38062  
Ohio and adult career centers to share curricula for existing 38063  
courses and academic programs with one another. The purpose of the 38064  
network shall be to increase course availability across the state 38065  
and to avoid unnecessary course duplication through the sharing of 38066  
existing curricula. 38067

(B) The ~~chancellor~~ director shall adopt rules to administer 38068  
the course and program sharing network established under this 38069  
section. 38070

(C) As used in this section, "member of the university system 38071  
of Ohio" has the same meaning as in section 3345.011 of the 38072  
Revised Code. 38073

**Sec. 3333.91.** Not later than December 31, 2014, the 38074  
governor's office of workforce transformation, in collaboration 38075  
with the ~~chancellor of the Ohio board of regents~~ director of 38076  
higher education, the superintendent of public instruction, and 38077  
the department of job and family services, shall develop and 38078  
submit to the appropriate federal agency a single, state unified 38079  
plan for the adult basic and literacy education program 38080  
administered by the United States secretary of education, the 38081  
"Carl D. Perkins Vocational and Technical Education Act," 20 38082  
U.S.C. 2301, et seq., as amended, and the "Workforce Investment 38083  
Act of 1998," 29 U.S.C. 2801, et seq., as amended. Following the 38084  
plan's initial submission to the appropriate federal agency, the 38085  
governor's office of workforce transformation may update it as 38086

necessary. If the plan is updated, the governor's office of 38087  
workforce transformation shall submit the updated plan to the 38088  
appropriate federal agency. 38089

Sec. 3333.92. (A) As used in this section, "OhioMeansJobs" 38090  
has the same meaning as in section 6301.01 of the Revised Code. 38091

(B)(1) Beginning January 1, 2016, each participant in an 38092  
adult basic and literacy education funded training or education 38093  
program shall create an account with OhioMeansJobs at the twelfth 38094  
week of the program. 38095

(2) Beginning January 1, 2016, each participant in an Ohio 38096  
technical center funded training or education program shall create 38097  
an account with OhioMeansJobs at the time of enrollment in the 38098  
program. 38099

(C) Division (B) of this section does not apply to any 38100  
individual who is legally prohibited from using a computer, has a 38101  
physical or visual impairment that makes the individual unable to 38102  
use a computer, or has a limited ability to read, write, speak, or 38103  
understand a language in which OhioMeansJobs is available. 38104

**Sec. 3334.08.** (A) Subject to division (B) of this section, in 38105  
addition to any other powers conferred by this chapter, the Ohio 38106  
tuition trust authority may do any of the following: 38107

(1) Impose reasonable residency requirements for 38108  
beneficiaries of tuition units; 38109

(2) Impose reasonable limits on the number of tuition unit 38110  
participants; 38111

(3) Impose and collect administrative fees and charges in 38112  
connection with any transaction under this chapter; 38113

(4) Purchase insurance from insurers licensed to do business 38114

in this state providing for coverage against any loss in 38115  
connection with the authority's property, assets, or activities or 38116  
to further ensure the value of tuition units; 38117

(5) Indemnify or purchase policies of insurance on behalf of 38118  
members, officers, and employees of the authority from insurers 38119  
licensed to do business in this state providing for coverage for 38120  
any liability incurred in connection with any civil action, 38121  
demand, or claim against a director, officer, or employee by 38122  
reason of an act or omission by the director, officer, or employee 38123  
that was not manifestly outside the scope of the employment or 38124  
official duties of the director, officer, or employee or with 38125  
malicious purpose, in bad faith, or in a wanton or reckless 38126  
manner; 38127

(6) Make, execute, and deliver contracts, conveyances, and 38128  
other instruments necessary to the exercise and discharge of the 38129  
powers and duties of the authority; 38130

(7) Promote, advertise, and publicize the Ohio college 38131  
savings program and the variable college savings program; 38132

(8) Adopt rules under section 111.15 of the Revised Code for 38133  
the implementation of the Ohio college savings program; 38134

(9) Contract, for the provision of all or part of the 38135  
services necessary for the management and operation of the Ohio 38136  
college savings program and the variable college savings program, 38137  
with a bank, trust company, savings and loan association, 38138  
insurance company, or licensed dealer in securities if the bank, 38139  
company, association, or dealer is authorized to do business in 38140  
this state and information about the contract is filed with the 38141  
controlling board pursuant to division (D)(6) of section 127.16 of 38142  
the Revised Code; provided, however, that any funds of the Ohio 38143  
college savings program and the variable college savings program 38144  
that are not needed for immediate use shall be deposited by the 38145

treasurer of state in the same manner provided under Chapter 135. 38146  
of the Revised Code for public moneys of the state. All interest 38147  
earned on those deposits shall be credited to the Ohio college 38148  
savings program or the variable college savings program, as 38149  
applicable. 38150

(10) Contract for other services, or for goods, needed by the 38151  
authority in the conduct of its business, including but not 38152  
limited to credit card services; 38153

(11) Employ an executive director and other personnel as 38154  
necessary to carry out its responsibilities under this chapter, 38155  
and fix the compensation of these persons. All employees of the 38156  
authority shall be in the unclassified civil service and shall be 38157  
eligible for membership in the public employees retirement system. 38158  
In the hiring of the executive director, the Ohio tuition trust 38159  
authority shall obtain the advice and consent of the Ohio tuition 38160  
trust board created in section 3334.03 of the Revised Code, 38161  
provided that the executive director shall not be hired unless a 38162  
majority of the board votes in favor of the hiring. In addition, 38163  
the board may remove the executive director at any time subject to 38164  
the advice and consent of the ~~chancellor of the Ohio board of~~ 38165  
~~regents~~ director of higher education. 38166

(12) Contract with financial consultants, actuaries, 38167  
auditors, and other consultants as necessary to carry out its 38168  
responsibilities under this chapter; 38169

(13) Enter into agreements with any agency of the state or 38170  
its political subdivisions or with private employers under which 38171  
an employee may agree to have a designated amount deducted in each 38172  
payroll period from the wages or salary due the employee for the 38173  
purpose of purchasing tuition units pursuant to a tuition payment 38174  
contract or making contributions pursuant to a variable college 38175  
savings program contract; 38176

- (14) Enter into an agreement with the treasurer of state 38177  
under which the treasurer of state will receive, and credit to the 38178  
Ohio tuition trust fund or variable college savings program fund, 38179  
from any bank or savings and loan association authorized to do 38180  
business in this state, amounts that a depositor of the bank or 38181  
association authorizes the bank or association to withdraw 38182  
periodically from the depositor's account for the purpose of 38183  
purchasing tuition units pursuant to a tuition payment contract or 38184  
making contributions pursuant to a variable college savings 38185  
program contract; 38186
- (15) Solicit and accept gifts, grants, and loans from any 38187  
person or governmental agency and participate in any governmental 38188  
program; 38189
- (16) Impose limits on the number of units which may be 38190  
purchased on behalf of or assigned or awarded to any beneficiary 38191  
and on the total amount of contributions that may be made on 38192  
behalf of a beneficiary; 38193
- (17) Impose restrictions on the substitution of another 38194  
individual for the original beneficiary under the Ohio college 38195  
savings program; 38196
- (18) Impose a limit on the age of a beneficiary, above which 38197  
tuition units may not be purchased on behalf of that beneficiary; 38198
- (19) Enter into a cooperative agreement with the treasurer of 38199  
state to provide for the direct disbursement of payments under 38200  
tuition payment or variable college savings program contracts; 38201
- (20) Determine the other higher education expenses for which 38202  
tuition units or contributions may be used; 38203
- (21) Terminate any tuition payment or variable college 38204  
savings program contract if no purchases or contributions are made 38205  
for a period of three years or more and there are fewer than a 38206  
total of five tuition units or less than a dollar amount set by 38207



rule on account, provided that notice of a possible termination 38208  
shall be provided in advance, explaining any options to prevent 38209  
termination, and a reasonable amount of time shall be provided 38210  
within which to act to prevent a termination; 38211

(22) Maintain a separate account for each tuition payment or 38212  
variable college savings program contract; 38213

(23) Perform all acts necessary and proper to carry out the 38214  
duties and responsibilities of the authority pursuant to this 38215  
chapter. 38216

(B) The authority shall adopt rules under section 111.15 of 38217  
the Revised Code for the implementation and administration of the 38218  
variable college savings program. The rules shall provide 38219  
taxpayers with the maximum tax advantages and flexibility 38220  
consistent with section 529 of the Internal Revenue Code and 38221  
regulations adopted thereunder with regard to disposition of 38222  
contributions and earnings, designation of beneficiaries, and 38223  
rollover of account assets to other programs. 38224

(C) Except as otherwise specified in this chapter, the 38225  
provisions of Chapters 123., ~~125.~~, and 4117. of the Revised Code 38226  
shall not apply to the authority and Chapter 125. of the Revised 38227  
Code shall not apply to contracts approved under the powers of the 38228  
Ohio tuition trust authority board under section 3334.03 of the 38229  
Revised Code. ~~The department of administrative services shall,~~ 38230  
~~upon the request of the authority, act as the authority's agent~~ 38231  
~~for the purchase of equipment, supplies, insurance, or services,~~ 38232  
~~or the performance of administrative services pursuant to Chapter~~ 38233  
~~125. of the Revised Code.~~ 38234

**Sec. 3335.02.** (A) The government of the Ohio state university 38235  
shall be vested in a board of fourteen trustees in 2005, and 38236  
seventeen trustees beginning in 2006, who shall be appointed by 38237  
the governor, with the advice and consent of the senate. Two of 38238

the seventeen trustees shall be students at the Ohio state 38239  
university, and their selection and terms shall be in accordance 38240  
with division (B) of this section. Except as provided in division 38241  
(C)(D) of this section and except for the terms of student 38242  
members, terms of office shall be for nine years, commencing on 38243  
the fourteenth day of May and ending on the thirteenth day of May. 38244  
Each trustee shall hold office from the date of appointment until 38245  
the end of the term for which the trustee was appointed. Any 38246  
trustee appointed to fill a vacancy occurring prior to the 38247  
expiration of the term for which the trustee's predecessor was 38248  
appointed shall hold office for the remainder of such term. Any 38249  
trustee shall continue in office subsequent to the expiration date 38250  
of the trustee's term until the trustee's successor takes office, 38251  
or until a period of sixty days has elapsed, whichever occurs 38252  
first. No person who has served a full nine-year term or more than 38253  
six years of such a term shall be eligible for reappointment until 38254  
a period of four years has elapsed since the last day of the term 38255  
for which the person previously served. The trustees shall not 38256  
receive compensation for their services, but shall be paid their 38257  
reasonable necessary expenses while engaged in the discharge of 38258  
their official duties. 38259

(B) The student members of the board of trustees of the Ohio 38260  
state university shall be students at the Ohio state university. 38261  
Unless student members have been granted voting power under 38262  
division (C) of this section, they shall have no voting power on 38263  
the board. ~~Student members,~~ shall not be considered as members of 38264  
the board in determining whether a quorum is present. ~~Student~~ 38265  
~~members, and~~ shall not be entitled to attend executive sessions of 38266  
the board. The student members of the board shall be appointed by 38267  
the governor, with the advice and consent of the senate, from a 38268  
group of five candidates selected pursuant to a procedure adopted 38269  
by the university's student governments and approved by the 38270  
university's board of trustees. The initial term of office of one 38271

of the student members shall commence on May 14, 1988, and shall 38272  
expire on May 13, 1989, and the initial term of office of the 38273  
other student member shall commence on May 14, 1988, and expire on 38274  
May 13, 1990. Thereafter, terms of office of student members shall 38275  
be for two years, each term ending on the same day of the same 38276  
month of the year as the term it succeeds. In the event a student 38277  
member cannot fulfill a two-year term, a replacement shall be 38278  
selected to fill the unexpired term in the same manner used to 38279  
make the original selection. 38280

(C) Not later than ninety days after the effective date of 38281  
this amendment, the board of trustees shall adopt a resolution 38282  
that does one of the following: 38283

(1) Grants the student members of the board voting power on 38284  
the board. If so granted, in addition to having voting power, the 38285  
student members shall be considered as members of the board in 38286  
determining whether a quorum is present and shall be entitled to 38287  
attend executive sessions of the board. 38288

(2) Declares that student members do not have voting power on 38289  
the board. 38290

Thereafter, the board may change the voting status of student 38291  
trustees by adopting a subsequent resolution. Each resolution 38292  
adopted under this division shall take effect on the fourteenth 38293  
day of May following the adoption of the resolution. All members 38294  
with voting power at the time of the adoption of a resolution may 38295  
vote on the resolution. 38296

If student members are granted voting power under this 38297  
division, no student shall be disqualified from membership on the 38298  
board of trustees because the student receives a scholarship, 38299  
grant, loan, or any other financial assistance payable out of the 38300  
state treasury or a university fund, or because the student is 38301  
employed by the university in a position pursuant to a work-study 38302

program or other student employment, including as a graduate 38303  
teaching assistant, graduate administrative assistant, or graduate 38304  
research assistant, the compensation for which is payable out of 38305  
the state treasury or a university fund. 38306

Acceptance of such financial assistance or employment by a 38307  
student trustee shall not be considered a violation of Chapter 38308  
102. or section 2921.42 or 2921.43 of the Revised Code. 38309

~~(C)~~(D)(1) The initial terms of office for the three 38310  
additional trustees appointed in 2005 shall commence on a date in 38311  
2005 that is selected by the governor with one term of office 38312  
expiring on May 13, 2009, one term of office expiring on May 13, 38313  
2010, and one term of office expiring on May 13, 2011, as 38314  
designated by the governor upon appointment. Thereafter terms of 38315  
office shall be for nine years, as provided in division (A) of 38316  
this section. 38317

(2) The initial terms of office for the three additional 38318  
trustees appointed in 2006 shall commence on May 14, 2006, with 38319  
one term of office expiring on May 13, 2012, one term of office 38320  
expiring on May 13, 2013, and one term of office expiring on May 38321  
13, 2014, as designated by the governor upon appointment. 38322  
Thereafter terms of office shall be for nine years, as provided in 38323  
division (A) of this section. 38324

**Sec. 3335.09.** The board of trustees of the Ohio state 38325  
university shall elect, fix the compensation of, and remove, the 38326  
president and such number of professors, teachers, and other 38327  
employees as are necessary; ~~but~~. Except as provided under division 38328  
(C) of section 3335.02 of the Revised Code, no trustee, or his 38329  
~~relation~~ relative of a trustee by blood or marriage, shall be 38330  
eligible to a professorship or position in the university, the 38331  
compensation for which is payable out of the state treasury or a 38332  
university fund. The board shall fix and regulate the course of 38333

instruction and prescribe the extent and character of experiments 38334  
to be made at the university. 38335

Sec. 3335.361. Any policy or guideline established by OSU 38336  
extension that requires volunteers for 4-H programs to be 38337  
fingerprinted shall do both of the following: 38338

(A) Require only individuals who become volunteers for those 38339  
programs on or after the effective date of this section to be 38340  
fingerprinted; 38341

(B) Require those individuals to be fingerprinted only one 38342  
time. 38343

OSU extension shall modify any policy or guideline regarding 38344  
fingerprinting of volunteers for 4-H programs that has been 38345  
established prior to the effective date of this section to comply 38346  
with this section. 38347

**Sec. 3337.10.** There is hereby established the Ohio university 38348  
college of osteopathic medicine the purpose of which shall be to 38349  
provide instruction in the practice of osteopathic medicine. The 38350  
college shall be a component college of Ohio university. The 38351  
clinical instruction portions of the medical program shall be 38352  
provided through the facilities of existing osteopathic and joint 38353  
staff hospitals. ~~The college shall have an advisory committee of 38354~~  
~~ten members, which shall consist of the president of Ohio 38355~~  
~~university or the president's designee and nine members appointed 38356~~  
~~by the governor with the advice and consent of the senate. Within 38357~~  
~~one hundred twenty days of November 17, 1975, the governor shall 38358~~  
~~make initial appointments to the advisory committee. Of these, 38359~~  
~~three shall be for terms ending two years after November 17, 1975, 38360~~  
~~three shall be for terms ending four years after that date, and 38361~~  
~~three shall be for terms ending six years after that date. 38362~~  
~~Thereafter, terms of office shall be for six years, each term 38363~~

~~ending on the same day of the same month of the year as did the 38364  
term that it succeeds. Each member shall hold office from the date 38365  
of appointment until the end of the term for which the member was 38366  
appointed. Any member appointed to fill a vacancy occurring prior 38367  
to the expiration of the term for which the member's predecessor 38368  
was appointed shall hold office for the remainder of such term. 38369  
Any member shall continue in office subsequent to the expiration 38370  
date of the member's term until the member's successor takes 38371  
office, or until a period of sixty days has elapsed, whichever 38372  
occurs first. 38373~~

**Sec. 3345.022.** The board of trustees of any college or 38374  
university supported in part or in whole by state funds, or two or 38375  
more such boards, may enter into a contract, upon such terms as 38376  
shall be determined to be in the best interests of students, for 38377  
the provision of legal services to students through a group legal 38378  
services insurance plan approved by the superintendent of 38379  
insurance or through a prepaid legal services plan established by 38380  
attorneys admitted to the practice of law in this state. The fees 38381  
or charges to students who participate in the plan shall be 38382  
established by the board or boards and shall be sufficient to 38383  
defray the college's or university's cost of administering the 38384  
plan. No student shall be required to pay any such fee or charge 38385  
unless ~~he~~ the student elects to participate in the plan, and no 38386  
revenue from any other student fees or charges shall be used to 38387  
finance any portion of the cost of any plan or the college's or 38388  
university's cost of administering the plan. Legal representation 38389  
under the plan shall be limited to services determined by the 38390  
board to be reasonably related to student welfare, to the 38391  
advancement or successful completion of student education, or to 38392  
serve a public purpose within the powers of the college or 38393  
university. 38394

A plan shall not provide or pay for the cost of 38395

representation of a student in an action against a state officer 38396  
or agency arising out of the performance of the duties of the 38397  
officer or agency, against a law enforcement officer arising out 38398  
of the performance of the duties of the officer, against a college 38399  
or university participating in the plan, against a student of such 38400  
a college or university, or against the director of higher 38401  
education or a member of the board of regents or of the board of 38402  
trustees, faculty, or staff of such a college or university, if 38403  
the cause of action arises out of the performance of the duties of 38404  
the office of the member or in the course of the member's 38405  
employment by the college or university. As used in this section, 38406  
"law enforcement officer" means a sheriff, deputy sheriff, 38407  
constable, marshal, deputy marshal, municipal police officer, 38408  
state highway patrol trooper, or state university law enforcement 38409  
officer appointed under section 3345.04 of the Revised Code. 38410

**Sec. 3345.05.** (A) All registration fees, nonresident tuition 38411  
fees, academic fees for the support of off-campus instruction, 38412  
laboratory and course fees when so assessed and collected, student 38413  
health fees for the support of a student health service, all other 38414  
fees, deposits, charges, receipts, and income from all or part of 38415  
the students, all subsidy or other payments from state 38416  
appropriations, and all other fees, deposits, charges, receipts, 38417  
income, and revenue received by each state institution of higher 38418  
education, the Ohio state university hospitals and their ancillary 38419  
facilities, the Ohio agricultural research and development center, 38420  
and OSU extension shall be held and administered by the respective 38421  
boards of trustees of the state institution of higher education; 38422  
provided, that such fees, deposits, charges, receipts, income and 38423  
revenue, to the extent required by resolutions, trust agreements, 38424  
indentures, leases, and agreements adopted, made, or entered into 38425  
under Chapter 154. or section 3345.07, 3345.11, or 3345.12 of the 38426  
Revised Code, shall be held, administered, transferred, and 38427

applied in accordance therewith. 38428

(B) The ~~Ohio board of regents~~ director of higher education 38429  
shall require annual reporting by the Ohio agricultural research 38430  
and development center and by each university and college 38431  
receiving state aid in such form and detail as determined by the 38432  
~~board~~ director of higher education in consultation with such 38433  
center, universities and colleges, and the director of budget and 38434  
management. 38435

(C) Notwithstanding any provision of the Revised Code to the 38436  
contrary, the title to investments made by the board of trustees 38437  
of a state institution of higher education with funds derived from 38438  
any of the sources described in division (A) of this section shall 38439  
not be vested in the state or the political subdivision but shall 38440  
be held in trust by the board. Such investments shall be made 38441  
pursuant to an investment policy adopted by the board in public 38442  
session that requires all fiduciaries to discharge their duties 38443  
with the care, skill, prudence, and diligence under the 38444  
circumstances then prevailing that a prudent person acting in like 38445  
capacity and familiar with such matters would use in the conduct 38446  
of an enterprise of a like character and with like aims. The 38447  
policy also shall require at least the following: 38448

(1) A stipulation that investment of at least twenty-five per 38449  
cent of the average amount of the investment portfolio over the 38450  
course of the previous fiscal year be invested in securities of 38451  
the United States government or of its agencies or 38452  
instrumentalities, the treasurer of state's pooled investment 38453  
program, obligations of this state or any political subdivision of 38454  
this state, certificates of deposit of any national bank located 38455  
in this state, written repurchase agreements with any eligible 38456  
Ohio financial institution that is a member of the federal reserve 38457  
system or federal home loan bank, money market funds, or bankers 38458  
acceptances maturing in two hundred seventy days or less which are 38459



eligible for purchase by the federal reserve system, as a reserve;	38460
(2) Eligible funds above those that meet the conditions of	38461
division (C)(1) of this section may be pooled with other	38462
institutional funds and invested in accordance with section	38463
1715.52 of the Revised Code.	38464
(3) The establishment of an investment committee.	38465
(D) The investment committee established under division	38466
(C)(3) of this section shall meet at least quarterly. The	38467
committee shall review and recommend revisions to the board's	38468
investment policy and shall advise the board on its investments	38469
made under division (C) of this section in an effort to assist it	38470
in meeting its obligations as a fiduciary as described in division	38471
(C) of this section. The committee shall be authorized to retain	38472
the services of an investment advisor who meets both of the	38473
following qualifications:	38474
(1) The advisor is either:	38475
(a) Licensed by the division of securities under section	38476
1707.141 of the Revised Code;	38477
(b) Registered with the securities and exchange commission.	38478
(2) The advisor either:	38479
(a) Has experience in the management of investments of public	38480
funds, especially in the investment of state-government investment	38481
portfolios;	38482
(b) Is an eligible institution referenced in section 135.03	38483
of the Revised Code.	38484
(E) As used in this section, "state institution of higher	38485
education" means a state institution of higher education as	38486
defined in section 3345.011 of the Revised Code.	38487
<b>Sec. 3345.06.</b> (A) Subject to divisions (B) and (C) of this	38488

section, a graduate of the twelfth grade shall be entitled to 38489  
admission without examination to any college or university which 38490  
is supported wholly or in part by the state, but for unconditional 38491  
admission may be required to complete such units not included in 38492  
the graduate's high school course as may be prescribed, not less 38493  
than two years prior to the graduate's entrance, by the faculty of 38494  
the institution. 38495

(B) Beginning with the 2014-2015 academic year, each state 38496  
university listed in section 3345.011 of the Revised Code, except 38497  
for Central state university, Shawnee state university, and 38498  
Youngstown state university, shall permit a resident of this state 38499  
who entered ninth grade for the first time on or after July 1, 38500  
2010, to begin undergraduate coursework at the university only if 38501  
the person has successfully completed the requirements for high 38502  
school graduation prescribed in division (C) of section 3313.603 38503  
of the Revised Code, unless one of the following applies: 38504

(1) The person has earned at least ten semester hours, or the 38505  
equivalent, at a community college, state community college, 38506  
university branch, technical college, or another post-secondary 38507  
institution except a state university to which division (B) of 38508  
this section applies, in courses that are college-credit-bearing 38509  
and may be applied toward the requirements for a degree. The 38510  
university shall grant credit for successful completion of those 38511  
courses pursuant to any applicable articulation and transfer 38512  
policy of the ~~Ohio board of regents~~ director of higher education 38513  
or any agreements the university has entered into in accordance 38514  
with policies and procedures adopted under section 3333.16, 38515  
3333.161, or 3333.162 of the Revised Code. The university may 38516  
count college credit that the student earned while in high school 38517  
through the college credit plus program under Chapter 3365. of the 38518  
Revised Code, or through other advanced standing programs, toward 38519  
the requirements of division (B)(1) of this section if the credit 38520

may be applied toward a degree. 38521

(2) The person qualified to graduate from high school under 38522  
division (D) or (F) of section 3313.603 of the Revised Code and 38523  
has successfully completed the topics or courses that the person 38524  
lacked to graduate under division (C) of that section at any 38525  
post-secondary institution or at a summer program at the state 38526  
university. A state university may admit a person for enrollment 38527  
contingent upon completion of such topics or courses or summer 38528  
program. 38529

(3) The person met the high school graduation requirements by 38530  
successfully completing the person's individualized education 38531  
program developed under section 3323.08 of the Revised Code. 38532

(4) The person is receiving or has completed the final year 38533  
of instruction at home as authorized under section 3321.04 of the 38534  
Revised Code, or has graduated from a nonchartered, nonpublic 38535  
school in Ohio, and demonstrates mastery of the academic content 38536  
and skills in reading, writing, and mathematics needed to 38537  
successfully complete introductory level coursework at an 38538  
institution of higher education and to avoid remedial coursework. 38539

(5) The person is a high school student participating in the 38540  
college credit plus program under Chapter 3365. of the Revised 38541  
Code or another advanced standing program. 38542

(C) A state university subject to division (B) of this 38543  
section may delay admission for or admit conditionally an 38544  
undergraduate student who has successfully completed the 38545  
requirements prescribed in division (C) of section 3313.603 of the 38546  
Revised Code if the university determines the student requires 38547  
academic remedial or developmental coursework. The university may 38548  
delay admission pending, or make admission conditional upon, the 38549  
student's successful completion of the academic remedial or 38550  
developmental coursework at a university branch, community 38551

college, state community college, or technical college. 38552

(D) This section does not deny the right of a college of law, 38553  
medicine, or other specialized education to require college 38554  
training for admission, or the right of a department of music or 38555  
other art to require particular preliminary training or talent. 38556

**Sec. 3345.061.** (A) Ohio's two-year institutions of higher 38557  
education are respected points of entry for students embarking on 38558  
post-secondary careers and courses completed at those institutions 38559  
are transferable to state universities in accordance with 38560  
articulation and transfer agreements developed under sections 38561  
3333.16, 3333.161, and 3333.162 of the Revised Code. 38562

(B) Beginning with undergraduate students who commence 38563  
undergraduate studies in the 2014-2015 academic year, no state 38564  
university listed in section 3345.011 of the Revised Code, except 38565  
Central state university, Shawnee state university, and Youngstown 38566  
state university, shall receive any state operating subsidies for 38567  
any academic remedial or developmental courses for undergraduate 38568  
students, including courses prescribed in division (C) of section 38569  
3313.603 of the Revised Code, offered at its main campus, except 38570  
as provided in divisions (B)(1) to (4) of this section. 38571

(1) In the 2014-2015 and 2015-2016 academic years, a state 38572  
university may receive state operating subsidies for academic 38573  
remedial or developmental courses for not more than three per cent 38574  
of the total undergraduate credit hours provided by the university 38575  
at its main campus. 38576

(2) In the 2016-2017 academic year, a state university may 38577  
receive state operating subsidies for academic remedial or 38578  
developmental courses for not more than fifteen per cent of the 38579  
first-year students who have graduated from high school within the 38580  
previous twelve months and who are enrolled in the university at 38581  
its main campus, as calculated on a full-time-equivalent basis. 38582

(3) In the 2017-2018 academic year, a state university may 38583  
receive state operating subsidies for academic remedial or 38584  
developmental courses for not more than ten per cent of the 38585  
first-year students who have graduated from high school within the 38586  
previous twelve months and who are enrolled in the university at 38587  
its main campus, as calculated on a full-time-equivalent basis. 38588

(4) In the 2018-2019 academic year, a state university may 38589  
receive state operating subsidies for academic remedial or 38590  
developmental courses for not more than five per cent of the 38591  
first-year students who have graduated from high school within the 38592  
previous twelve months and who are enrolled in the university at 38593  
its main campus, as calculated on a full-time-equivalent basis. 38594

Each state university may continue to offer academic remedial 38595  
and developmental courses at its main campus beyond the extent for 38596  
which state operating subsidies may be paid under this division 38597  
and may continue to offer such courses beyond the 2018-2019 38598  
academic year. However, the university shall not receive any state 38599  
operating subsidies for such courses above the maximum amounts 38600  
permitted in this division. 38601

(C) Except as otherwise provided in division (B) of this 38602  
section, beginning with students who commence undergraduate 38603  
studies in the 2014-2015 academic year, state operating subsidies 38604  
for academic remedial or developmental courses offered by state 38605  
institutions of higher education may be paid only to Central state 38606  
university, Shawnee state university, Youngstown state university, 38607  
any university branch, any community college, any state community 38608  
college, or any technical college. 38609

(D) Each state university shall grant credit for academic 38610  
remedial or developmental courses successfully completed at an 38611  
institution described in division (C) of this section pursuant to 38612  
any applicable articulation and transfer agreements the university 38613  
has entered into in accordance with policies and procedures 38614

adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code.

(E) The ~~chancellor of the Ohio board of regents~~ director of higher education shall do all of the following:

(1) Withhold state operating subsidies for academic remedial or developmental courses provided by a state university as required in order to conform to divisions (B) and (C) of this section;

(2) Adopt uniform statewide standards for academic remedial and developmental courses offered by all state institutions of higher education;

(3) Encourage and assist in the design and establishment of academic remedial and developmental courses by institutions of higher education;

(4) Define "academic year" for purposes of this section and section 3345.06 of the Revised Code;

(5) Encourage and assist in the development of articulation and transfer agreements between state universities and other institutions of higher education in accordance with policies and procedures adopted under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

(F) Not later than December 31, 2012, the presidents, or equivalent position, of all state institutions of higher education, or their designees, jointly shall establish uniform statewide standards in mathematics, science, reading, and writing each student enrolled in a state institution of higher education must meet to be considered in remediation-free status. The presidents also shall establish assessments, if they deem necessary, to determine if a student meets the standards adopted under this division. Each institution is responsible for assessing the needs of its enrolled students in the manner adopted by the

presidents. The board of trustees or managing authority of each 38646  
state institution of higher education shall adopt the 38647  
remediation-free status standard, and any related assessments, 38648  
into the institution's policies. 38649

The ~~chancellor~~ director shall assist in coordinating the work 38650  
of the presidents under this division. The ~~chancellor~~ director 38651  
shall monitor the standards in mathematics, science, reading, and 38652  
writing established under division (F) of this section to ensure 38653  
that the standards adequately demonstrate a student's 38654  
remediation-free status. 38655

(G) Each year, not later than a date established by the 38656  
~~chancellor~~ director, each state institution of higher education 38657  
shall report to the governor, the general assembly, the ~~chancellor~~ 38658  
director, and the superintendent of public instruction all of the 38659  
following for the prior academic year: 38660

(1) The institution's aggregate costs for providing academic 38661  
remedial or developmental courses; 38662

(2) The amount of those costs disaggregated according to the 38663  
city, local, or exempted village school districts from which the 38664  
students taking those courses received their high school diplomas; 38665

(3) Any other information with respect to academic remedial 38666  
and developmental courses that the ~~chancellor~~ director considers 38667  
appropriate. 38668

(H) Not later than December 31, 2011, and the thirty-first 38669  
day of each December thereafter, the ~~chancellor~~ director and the 38670  
superintendent of public instruction shall issue a report 38671  
recommending policies and strategies for reducing the need for 38672  
academic remediation and developmental courses at state 38673  
institutions of higher education. 38674

(I) As used in this section, "state institution of higher 38675  
education" has the same meaning as in section 3345.011 of the 38676

Revised Code.	38677
<b>Sec. 3345.32.</b> (A) As used in this section:	38678
(1) "State university or college" means the institutions described in section 3345.27 of the Revised Code and the northeast Ohio medical university.	38679 38680 38681
(2) "Resident" has the meaning specified by rule of the <del>chancellor of the Ohio board of regents</del> <u>director of higher education</u> .	38682 38683 38684
(3) "Statement of selective service status" means a statement certifying one of the following:	38685 38686
(a) That the individual filing the statement has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended;	38687 38688 38689 38690
(b) That the individual filing the statement is not required to register with the selective service for one of the following reasons:	38691 38692 38693
(i) The individual is under eighteen or over twenty-six years of age.	38694 38695
(ii) The individual is on active duty with the armed forces of the United States other than for training in a reserve or national guard unit.	38696 38697 38698
(iii) The individual is a nonimmigrant alien lawfully in the United States in accordance with section 101 (a)(15) of the "Immigration and Nationality Act," 8 U.S.C. 1101, as amended.	38699 38700 38701
(iv) The individual is not a citizen of the United States and is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.	38702 38703 38704
(4) "Institution of higher education" means any eligible	38705



institution approved by the United States department of education 38706  
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 38707  
amended, or any institution whose students are eligible for 38708  
financial assistance under any of the programs described by 38709  
division (E) of this section. 38710

(B) The ~~chancellor~~ director shall, by rule, specify the form 38711  
of statements of selective service status to be filed in 38712  
compliance with divisions (C) to (E) of this section. Each 38713  
statement of selective service status shall contain a section 38714  
wherein a male student born after December 31, 1959, certifies 38715  
that the student has registered with the selective service system 38716  
in accordance with the "Military Selective Service Act," 62 Stat. 38717  
604, 50 U.S.C. App. 453, as amended. For those students not 38718  
required to register with the selective service, as specified in 38719  
divisions (A)(2)(b)(i) to (iv) of this section, a section shall be 38720  
provided on the statement of selective service status for the 38721  
certification of nonregistration and for an explanation of the 38722  
reason for the exemption. The ~~chancellor~~ director may require that 38723  
such statements be accompanied by documentation specified by rule 38724  
of the ~~chancellor~~ director. 38725

(C) A state university or college that enrolls in any course, 38726  
class, or program a male student born after December 31, 1959, who 38727  
has not filed a statement of selective service status with the 38728  
university or college shall, regardless of the student's 38729  
residency, charge the student any tuition surcharge charged 38730  
students who are not residents of this state. 38731

(D) No male born after December 31, 1959, shall be eligible 38732  
to receive any loan, grant, scholarship, or other financial 38733  
assistance for educational expenses granted under section 3315.33, 38734  
3333.12, 3333.122, 3333.21, 3333.22, 3333.26, 3333.391, 5910.03, 38735  
5910.032, or 5919.34 of the Revised Code, financed by an award 38736  
under the choose Ohio first scholarship program established under 38737

section 3333.61 of the Revised Code, or financed by an award under 38738  
the Ohio co-op/internship program established under section 38739  
3333.72 of the Revised Code, unless that person has filed a 38740  
statement of selective service status with that person's 38741  
institution of higher education. 38742

(E) If an institution of higher education receives a 38743  
statement from an individual certifying that the individual has 38744  
registered with the selective service system in accordance with 38745  
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 38746  
453, as amended, or that the individual is exempt from 38747  
registration for a reason other than that the individual is under 38748  
eighteen years of age, the institution shall not require the 38749  
individual to file any further statements. If it receives a 38750  
statement certifying that the individual is not required to 38751  
register because the individual is under eighteen years of age, 38752  
the institution shall require the individual to file a new 38753  
statement of selective service status each time the individual 38754  
seeks to enroll for a new academic term or makes application for a 38755  
new loan or loan guarantee or for any form of financial assistance 38756  
for educational expenses, until it receives a statement certifying 38757  
that the individual has registered with the selective service 38758  
system or is exempt from registration for a reason other than that 38759  
the individual is under eighteen years of age. 38760

Sec. 3345.35. Not later than January 1, 2016, and by the 38761  
first day of January of every fifth year thereafter, the board of 38762  
trustees of each state institution of higher education, as defined 38763  
in section 3345.011 of the Revised Code, shall evaluate all 38764  
courses and programs the institution offers based on enrollment 38765  
and student performance in each course or program. For courses 38766  
with low enrollment, as defined by the director of higher 38767  
education, the board of trustees shall evaluate the benefits of 38768  
collaboration with other institutions of higher education, based 38769

on geographic region, to deliver the course. 38770

Each board of trustees shall submit its findings under this 38771  
section to the director not later than thirty days after the 38772  
completion of the evaluations. 38773

**Sec. 3345.38.** (A) The board of trustees of each state 38774  
institution of higher education shall adopt and implement a policy 38775  
to grant undergraduate course credit to a student who has 38776  
successfully completed an international baccalaureate diploma 38777  
program. 38778

(B) The policy adopted by each institution under this section 38779  
shall do all of the following: 38780

(1) Establish conditions for granting course credit, 38781  
including the minimum scores required on examinations constituting 38782  
the international baccalaureate diploma program in order to 38783  
receive credit; 38784

(2) Identify specific course credit or other academic 38785  
requirements of the institution, including the number of credit 38786  
hours or other course credit that the institution will grant to a 38787  
student who completes the diploma program. 38788

(C) As used in this section: 38789

(1) "State institution of higher education" has the same 38790  
meaning as in section 3345.011 of the Revised Code. 38791

(2) "International baccalaureate diploma program" means the 38792  
curriculum and examinations leading to an international 38793  
baccalaureate diploma awarded by the international baccalaureate 38794  
organization. 38795

**Sec. 3345.421.** Not later than December 31, 2014, the board of 38796  
trustees of each state institution of higher education, as defined 38797

in section 3345.011 of the Revised Code, shall do all of the 38798  
following: 38799

(A) Designate at least one person employed by the institution 38800  
to serve as the contact person for veterans and service member 38801  
affairs. Such a person shall assist and advise veterans and 38802  
service members on issues related to earning college credit for 38803  
military training, experience, and coursework. 38804

(B) Adopt a policy regarding the support and assistance the 38805  
institution will provide to veterans and service members. 38806

(C) Allow for the establishment of a student-led group on 38807  
campus for student service members and veterans and encourage 38808  
other service member- and veteran-friendly organizations. 38809

(D) Integrate existing career services to create and 38810  
encourage meaningful collaborative relationships between student 38811  
service members and veterans and alumni of the institution, that 38812  
links student service members and veterans with prospective 38813  
employers, and that provides student service members and veterans 38814  
with social opportunities; and, if the institution has career 38815  
services programs, encourage the responsible office to seek and 38816  
promote partnership opportunities for internships and employment 38817  
of student service members and veterans with state, local, 38818  
national, and international employers. 38819

(E) Survey student service members and veterans to identify 38820  
their needs and challenges and make the survey available to 38821  
faculty and staff at the state institution of higher education. 38822  
And periodically conduct follow-up surveys, at a frequency 38823  
determined by the board, to gauge the institution's progress 38824  
toward meeting identified needs and challenges. 38825

The ~~chancellor of the Ohio board of regents~~ director of 38826  
higher education shall provide guidance to state institutions of 38827

higher education in their compliance with this section, including 38828  
the recommendation of standardized policies on support and 38829  
assistance to veterans and service members. 38830

The person or persons designated under division (A) of this 38831  
section shall not be a person currently designated by the 38832  
institution as a veterans administration certifying official. 38833

**Sec. 3345.45.** On or before January 1, 1994, the ~~Ohio board of~~ 38834  
~~regents~~ director of higher education jointly with all state 38835  
universities, as defined in section 3345.011 of the Revised Code, 38836  
shall develop standards for instructional workloads for full-time 38837  
and part-time faculty in keeping with the universities' missions 38838  
and with special emphasis on the undergraduate learning 38839  
experience. The standards shall contain clear guidelines for 38840  
institutions to determine a range of acceptable undergraduate 38841  
teaching by faculty. 38842

On or before June 30, 1994, the board of trustees of each 38843  
state university shall take formal action to adopt a faculty 38844  
workload policy consistent with the standards developed under this 38845  
section. Notwithstanding section 4117.08 of the Revised Code, the 38846  
policies adopted under this section are not appropriate subjects 38847  
for collective bargaining. Notwithstanding division (A) of section 38848  
4117.10 of the Revised Code, any policy adopted under this section 38849  
by a board of trustees prevails over any conflicting provisions of 38850  
any collective bargaining agreement between an employees 38851  
organization and that board of trustees. 38852

**Sec. 3345.46.** (A) As used in this section: 38853

(1) "Full course load" shall be defined by the board of 38854  
trustees of each state institution of higher education. 38855

(2) "Overload fee" means a fee or increased tuition rate 38856  
charged to students who enroll in courses for a total number of 38857

credit hours in excess of a full course load. 38858

(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 38859  
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(B) No state institution of higher education shall charge an overload fee to any student for courses in which that student is enrolled that exceed the full course load per semester or per quarter, whichever is applicable, except as follows: 38861  
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(1) If a student is enrolled in more than eighteen credit hours per semester, or the equivalent number of credit hours per quarter as determined by the board of trustees of the institution, the institution may charge an overload fee to the student for only those credit hours taken in excess of eighteen credit hours per semester, or the equivalent number of credit hours per quarter, whichever is applicable. 38865  
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(2) If a student is enrolled in a course load that exceeds the full course load but is less than or equal to eighteen credit hours per semester, or the equivalent number of credit hours per quarter, whichever is applicable, the institution may charge an overload fee to any student for a course from which the student withdraws prior to a date specified by the board of trustees of the state institution. 38872  
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**Sec. 3345.48.** (A) As used in this section: 38879

(1) "Cohort" means a group of students who will complete their bachelor's degree requirements and graduate from a state university at the same time. A cohort may include transfer students and other selected undergraduate student academic programs as determined by the board of trustees of a state university. 38880  
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(2) "Eligible student" means an undergraduate student who: 38886

(a) Is enrolled full-time in a bachelor's degree program at a 38887

state university; 38888

(b) Is a resident of this state, as defined by the ~~chancellor~~ 38889  
~~of the Ohio board of regents~~ director of higher education under 38890  
section 3333.31 of the Revised Code. 38891

(3) "State university" has the same meaning as in section 38892  
3345.011 of the Revised Code. 38893

(B) The board of trustees of a state university may establish 38894  
an undergraduate tuition guarantee program that allows eligible 38895  
students in the same cohort to pay a fixed rate for general and 38896  
instructional fees for four years. A board of trustees may include 38897  
room and board and any additional fees in the program. 38898

If the board of trustees chooses to establish such a program, 38899  
the board shall adopt rules for the program that include, but are 38900  
not limited to, all of the following: 38901

(1) The number of credit hours required to earn an 38902  
undergraduate degree in each major; 38903

(2) A guarantee that the general and instructional fees for 38904  
each student in the cohort shall remain constant for four years so 38905  
long as the student complies with the requirements of the program, 38906  
except that, notwithstanding any law to the contrary, the board 38907  
may increase the guaranteed amount by up to six per cent above 38908  
what has been charged in the previous academic year one time for 38909  
the first cohort enrolled under the tuition guarantee program. If 38910  
the board of trustees determines that economic conditions or other 38911  
circumstances require an increase for the first cohort of above 38912  
six per cent, the board shall submit a request to increase the 38913  
amount by a specified percentage to the ~~chancellor~~ director. The 38914  
~~chancellor~~ director, based on information the ~~chancellor~~ director 38915  
requires from the board of trustees, shall approve or disapprove 38916  
such a request. Thereafter, the board of trustees may increase the 38917  
guaranteed amount by up to the sum of the following above what has 38918

been charged in the previous academic year one time per subsequent cohort: 38919  
38920

(a) The average rate of inflation, as measured by the consumer price index prepared by the bureau of labor statistics of the United States department of labor (all urban consumers, all items), for the previous sixty-month period; and 38921  
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(b) The percentage amount the general assembly restrains increases on in-state undergraduate instructional and general fees for the applicable fiscal year. If the general assembly does not enact a limit on the increase of in-state undergraduate instructional and general fees, then no limit shall apply under this division for the cohort that first enrolls in any academic year for which the general assembly does not prescribe a limit. 38925  
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If, beginning with the academic year that starts four years after ~~the effective date of this section~~ September 29, 2013, the board of trustees determines that the general and instructional fees charged under the tuition guarantee have fallen significantly lower than those of other state universities, the board of trustees may submit a request to increase the amount charged to a cohort by a specified percentage to the ~~chancellor~~ director, who shall approve or disapprove such a request. 38932  
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(3) A benchmark by which the board sets annual increases in general and instructional fees. This benchmark and any subsequent change to the benchmark shall be subject to approval of the ~~chancellor~~ director. 38940  
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(4) Eligibility requirements for students to participate in the program; 38944  
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(5) Student rights and privileges under the program; 38946

(6) Consequences to the university for students unable to complete a degree program within four years, as follows: 38947  
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(a) For a student who could not complete the program in four years due to a lack of available classes or space in classes provided by the university, the university shall provide the necessary course or courses for completion to the student free of charge.

(b) For a student who could not complete the program in four years due to military service or other circumstances beyond a student's control, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at the student's initial cohort rate.

(c) For a student who did not complete the program in four years for any other reason, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at a rate determined through a method established by the board under division (B)(7) of this section.

(7) Guidelines for adjusting a student's annual charges if the student, due to circumstances under the student's control, is unable to complete a degree program within four years;

(8) A requirement that the rules adopted under division (B) of this section be published or posted in the university handbook, course catalog, and web site.

(C) If a board of trustees implements a program under this section, the board shall submit the rules adopted under division (B) of this section to the ~~chancellor~~ director for approval before beginning implementation of the program.

The ~~chancellor~~ director shall not unreasonably withhold approval of a program if the program conforms in principle with the parameters and guidelines of this section.

(D) A board of trustees of a state university may establish an undergraduate tuition guarantee program for nonresident

students. 38980

(E) Within five years after ~~the effective date of this~~ 38981  
~~section September 29, 2013,~~ the ~~chancellor~~ director shall publish 38982  
on the ~~board of regents~~ director's web site a report that includes 38983  
all of the following: 38984

(1) The state universities that have adopted an undergraduate 38985  
tuition guarantee program under this section; 38986

(2) The details of each undergraduate tuition guarantee 38987  
program established under this section; 38988

(3) Comparative data, including general and instructional 38989  
fees, room and board, graduation rates, and retention rates, from 38990  
all state universities. 38991

(F) Except as provided in this section, no other limitation 38992  
on the increase of in-state undergraduate instructional and 38993  
general fees shall apply to a state university that has 38994  
established an undergraduate tuition guarantee program under this 38995  
section. 38996

**Sec. 3345.50.** Notwithstanding anything to the contrary in 38997  
sections 123.01 and 123.10 of the Revised Code, a state 38998  
university, a state community college, or the northeast Ohio 38999  
medical university not certified pursuant to section 123.24 of the 39000  
Revised Code may administer any capital facilities project for the 39001  
construction, reconstruction, improvement, renovation, 39002  
enlargement, or alteration of a public improvement under its 39003  
jurisdiction for which the total amount of funds expected to be 39004  
appropriated by the general assembly does not exceed four million 39005  
dollars without the supervision, control, or approval of the Ohio 39006  
facilities construction commission as specified in those sections, 39007  
if both of the following occur: 39008

(A) Within sixty days after the effective date of the section 39009

of an act in which the general assembly initially makes an 39010  
appropriation for the project, the board of trustees of the 39011  
institution notifies the ~~chancellor of the Ohio board of regents~~ 39012  
director of higher education in writing of its intent to 39013  
administer the capital facilities project; 39014

(B) The board of trustees complies with the guidelines 39015  
established pursuant to section 153.16 of the Revised Code and all 39016  
laws that govern the selection of consultants, preparation and 39017  
approval of contract documents, receipt of bids, and award of 39018  
contracts with respect to the project. 39019

The ~~chancellor~~ director shall adopt rules in accordance with 39020  
Chapter 119. of the Revised Code that establish criteria for the 39021  
administration by any such institution of higher education of a 39022  
capital facilities project for which the total amount of funds 39023  
expected to be appropriated by the general assembly exceeds four 39024  
million dollars. The criteria, to be developed with the Ohio 39025  
facilities construction commission and higher education 39026  
representatives selected by the ~~chancellor~~ director, shall include 39027  
such matters as the adequacy of the staffing levels and expertise 39028  
needed for the institution to administer the project, past 39029  
performance of the institution in administering such projects, and 39030  
the amount of institutional or other nonstate money to be used in 39031  
financing the project. The ~~chancellor~~ director and the Ohio 39032  
facilities construction commission shall approve the request of 39033  
any such institution of higher education that seeks to administer 39034  
any such capital facilities project and meets the criteria set 39035  
forth in the rules and in the requirements of division (B) of this 39036  
section. 39037

**Sec. 3345.51.** (A) Notwithstanding anything to the contrary in 39038  
sections 123.20 and 123.21 of the Revised Code, a state 39039  
university, the northeast Ohio medical university, or a state 39040

community college may administer any capital facilities project 39041  
for the construction, reconstruction, improvement, renovation, 39042  
enlargement, or alteration of a public improvement under its 39043  
jurisdiction for which funds are appropriated by the general 39044  
assembly without the supervision, control, or approval of the Ohio 39045  
facilities construction commission as specified in those sections, 39046  
if all of the following occur: 39047

(1) The institution is certified by the commission under 39048  
section 123.24 of the Revised Code; 39049

(2) Within sixty days after the effective date of the section 39050  
of an act in which the general assembly initially makes an 39051  
appropriation for the project, the board of trustees of the 39052  
institution notifies the ~~chancellor of the Ohio board of regents~~ 39053  
director of higher education in writing of its request to 39054  
administer the capital facilities project and the ~~chancellor~~ 39055  
director approves that request pursuant to division (B) of this 39056  
section; 39057

(3) The board of trustees passes a resolution stating its 39058  
intent to comply with section 153.13 of the Revised Code and the 39059  
guidelines established pursuant to section 153.16 of the Revised 39060  
Code and all laws that govern the selection of consultants, 39061  
preparation and approval of contract documents, receipt of bids, 39062  
and award of contracts with respect to the project. 39063

(B) The ~~chancellor~~ director shall adopt rules in accordance 39064  
with Chapter 119. of the Revised Code that establish criteria for 39065  
the administration by any such institution of higher education of 39066  
a capital facilities project for which the general assembly 39067  
appropriates funds. The criteria, to be developed with the 39068  
commission and higher education representatives selected by the 39069  
~~chancellor~~ director, shall include such matters as the adequacy of 39070  
the staffing levels and expertise needed for the institution to 39071  
administer the project, past performance of the institution in 39072

administering such projects, and the amount of institutional or 39073  
other nonstate money to be used in financing the project. The 39074  
~~chancellor~~ director shall approve the request of any such 39075  
institution of higher education that seeks to administer any such 39076  
capital facilities project and meets the criteria set forth in the 39077  
rules and the requirements of division (A) of this section. 39078

(C) Any institution that administers a capital facilities 39079  
project under this section shall conduct biennial audits for the 39080  
duration of the project to ensure that the institution is 39081  
complying with Chapters 9., 123., and 153. of the Revised Code and 39082  
that the institution is using its certification issued under 39083  
section 123.24 of the Revised Code appropriately. The ~~chancellor~~ 39084  
director, in consultation with higher education representatives 39085  
selected by the ~~chancellor~~ director, shall adopt rules in 39086  
accordance with Chapter 119. of the Revised Code that establish 39087  
criteria for the conduct of the audits. The criteria shall include 39088  
documentation necessary to determine compliance with Chapters 9., 39089  
123., and 153. of the Revised Code and a method to determine 39090  
whether an institution is using its certification issued under 39091  
section 123.24 of the Revised Code appropriately. 39092

(D) The ~~chancellor~~ director, in consultation with higher 39093  
education representatives selected by the ~~chancellor~~ director, 39094  
shall adopt rules in accordance with Chapter 119. of the Revised 39095  
Code establishing criteria for monitoring capital facilities 39096  
projects administered by institutions under this section. The 39097  
criteria shall include the following: 39098

(1) Conditions under which the ~~chancellor~~ director may revoke 39099  
the authority of an institution to administer a capital facilities 39100  
project under this section, including the failure of an 39101  
institution to maintain a sufficient number of employees who have 39102  
successfully completed the certification program under section 39103  
123.24 of the Revised Code; 39104

(2) A process for institutions to remedy any problems found 39105  
by an audit conducted pursuant to division (C) of this section, 39106  
including the improper use of state funds or violations of Chapter 39107  
9., 123., or 153. of the Revised Code. 39108

(E) If the ~~chancellor~~ director revokes an institution's 39109  
authority to administer a capital facilities project, the 39110  
commission shall administer the capital facilities project. The 39111  
~~chancellor~~ director also may require an institution, for which the 39112  
~~chancellor~~ director revoked authority to administer a capital 39113  
facilities project, to acquire a new local administration 39114  
competency certification pursuant to section 123.24 of the Revised 39115  
Code. 39116

**Sec. 3345.54.** (A) As used in this section: 39117

(1) "Auxiliary facilities" has the same meaning as in section 39118  
3345.12 of the Revised Code. 39119

(2) "Conduit entity" means an organization described in 39120  
section 501(c)(3) of the Internal Revenue Code qualified as a 39121  
public charity under section 509(a)(2) or 509(a)(3) of the 39122  
Internal Revenue Code, or any other appropriate legal entity 39123  
selected by the state institution, whose corporate purpose allows 39124  
it to perform the functions and obligations of a conduit entity 39125  
pursuant to the terms of a financing agreement. 39126

(3) "Conveyed property" means auxiliary facilities conveyed 39127  
by a state institution to a conduit entity pursuant to a financing 39128  
agreement. 39129

(4) "Financing agreement" means a contract described in 39130  
division (C) of this section. 39131

(5) "Independent funding source" means a private entity that 39132  
enters into a financing agreement with a conduit entity and a 39133  
state institution. 39134

(6) "State institution" means a state institution of higher education as defined in section 3345.011 of the Revised Code. 39135  
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(B) The board of trustees of a state institution, with the approval of the ~~chancellor of the Ohio board of regents~~ director of higher education and the controlling board, may enter into a financing agreement with a conduit entity and an independent funding source selected either through a competitive selection process or by direct negotiations, and may convey to the conduit entity title to any auxiliary facilities owned by the state institution pursuant to the terms of a financing agreement. 39137  
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(C) A financing agreement under this section is a written contract entered into among a state institution, a conduit entity, and an independent funding source that provides for: 39145  
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(1) The conveyance of auxiliary facilities owned by a state institution to the conduit entity for consideration deemed adequate by the state institution; 39148  
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(2) The lease of the conveyed property by the conduit entity to the independent funding source and leaseback of the conveyed property to the conduit entity for a term not to exceed ninety-nine years; 39151  
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(3) Such other terms and conditions that may be negotiated and agreed upon by the parties, including, but not limited to, terms regarding: 39155  
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(a) Payment to the state institution by the conduit entity of revenues received by it from the operations of the conveyed property in excess of the payments it is required to make to the independent funding source under the lease-leaseback arrangement described in division (C)(2) of this section; 39158  
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(b) Pledge, assignment, or creation of a lien in favor of the independent funding source by the conduit entity of any revenues derived from the conveyed property; 39163  
39164  
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(c) Reverter or conveyance of title to the conveyed property 39166  
to the state institution when the conveyed property is no longer 39167  
subject to a lease with the independent funding source. 39168

(4) Terms and conditions required by the ~~chancellor~~ director 39169  
or the controlling board as a condition of approval of the 39170  
financing agreement. 39171

(D) The state institution and the conduit entity may enter 39172  
into such other management agreements or other contracts regarding 39173  
the conveyed property the parties deem appropriate, including 39174  
agreements pursuant to which the state institution may maintain or 39175  
administer the conveyed property and collect and disburse revenues 39176  
from the conveyed property on behalf of the conduit entity. 39177

(E) The parties may modify or extend the term of the 39178  
financing agreement with the approval of the ~~chancellor~~ director 39179  
and the controlling board. 39180

(F) The conveyed property shall retain its exemption from 39181  
property taxes and assessments as though title to the conveyed 39182  
property were held by the state institution during any part of a 39183  
tax year that title is held by the state institution or the 39184  
conduit entity and, if held by the conduit entity, remains subject 39185  
to the lease-leaseback arrangement described in division (C)(2) of 39186  
this section. However, as a condition of the continued exemption 39187  
of the conveyed property during the term of the lease-leaseback 39188  
arrangement the conduit entity shall apply for and maintain the 39189  
exemption as provided by law. 39190

(G) Nothing in this section is intended to abrogate, amend, 39191  
limit, or replace any existing authority state institutions may 39192  
have with respect to the conveyance, lease, lease-leaseback, 39193  
finance, or acquisition of auxiliary facilities including, but not 39194  
limited to, authority granted under sections 3345.07, 3345.11, and 39195  
3345.12 of the Revised Code. 39196



**Sec. 3345.692.** (A) Not later than September 15, 2010, and the  
fifteenth day of September each year thereafter, a state  
institution of higher education shall prepare and submit to the  
~~chancellor of the board of regents~~ director of higher education a  
report that describes the number and types of biobased products  
purchased under section 125.092 of the Revised Code and the amount  
of money spent by the state institution of higher education for  
those biobased products.

(B) As used in this section, "state institution of higher  
education" has the same meaning as in section 3345.011 of the  
Revised Code.

**Sec. 3345.70.** (A) Whenever the board of trustees of a state  
university, as defined under section 3345.011 of the Revised Code,  
declares that the university is in a state of fiscal exigency, the  
board shall do all of the following until it declares that the  
university is no longer in such a state:

(1) File quarterly reports on an annualized budget, comparing  
the budget to actual spending with projected expenses for the  
remainder of the year. Such reports shall include narrative  
explanations as appropriate.

(2) Place all residence hall and meal fees in a rotary  
account dedicated to the upkeep and maintenance of the dormitory  
buildings and to fund meal programs;

(3) Place moneys for the operation of residence hall and meal  
programs in separately maintained auxiliary funds in the  
university accounting system;

(4) File the minutes from their board of trustees meetings  
with the ~~board of regents~~ director of higher education within  
thirty days of their meetings.

(B) No state university described under division (A) of this

section shall do any of the following: 39227

(1) Use state funds for the purpose of providing grants or 39228  
scholarships to out-of-state students; 39229

(2) Use state funds to subsidize off-campus housing or 39230  
subsidize transportation to and from off-campus housing. 39231

(C) The requirements of divisions (A)(2) and (3) of this 39232  
section are subject to the provisions of any applicable bond 39233  
proceedings as defined under division (A)(9) of section 3345.12 of 39234  
the Revised Code and to any applicable pledge made as authorized 39235  
by division (R) of section 3345.12 of the Revised Code. 39236

**Sec. 3345.72.** (A) The office of budget and management shall 39237  
work with the auditor of state, the ~~Ohio board of regents~~ director 39238  
of higher education, and two representatives of state universities 39239  
and colleges appointed by the ~~chancellor of the board of regents~~ 39240  
director to develop rules under this division, and shall adopt the 39241  
rules in accordance with section 111.15 of the Revised Code. One 39242  
of the ~~chancellor's~~ director's appointments shall represent a 39243  
four-year institution and one a two-year institution. The rules 39244  
shall include all of the following: 39245

(1) Criteria for determining when to declare a state 39246  
university or college under a fiscal watch, which criteria shall 39247  
include all of the following: 39248

(a) A requirement for the submission of a quarterly report 39249  
from each state university or college, within thirty days after 39250  
the end of each calendar quarter, to the ~~board of regents~~ director 39251  
of higher education, the director of budget and management, ~~the~~ 39252  
~~legislative budget office of~~ the legislative service commission, 39253  
and the chairpersons and ranking minority members of the finance 39254  
committees of the house of representatives and the senate; 39255

(b) A requirement that each state university and college 39256

shall prepare at the end of each fiscal year a financial statement 39257  
consistent with audit requirements prescribed by the auditor of 39258  
state, and shall submit the financial statement to the auditor of 39259  
state within four months after the end of the fiscal year; 39260

(c) A requirement that the auditor of state shall send 39261  
written notice to the agencies and persons mentioned in division 39262  
(A)(1)(a) of this section if a state university or college fails 39263  
to submit its financial statement within the time required under 39264  
division (A)(1)(b) of this section; 39265

(d) A requirement that the auditor of state shall send 39266  
written notice to the agencies and persons mentioned in division 39267  
(A)(1)(a) of this section if an audit of a state university or 39268  
college reveals any of the following: 39269

(i) Substantive audit findings, such as an inability to make 39270  
timely payments to vendors, delays in pension retirement 39271  
contributions, or requests for advanced state funding; 39272

(ii) A significant variance between budgeted and actual 39273  
spending for a fiscal year; 39274

(iii) A significant operating budget deficit for a fiscal 39275  
year. 39276

(2) Actions to be taken by the board of trustees of a state 39277  
university or college while under a fiscal watch; 39278

(3) Criteria for determining when to declare the termination 39279  
of the fiscal watch of a state university or college; 39280

(4) The fiscal information to be reported to the ~~board of~~ 39281  
~~regents~~ director of higher education by each state university or 39282  
college under a fiscal watch for purposes of making determinations 39283  
under division (D) of this section and division (A) of section 39284  
3345.74 of the Revised Code, and the frequency and deadlines for 39285  
reporting this information. 39286

(B) The ~~board of regents~~ director shall adopt a resolution 39287  
declaring a state university or college to be in a state of fiscal 39288  
watch if the ~~board of regents~~ director determines that the 39289  
criteria adopted under division (A)(1) of this section are 39290  
satisfied with respect to that state university or college. For 39291  
purposes of making this determination, the ~~board of regents~~ 39292  
director shall establish a financial tracking system and shall use 39293  
the system to regularly assess each state university or college 39294  
with respect to the criteria adopted under division (A)(1) of this 39295  
section. 39296

(C) While a state university or college is under a fiscal 39297  
watch, the board of trustees of the university or college shall 39298  
take the actions and report the fiscal information prescribed 39299  
under divisions (A)(2) and (4) of this section. 39300

(D) The ~~board of regents~~ director shall adopt a resolution 39301  
declaring the termination of the fiscal watch of a state 39302  
university or college if the ~~board of regents~~ director determines 39303  
that the criteria adopted under division (A)(3) of this section 39304  
are satisfied with respect to that state university or college. 39305

(E) In making assessments and determinations under division 39306  
(B) or (D) of this section, the ~~board of regents~~ director shall 39307  
use financial reports required under section 3345.05 of the 39308  
Revised Code or any other documents, records, or information 39309  
available to ~~it~~ the director or the auditor of state related to 39310  
the criteria adopted under division (A)(1) or (3) of this section. 39311  
In making determinations under division (D) of this section, the 39312  
~~board of regents~~ director shall also use the fiscal information 39313  
reported under division (C) of this section. 39314

(F) The ~~board of regents~~ director of higher education shall 39315  
certify each action taken under division (B) or (D) of this 39316  
section to the governor, the director of budget and management, 39317  
the speaker and minority leader of the house of representatives, 39318

the president and minority leader of the senate, ~~the legislative~~ 39319  
~~budget office~~ of the legislative service commission, and the 39320  
chairpersons and ranking minority members of the finance 39321  
committees of the house and senate. 39322

(G) A determination by the ~~board of regents~~ director of 39323  
higher education under this section that a fiscal watch exists or 39324  
does not exist, or that a fiscal watch is terminated or is not 39325  
terminated, is final and conclusive and not appealable. 39326

(H) If a state university or college fails to submit the 39327  
quarterly report required under division (A)(1) of this section 39328  
within thirty days after the end of a calendar quarter, the ~~board~~ 39329  
~~of regents~~ director shall withhold payment of any instructional 39330  
subsidies to the university or college until it submits the 39331  
report. Upon submission of the report, the ~~board of regents~~ 39332  
director shall pay the withheld subsidies to the university or 39333  
college. 39334

**Sec. 3345.73.** The office of budget and management shall work 39335  
with the auditor of state, the ~~Ohio board of regents~~ director of 39336  
higher education, and two representatives of state universities 39337  
and colleges appointed by the ~~chancellor of the board of regents~~ 39338  
director to develop rules under this section, and shall adopt the 39339  
rules in accordance with section 111.15 of the Revised Code. One 39340  
of the ~~chancellor's~~ director's appointments shall represent a 39341  
four-year institution and one a two-year institution. The rules 39342  
shall establish the following: 39343

(A) The financial indicators and the standards for using 39344  
those indicators that the ~~board of regents~~ director is to employ 39345  
to determine whether a university or college under a fiscal watch 39346  
is experiencing sufficient fiscal difficulties to warrant 39347  
appointing a conservator under section 3345.74 of the Revised 39348  
Code; 39349

(B) The financial indicators and the standards for using 39350  
those indicators that a governance authority established for a 39351  
state university or college under section 3345.75 of the Revised 39352  
Code is to employ to determine whether the university or college 39353  
is experiencing sufficient fiscal stability to warrant terminating 39354  
that governance authority in accordance with section 3345.76 of 39355  
the Revised Code. 39356

The indicators and standards adopted under this section shall 39357  
be designed so as to take into account at least the revenues, 39358  
expenditures, assets, liabilities, and fund balances of a state 39359  
university or college, and shall be designed so as to indicate the 39360  
financial performance and position of a state university or 39361  
college. 39362

**Sec. 3345.74.** (A) The ~~Ohio board of regents~~ director of 39363  
higher education at least annually shall apply the indicators and 39364  
standards adopted under division (A) of section 3345.73 of the 39365  
Revised Code to determine whether a state university or college 39366  
under a fiscal watch is experiencing sufficient fiscal 39367  
difficulties to warrant the appointment of a conservator under 39368  
this section. Upon making a determination that appointment of a 39369  
conservator is warranted, the ~~board of regents~~ director shall 39370  
request from the office of budget and management, which shall 39371  
provide, certification that sufficient fiscal difficulties exist 39372  
to warrant appointment of a conservator. The ~~board of regents~~ 39373  
director shall then certify this determination to the governor. 39374

Notwithstanding section 3333.021 of the Revised Code, that 39375  
section does not apply to certification by the ~~board of regents~~ 39376  
director under this section or to the declaration of a fiscal 39377  
watch under section 3345.72 of the Revised Code. 39378

A determination by the ~~board of regents~~ director under this 39379  
division that sufficient fiscal difficulties exist or do not exist 39380

to warrant appointing a conservator is final and conclusive and 39381  
not appealable. 39382

(B) The governor may appoint a conservator for any state 39383  
university or college under a fiscal watch, upon certification by 39384  
the ~~Ohio board of regents~~ director under division (A) of this 39385  
section that the appointment is warranted. The governor shall 39386  
consult with the speaker ~~and~~ and minority leader of the house of 39387  
representatives and the president and minority leader of the 39388  
senate before making the appointment. From the time a conservator 39389  
is appointed until the time the governor issues an order 39390  
terminating the governance authority under division (B) of section 39391  
3345.76 of the Revised Code, the governor may remove any member of 39392  
the board of trustees of the state university or college from 39393  
office and not fill the vacancy. 39394

(C) Upon appointment of a conservator under this section for 39395  
a state university or college, all of the following shall occur 39396  
effective immediately: 39397

(1) All duties, responsibilities, and powers of the board of 39398  
trustees of the university or college are suspended; 39399

(2) The management and control of the state university or 39400  
college is assumed by the conservator; 39401

(3) Notwithstanding any section of the Revised Code, all 39402  
duties, responsibilities, and powers assigned by law to the board 39403  
of trustees are assigned to the conservator, and the conservator 39404  
becomes the successor to, assumes the lawful obligations of, and 39405  
otherwise constitutes the continuation of the board of trustees 39406  
for purposes of all pending legal actions, contracts or other 39407  
agreements, and obligations of the university or college; 39408

(4) Wherever the board of trustees is referred to in any 39409  
contract or legal document, the reference is deemed to refer to 39410  
the conservator. No validation, cure, right, privilege, remedy, 39411

obligation, or liability is lost or impaired by reason of the 39412  
assumption of the board's authority by the conservator under this 39413  
section and any such validation, cure, right, privilege, remedy, 39414  
obligation, or liability shall be administered by the conservator. 39415  
No action or proceeding pending on the effective date of the 39416  
assumption by the conservator of the board's authority is affected 39417  
by that assumption and any such action or proceeding shall be 39418  
prosecuted or defended in the name of the conservator. 39419

(5) The conservator assumes custody of all equipment, 39420  
records, files, effects, and all other property real or personal 39421  
of the state university or college; 39422

(6) All authority and duties of the president or chief 39423  
executive officer, and the pay of the president or chief executive 39424  
officer, are suspended. 39425

(D) The conservator for a state university or college shall 39426  
conduct a preliminary performance evaluation of the president or 39427  
chief executive officer of the university or college and provide a 39428  
copy of findings and any recommendations to the governance 39429  
authority established for the university or college under section 39430  
3345.75 of the Revised Code. 39431

(E) A conservator appointed under this section shall be 39432  
immune, indemnified, and held harmless from civil liability, 39433  
including any cause of action, legal, equitable, or otherwise, for 39434  
any action taken or duties performed by the conservator in good 39435  
faith and in furtherance of the performance of the duties of the 39436  
conservator under this section. 39437

(F) The governor shall set the compensation for a conservator 39438  
appointed for a state university or college. The expenses and 39439  
compensation of the conservator and others employed by the 39440  
conservator shall be paid out of the operating funds and revenues 39441  
of that university or college. 39442



Sec. 3345.75. (A) Not later than thirty days after the date 39443  
of the appointment of a conservator for a state university or 39444  
college under section 3345.74 of the Revised Code, the governor 39445  
shall appoint, with the advice and consent of the senate, a 39446  
governance authority for the university or college consisting of 39447  
five members. The members shall serve at the pleasure of the 39448  
governor and any vacancies shall be filled in the same manner as 39449  
an original appointment. 39450

The governor shall designate one of the members of the 39451  
governance authority as the chairperson and shall call the first 39452  
meeting of the authority. A majority of the members of a 39453  
governance authority constitutes a quorum and the affirmative vote 39454  
of a majority of the members shall be necessary for any action 39455  
taken by an authority. Meetings of a governance authority shall be 39456  
called in the manner and at the times prescribed by the authority, 39457  
but the authority shall meet at least four times annually and at 39458  
other times necessary for the best interest of the university or 39459  
college. A governance authority may adopt procedures for the 39460  
conduct of its business. 39461

The members of a governance authority shall not receive 39462  
compensation for their services, but shall be paid their 39463  
reasonable and necessary expenses while engaged in the discharge 39464  
of their official duties. 39465

(B)(1) A governance authority established under this section 39466  
shall appoint an executive director who shall serve at the 39467  
pleasure of the authority and with the compensation and other 39468  
terms and conditions established by it. With the approval of the 39469  
chairperson of the authority, the executive director may appoint 39470  
additional personnel as the director considers appropriate. The 39471  
executive director shall oversee the day-to-day operation of the 39472  
university or college under the direction and supervision of the 39473

authority. 39474

(2) The governance authority shall conduct a final 39475  
performance evaluation of the president or chief executive officer 39476  
of the university or college. Following the evaluation, the 39477  
governance authority may reinstate any duties, authority, or pay 39478  
previously suspended under division (C)(6) of section 3345.74 of 39479  
the Revised Code, or may terminate the president or chief 39480  
executive officer in accordance with the terms of the person's 39481  
employment contract. 39482

(C) Upon appointment of all members of a governance authority 39483  
under this section and upon the effective date for the 39484  
commencement of the duties of the executive director appointed by 39485  
that authority under this section, all authority, 39486  
responsibilities, duties, and references assumed by or conferred 39487  
upon the conservator under divisions (C)(2) to (6) of section 39488  
3345.74 of the Revised Code terminate and all of the following 39489  
shall occur, effective immediately: 39490

(1) The management and control of the state university or 39491  
college is assumed by the governance authority; 39492

(2) Notwithstanding any section of the Revised Code, all 39493  
duties, responsibilities, and powers assigned by law to the board 39494  
of trustees or to the conservator are assigned to the governance 39495  
authority and the governance authority becomes the successor to, 39496  
assumes the lawful obligations of, and otherwise constitutes the 39497  
continuation of the board of trustees and the conservator for 39498  
purposes of all pending legal actions, contracts or other 39499  
agreements, and obligations of the university or college; 39500

(3) Wherever the board of trustees or conservator is referred 39501  
to in any contract or legal document, the reference is deemed to 39502  
refer to the governance authority. No validation, cure, right, 39503  
privilege, remedy, obligation, or liability is lost or impaired by 39504

reason of the assumption of the authority of the board of trustees 39505  
and the conservator by the governance authority under this section 39506  
and any such validation, cure, right, privilege, remedy, 39507  
obligation, or liability shall be administered by the governance 39508  
authority. No action or proceeding pending on the effective date 39509  
of the assumption by the governance authority of the authority of 39510  
the board of trustees and the conservator is affected by that 39511  
assumption and any such action or proceeding shall be prosecuted 39512  
or defended in the name of the governance authority. 39513

(4) The governance authority assumes custody of all 39514  
equipment, records, files, effects, and all other property real or 39515  
personal of the state university or college. 39516

(D) A governance authority and executive director appointed 39517  
under this section shall be immune, indemnified, and held harmless 39518  
from civil liability, including any cause of action, legal, 39519  
equitable, or otherwise, for any action taken or duties performed 39520  
by the governance authority and executive director in good faith 39521  
and in furtherance of the performance of the duties of the 39522  
governance authority and executive director under this section. 39523

(E) The expenses of a governance authority and the expenses 39524  
and compensation of an executive director appointed for a state 39525  
university or college under this section and others employed by 39526  
the executive director under this section shall be paid out of the 39527  
operating funds and revenues of that university or college. 39528

(F) A governance authority appointed under this section shall 39529  
prepare, in accordance with rules adopted by the office of budget 39530  
and management, and submit to the ~~board of regents~~ director of 39531  
higher education, the governor, the speaker and minority leader of 39532  
the house of representatives, and the president and minority 39533  
leader of the senate a quarterly report setting forth all of the 39534  
following: 39535

(1) The general condition of the university or college;	39536
(2) The amounts of receipts and disbursements and the items for which the disbursements were made;	39537 39538
(3) The numbers of professors, officers, teachers, and other employees and the position and compensation of each and the numbers of students by courses of instruction;	39539 39540 39541
(4) An estimate of expenses for the ensuing quarter;	39542
(5) A statement of the general progress of the university or college with indication of any improvements and specification of any experiments with institutional reform and the costs and results of those experiments;	39543 39544 39545 39546
(6) Any other matters the governance authority considers useful to report.	39547 39548
(G) The attorney general shall be the legal adviser to the conservator and the governance authority, and the attorney general may employ special counsel to aid the conservator or governance authority with respect to any legal matter on behalf of the institution. The conservator and the governance authority may as otherwise provided by law request the attorney general to bring or defend suits or proceedings in the name of the institution.	39549 39550 39551 39552 39553 39554 39555
<b>Sec. 3345.76.</b> (A) A governance authority appointed for a state university or college under section 3345.75 of the Revised Code at least annually shall apply the indicators and standards adopted under division (B) of section 3345.73 of the Revised Code to determine whether the university or college is experiencing sufficient fiscal stability to warrant terminating that governance authority in accordance with this section. Upon making a determination that termination of the governance authority is warranted, the governance authority shall certify this determination to the governor.	39556 39557 39558 39559 39560 39561 39562 39563 39564 39565

A determination by a governance authority under this division 39566  
that sufficient fiscal stability exists or does not exist to 39567  
warrant terminating that governance authority is final and 39568  
conclusive and not appealable. 39569

(B) The governor may issue an order, effective as provided 39570  
under division (D) of this section, terminating the governance 39571  
authority appointed under section 3345.75 of the Revised Code, 39572  
upon the occurrence of either of the following: 39573

(1) Certification by the governance authority for that state 39574  
university or college the termination of that governance authority 39575  
is warranted; 39576

(2) A finding that in the governor's opinion termination of 39577  
the governance authority is in the best interests of the state, 39578  
that state university or college, and the students of that state 39579  
university or college. 39580

(C) Upon issuance of an order under division (B) of this 39581  
section, the governor shall fill each vacancy on the board of 39582  
trustees of the university or college for the unexpired portion of 39583  
the member's term or, if the term for the member has already 39584  
expired, for the unexpired portion of the succeeding term. 39585

(D) Thirty days after the date on which the ~~Ohio board of~~ 39586  
~~regents~~ director of higher education determines that all vacancies 39587  
on the board of trustees have been filled, all authority, 39588  
responsibilities, duties, and references assumed by or conferred 39589  
upon the governance authority of that university or college under 39590  
division (C) of section 3345.75 of the Revised Code terminate and 39591  
all of the following shall occur: 39592

(1) The management and control of the state university or 39593  
college by the board of trustees shall be resumed; 39594

(2) The board becomes the successor to, assumes the lawful 39595  
obligations of, and otherwise constitutes the continuation of the 39596

conservator and the governance authority for purposes of all 39597  
pending legal actions, contracts or other agreements, and 39598  
obligations of the university or college; 39599

(3) Wherever the conservator or the governance authority is 39600  
referred to in any contract or legal document, the reference is 39601  
deemed to refer to the board of trustees. No validation, cure, 39602  
right, privilege, remedy, obligation, or liability is lost or 39603  
impaired by reason of the resumption by the board of trustees of 39604  
the authority of the conservator and the governance authority, and 39605  
any such validation, cure, right, privilege, remedy, obligation, 39606  
or liability shall be administered by the board of trustees. No 39607  
action or proceeding pending on the effective date of the 39608  
resumption by the board of trustees of the authority of the 39609  
conservator and the governance authority is affected by that 39610  
resumption, and any such action or proceeding shall be prosecuted 39611  
or defended in the name of the board of trustees. 39612

(4) The board of trustees resumes custody of all equipment, 39613  
records, files, effects, and all other property real or personal 39614  
of the state university or college; 39615

(5) Employment of the executive director appointed for the 39616  
university or college under section 3345.75 of the Revised Code is 39617  
terminated; 39618

(6) The duties, authority, and pay of the president or chief 39619  
executive officer of the university or college suspended under 39620  
division (C)(6) of section 3345.74 and not reinstated under 39621  
division (B)(2) of section 3345.75 of the Revised Code are 39622  
reinstated to the person holding that position, unless otherwise 39623  
provided for by the board of trustees. 39624

**Sec. 3345.81.** Not later than June 30, 2014, the board of 39625  
trustees of each institution of higher education, as defined by 39626  
section 3345.12 of the Revised Code, shall adopt an 39627

institution-specific strategic completion plan designed to 39628  
increase the number of degrees and certificates awarded to 39629  
students. The plan shall be consistent with the mission and 39630  
strategic priorities of the institution, include measureable 39631  
student completion goals, and align with the state's workforce 39632  
development priorities. Upon adoption by the board of trustees, 39633  
each institution of higher education shall provide a copy of its 39634  
plan to the ~~chancellor of the Ohio board of regents~~ director of 39635  
higher education. 39636

The board of trustees of each institution of higher education 39637  
shall update its plan at least once every two years and provide a 39638  
copy of their updated plan to the ~~chancellor~~ director upon 39639  
adoption. 39640

**Sec. 3345.86.** (A) As used in this section, an "eligible 39641  
institution" means a community college established under Chapter 39642  
3354. of the Revised Code, a university branch established under 39643  
Chapter 3355. of the Revised Code, a technical college established 39644  
under Chapter 3357. of the Revised Code, or a state community 39645  
college established under Chapter 3358. of the Revised Code. 39646

(B) An individual who is at least twenty-two years of age and 39647  
who is an eligible individual as defined in section 3317.23 of the 39648  
Revised Code may enroll in an eligible institution for up to two 39649  
~~eumulative~~ consecutive school years for the purpose of completing 39650  
the requirements to earn a high school diploma. An individual 39651  
enrolled under this division may elect to satisfy these 39652  
requirements by successfully completing a competency-based 39653  
~~instructional~~ educational program, as defined in section 3317.02 39654  
of the Revised Code, that complies with the standards adopted by 39655  
the ~~state board~~ department of education under section 3317.231 of 39656  
the Revised Code. 39657

The eligible institution in which the individual enrolls 39658  
shall report that individual's enrollment on a full-time 39659  
equivalency basis to the department ~~of education~~. 39660

(C)(1) For each eligible institution that enrolls individuals 39661  
under division (B) of this section, the department annually shall 39662  
certify the enrollment and attendance, on a full-time equivalency 39663  
basis, of each individual reported by the institution under that 39664  
division. 39665

(2) For each individual enrolled in an eligible institution 39666  
under division (B) of this section, the department annually shall 39667  
pay ~~to the institution an amount equal to the following:~~ 39668

~~\$5,000 X the individual's enrollment on a full-time 39669  
equivalency basis as certified under division (C)(1) of this 39670  
section X the portion of the school year in which the individual 39671  
is enrolled in the institution expressed as a percentage up to 39672  
\$5,000, as determined by the department based on the extent of the 39673  
individual's successful completion of the graduation requirements 39674  
prescribed under sections 3313.603, 3313.61, 3313.611, and 39675  
3313.614 of the Revised Code. 39676~~

(D) If an individual enrolled in an eligible institution 39677  
under division (B) of this section completes the requirements to 39678  
earn a high school diploma, the institution shall certify the 39679  
completion of those requirements to the city, local, or exempted 39680  
village school district in which the individual resides. Upon 39681  
receiving certification under this division, the city, local, or 39682  
exempted village school district in which the individual resides 39683  
shall issue a high school diploma to the individual within sixty 39684  
days of receipt of the certification. 39685

(E) An eligible institution that enrolls individuals under 39686  
division (B) of this section shall be subject to the program 39687  
administration standards adopted by the ~~state board~~ department 39688



under section 3317.231 of the Revised Code, as applicable. 39689

**Sec. 3354.01.** As used in sections 3354.01 to 3354.18~~7~~ 39690  
~~inclusive,~~ of the Revised Code: 39691

(A) "Community college district" means a political 39692  
subdivision of the state and a body corporate with all the powers 39693  
of a corporation, comprised of the territory of one or more 39694  
contiguous counties having together a total population of not less 39695  
than seventy-five thousand preceding the establishment of such 39696  
district, and organized for the purpose of establishing, owning, 39697  
and operating a community college within the territory of such 39698  
district. 39699

(B) "Contiguous counties" means counties so located that each 39700  
such county shares at least one boundary in common with at least 39701  
one other such county in the group of counties referred to as 39702  
being "contiguous." 39703

(C) "Community college" means a public institution of 39704  
education beyond the high school organized for the principal 39705  
purpose of providing for the people of the community college 39706  
district wherein such college is situated the instructional 39707  
programs defined in this section as "arts and sciences" and 39708  
"technical," or either, and may include the "adult-education" 39709  
program as defined in this section~~7~~. Except for bachelor's 39710  
programs offered under section 3354.071 of the Revised Code, 39711  
instructional programs shall not exceeding exceed two years<sup>+</sup> in 39712  
duration. 39713

A university maintained and operated by a municipality 39714  
located in a county having a total population equal to the 39715  
requirement for a community college district as set forth in 39716  
division (A) of section 3354.01 of the Revised Code and is found 39717  
by the ~~Ohio board of regents~~ director of higher education to offer 39718  
instructional programs which are needed in the community and which 39719

are equivalent to those required of community colleges shall be, 39720  
for the purposes of receiving state or federal financial aid only, 39721  
considered a community college and shall receive the same state 39722  
financial assistance granted to community colleges but only in 39723  
respect to students enrolled in their first and second year of 39724  
post high school education in the kinds of instructional programs 39725  
offered by the municipal university. 39726

(D) "Arts and sciences program" means a both of the 39727  
following: 39728

(1) A curricular program of two years or less duration, 39729  
provided within a community college, planned and intended to 39730  
enable students to gain academic credit for courses generally 39731  
comparable to courses offered in the first two years in accredited 39732  
colleges and universities in the state, and designed either to 39733  
enable students to transfer to such colleges and universities for 39734  
the purpose of earning baccalaureate degrees or to enable students 39735  
to terminate academic study after two years with a proportionate 39736  
recognition of academic achievement. 39737

(2) A bachelor's degree program approved and offered under 39738  
section 3354.071 of the Revised Code. 39739

(E) "Adult-education program" means the dissemination of post 39740  
high school educational service and knowledge, by a community 39741  
college, for the occupational, cultural, or general educational 39742  
benefit of adult persons, such educational service and knowledge 39743  
not being offered for the primary purpose of enabling such persons 39744  
to obtain academic credit or other formal academic recognition. 39745

(F) "Charter amendment" means a change in the official plan 39746  
of a community college for the purpose of acquiring additional 39747  
lands or structures, disposing of or transferring lands or 39748  
structures, erection of structures, or creating or abolishing of 39749  
one or more academic departments corresponding to generally 39750

recognized fields of academic study. 39751

(G) "Technical program" means a post high school curricular 39752  
program of two years or less duration, provided within a community 39753  
college, planned and intended to enable students to gain academic 39754  
credit for courses designed to prepare such students to meet the 39755  
occupational requirements of the community. 39756

(H) "Operating costs" means all expenses for all purposes of 39757  
the community college district except expenditures for permanent 39758  
improvements having an estimated life of usefulness of five years 39759  
or more as certified by the fiscal officer of the community 39760  
college district. 39761

Sec. 3354.071. (A) The board of trustees of any community 39762  
college established under this chapter may apply to the director 39763  
of higher education for approval to offer bachelor's degree 39764  
programs in subject areas that are not either of the following: 39765

(1) The same or substantially similar subject areas currently 39766  
offered at any state university, either on its main campus or a 39767  
regional campus, or university branch, that is within thirty miles 39768  
of the main campus of the community college, as determined by the 39769  
director; 39770

(2) The same or substantially similar subject areas that a 39771  
state university plans to offer on its main campus, regional 39772  
campus, or university branch within one year of the date the 39773  
community college submits its application for approval to the 39774  
director. 39775

Before granting approval to a program under this section, the 39776  
director shall determine and certify that there is a demonstrated 39777  
need for such a program in the geographic area of the community 39778  
college. If the director grants approval, the community college 39779  
may offer such programs and award the appropriate bachelor's 39780

<u>degrees to students upon completion of the programs.</u>	39781
<u>(B) As used in this section:</u>	39782
<u>(1) "State university" has the same meaning as in section 3345.011 of the Revised Code.</u>	39783 39784
<u>(2) "University branch" has the same meaning as in section 3355.01 of the Revised Code.</u>	39785 39786
<b>Sec. 3354.09.</b> The board of trustees of a community college district may:	39787 39788
(A) Own and operate a community college, pursuant to an official plan prepared and approved in accordance with section 3354.07 of the Revised Code, or enter into a contract with a generally accredited public university or college for operation of such community college by such university or college pursuant to an official plan prepared and approved in accordance with section 3354.07 of the Revised Code;	39789 39790 39791 39792 39793 39794 39795
(B) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease, use, and sell real and personal property as is necessary for the conduct of the program of the community college on whatever terms and for whatever consideration may be appropriate for the purpose of the college;	39796 39797 39798 39799 39800
(C) Accept gifts, grants, bequests, and devises absolutely or in trust for support of the college during the existence of the college;	39801 39802 39803
(D) Appoint the administrative officers, faculty, and staff, necessary and proper for such community college, and fix their compensation except in instances in which the board of trustees has delegated such powers to a college or university operating such community college pursuant to a contract entered into by the board of trustees of the district;	39804 39805 39806 39807 39808 39809
(E) Provide for a community college necessary lands,	39810

buildings or other structures, equipment, means, and appliances; 39811

(F) Develop and adopt, pursuant to the official plan, the 39812  
curricular programs identified in section 3354.01 of the Revised 39813  
Code as arts and sciences programs and technical programs, or 39814  
either. Such programs may include adult-education programs. 39815

(G) Except as provided in sections 3333.17 and 3333.32 of the 39816  
Revised Code, establish schedules of fees and tuition for students 39817  
who are residents of the district, residents of Ohio but not of 39818  
the district, and students who are nonresidents of Ohio. The 39819  
establishment of rules governing the determination of residence 39820  
shall be subject to approval of the ~~Ohio board of regents~~ director 39821  
of higher education. Students who are nonresidents of Ohio shall 39822  
be required to pay higher rates of fees and tuition than the rates 39823  
required of students who are residents of Ohio but not of the 39824  
district, and students who are residents of the district shall pay 39825  
a smaller tuition and fee rate than the rate for either category 39826  
of nonresident students. 39827

(H) Authorize, approve, ratify, or confirm any agreement 39828  
relating to any such community college with the United States 39829  
government, acting through any agency of such government 39830  
designated or created to aid in the financing of such projects, or 39831  
with any person or agency offering grants in aid in financing such 39832  
educational facilities or the operation of such facilities except 39833  
as prohibited in division (K) of this section. 39834

Such agreement may include a provision for repayment of 39835  
advances, grants, or loans made to any community college district 39836  
from funds which may become available to it. 39837

When the United States government or its agent makes a grant 39838  
of money to any community college district to aid in paying the 39839  
cost of any projects of such district, or enters into an agreement 39840  
with the community college district for the making of any such 39841

grant of money, the amount thereof is deemed appropriated for such 39842  
purpose by the community college district and is deemed in process 39843  
of collection within the meaning of section 5705.41 of the Revised 39844  
Code. 39845

(I) Grant appropriate certificates of achievement or degrees 39846  
to students successfully completing the community college 39847  
programs; 39848

(J) Prescribe rules for the effective operation of a 39849  
community college and exercise such other powers as are necessary 39850  
for the efficient management of such college; 39851

(K) Receive and expend gifts or grants from the state for the 39852  
payment of operating costs, for the acquisition, construction, or 39853  
improvement of buildings or other structures, or for the 39854  
acquisition or use of land. In no event shall state gifts or 39855  
grants be expended for the support of adult-education programs. 39856  
Gifts or grants from the state for operating costs shall not in 39857  
any biennium exceed the amount recommended by the ~~Ohio board of~~ 39858  
~~regents~~ director of higher education to the governor as provided 39859  
in Chapter 3333. of the Revised Code. Such gifts or grants shall 39860  
be distributed to such districts in equal quarter-annual payments, 39861  
unless otherwise provided or authorized in any act appropriating 39862  
moneys for such purposes, on or before the last day of February, 39863  
May, August, and November in each year. 39864

(L) Retain consultants in the fields of education, planning, 39865  
architecture, law, engineering, or other fields of professional 39866  
skill; 39867

(M) Purchase: 39868

(1) A policy or policies of insurance insuring the district 39869  
against loss of or damage to property, whether real, personal, or 39870  
mixed, which is owned by the district or leased by it as lessee or 39871  
which is in the process of construction by or for the district; 39872

(2) A policy or policies of fidelity insurance in such 39873  
amounts and covering such trustees, officers, and employees of the 39874  
district as it considers necessary or desirable; 39875

(3) A policy or policies of liability insurance from an 39876  
insurer or insurers licensed to do business in this state insuring 39877  
its members, officers, and employees against all civil liability 39878  
arising from an act or omission by the member, officer, or 39879  
employee when the member, officer, or employee is not acting 39880  
manifestly outside the scope of employment or official 39881  
responsibilities with the institution, with malicious purpose or 39882  
bad faith, or in a wanton or reckless manner, or may otherwise 39883  
provide for the indemnification of such persons against such 39884  
liability. All or any portion of the cost, premium, or charge for 39885  
such a policy or policies or indemnification payment may be paid 39886  
from any funds under the institution's control. The policy or 39887  
policies of liability insurance or the indemnification policy of 39888  
the institution may cover any risks including, but not limited to, 39889  
damages resulting from injury to property or person, professional 39890  
liability, and other special risks, including legal fees and 39891  
expenses incurred in the defense or settlement of claims for such 39892  
damages. 39893

(4) A policy or policies of insurance insuring the district 39894  
against any liabilities to which it may be subject on account of 39895  
damage or injury to persons or property, including liability for 39896  
wrongful death. 39897

(N) Designate one or more employees of the institution as 39898  
state university law enforcement officers, to serve and have 39899  
duties as prescribed in section 3345.04 of the Revised Code. 39900

Any instrument by which real property is acquired pursuant to 39901  
this section shall identify the agency of the state that has the 39902  
use and benefit of the real property as specified in section 39903  
5301.012 of the Revised Code. 39904

Sec. 3357.01. As used in this chapter: 39905

(A) "Technical college" means an institution of education 39906  
beyond the high school, including an institution of higher 39907  
education, organized for the principal purpose of providing for 39908  
the residents of the technical college district, wherein such 39909  
college is situated, any one or more of the instructional programs 39910  
defined in this section as "technical college," or 39911  
"adult-education technical programs," normally not exceeding two 39912  
years' duration and not leading to a baccalaureate degree, except 39913  
as provided in section 3357.071 of the Revised Code. 39914

(B) "Technical college district" means a political 39915  
subdivision of the state and a body corporate with all the powers 39916  
of a corporation, comprised of the territory of a city school 39917  
district or a county, or two or more contiguous school districts 39918  
or counties, which meets the standards prescribed by the ~~Ohio~~ 39919  
~~board of regents~~ director of higher education pursuant to section 39920  
3357.02 of the Revised Code, and which is organized for the 39921  
purpose of establishing, owning, and operating one or more 39922  
technical colleges within the territory of such district. 39923

(C) "Contiguous school districts or counties" means school 39924  
districts or counties so located that each such school district or 39925  
county shares at least one boundary or a portion thereof in common 39926  
with at least one other such school district or county in the 39927  
group of school districts or counties referred to as being 39928  
"contiguous." 39929

(D) "Technical college program" means a post high school 39930  
curricular program provided within a technical college, planned 39931  
and intended to qualify students, after satisfactory completion of 39932  
such a program normally two years in duration, to pursue careers 39933  
in which they provide immediate technical assistance to 39934  
professional or managerial persons generally required to hold 39935



baccalaureate or higher academic degrees in technical or 39936  
professional fields. The technical and professional fields 39937  
referred to in this section include, but are not limited to, 39938  
engineering and physical, medical, or other sciences. 39939

(E) "Adult-education technical program" means the 39940  
dissemination of post high school technical education service and 39941  
knowledge, for the occupational, or general educational benefit of 39942  
adult persons. 39943

(F) "Charter amendment" means a change in the official plan 39944  
of a technical college for the purpose of acquiring additional 39945  
lands or structures, disposing of or transferring lands or 39946  
structures, erecting structures, creating or abolishing technical 39947  
college or adult education technical curricular programs. 39948

(G) "Baccalaureate-oriented associate degree program" means a 39949  
curricular program of not more than two years' duration that is 39950  
planned and intended to enable students to gain academic credit 39951  
for courses comparable to first- and second-year courses offered 39952  
by accredited colleges and universities. The purpose of 39953  
baccalaureate-oriented associate degree coursework in technical 39954  
colleges is to enable students to transfer to colleges and 39955  
universities and earn baccalaureate degrees or to enable students 39956  
to terminate academic study after two years with a proportionate 39957  
recognition of academic achievement through receipt of an 39958  
associate degree. 39959

Sec. 3357.071. (A) The board of trustees of any technical 39960  
college established under this chapter may apply to the director 39961  
of higher education for approval to offer bachelor's degree 39962  
programs in subject areas that are not either of the following: 39963

(1) The same or substantially similar subject areas currently 39964  
offered at any state university, either on its main campus or a 39965  
regional campus, or university branch, that is within thirty miles 39966

of the main campus of the technical college, as determined by the 39967  
director; 39968

(2) The same or substantially similar subject areas that a 39969  
state university plans to offer on its main campus, regional 39970  
campus, or university branch within one year of the date the 39971  
technical college submits its application for approval to the 39972  
director. 39973

Before granting approval to a program under this section, the 39974  
director shall determine and certify that there is a demonstrated 39975  
need for such a program in the geographic area of the technical 39976  
college. If the director grants approval, the technical college 39977  
may offer such programs and award the appropriate bachelor's 39978  
degrees to students upon completion of the programs. 39979

(B) As used in this section: 39980

(1) "State university" has the same meaning as in section 39981  
3345.011 of the Revised Code. 39982

(2) "University branch" has the same meaning as in section 39983  
3355.01 of the Revised Code. 39984

**Sec. 3357.09.** The board of trustees of a technical college 39985  
district may: 39986

(A) Own and operate a technical college, pursuant to an 39987  
official plan prepared and approved in accordance with section 39988  
3357.07 of the Revised Code; 39989

(B) Hold, encumber, control, acquire by donation, purchase, 39990  
or condemnation, construct, own, lease, use, and sell, real and 39991  
personal property as necessary for the conduct of the program of 39992  
the technical college on whatever terms and for whatever 39993  
consideration may be appropriate for the purposes of the 39994  
institution; 39995

(C) Accept gifts, grants, bequests, and devises absolutely or 39996

in trust for support of the technical college; 39997

(D) Appoint the president, faculty, and such other employees 39998  
as necessary and proper for such technical college, and fix their 39999  
compensation; 40000

(E) Provide for a technical college necessary lands, 40001  
buildings or other structures, equipment, means, and appliances; 40002

(F) Develop and adopt, pursuant to the official plan, any one 40003  
or more of the curricular programs identified in section 3357.01 40004  
of the Revised Code as technical-college programs, or 40005  
adult-education technical programs, and bachelor's degree programs 40006  
approved and offered under section 3357.071 of the Revised Code; 40007

(G) Except as provided in sections 3333.17 and 3333.32 of the 40008  
Revised Code, establish schedules of fees and tuition for: 40009  
students who are residents of the district; students who are 40010  
residents of Ohio but not of the district; students who are 40011  
nonresidents of Ohio. The establishment of rules governing the 40012  
determination of residence shall be subject to approval of the 40013  
~~Ohio board of regents~~ director of higher education. Students who 40014  
are nonresidents of Ohio shall be required to pay higher rates of 40015  
fees and tuition than the rates required of students who are 40016  
residents of Ohio but not of the district, and students who are 40017  
residents of the district shall pay smaller tuition and fee rates 40018  
than the rates for either of the above categories of nonresident 40019  
students, except that students who are residents of Ohio but not 40020  
of the district shall be required to pay higher fees and tuition 40021  
than students who are residents of the district only when a 40022  
district tax levy has been adopted and is in effect under the 40023  
authority of section 3357.11, 5705.19, or 5705.191 of the Revised 40024  
Code. 40025

(H) Authorize, approve, ratify, or confirm, with approval of 40026  
the ~~Ohio board of regents~~ director of higher education, any 40027

agreement with the United States government, acting through any 40028  
agency designated to aid in the financing of technical college 40029  
projects, or with any person, organization, or agency offering 40030  
grants-in-aid for technical college facilities or operation; 40031

(I) Receive assistance for the cost of equipment and for the 40032  
operation of such technical colleges from moneys appropriated for 40033  
technical education or for matching of Title VIII of the "National 40034  
Defense Education Act," 72 Stat. 1597 (1958), 20 U.S.C.A. 15a-15e. 40035  
Moneys shall be distributed by the ~~Ohio board of regents~~ director 40036  
of higher education in accordance with rules which the ~~board~~ 40037  
director shall establish governing its allocations to technical 40038  
colleges chartered under section 3357.07 of the Revised Code. 40039

(J) Grant appropriate associate degrees to students 40040  
successfully completing the technical college programs, 40041  
appropriate bachelor's degrees to students successfully completing 40042  
bachelor's degree programs, and certificates of achievement to 40043  
those students who complete other programs; 40044

(K) Prescribe rules for the effective operation of a 40045  
technical college, and exercise such other powers as are necessary 40046  
for the efficient management of such college; 40047

(L) Enter into contracts and conduct technical college 40048  
programs or technical courses outside the technical college 40049  
district; 40050

(M) Enter into contracts with the board of education of any 40051  
local, exempted village, or city school district or the governing 40052  
board of any educational service center to permit the school 40053  
district or service center to use the facilities of the technical 40054  
college district; 40055

(N) Designate one or more employees of the institution as 40056  
state university law enforcement officers, to serve and have 40057  
duties as prescribed in section 3345.04 of the Revised Code; 40058

(O) Subject to the approval of the ~~Ohio board of regents~~ 40059  
director of higher education, offer technical college programs or 40060  
technical courses for credit at locations outside the technical 40061  
college district. For purposes of computing state aid, students 40062  
enrolled in such courses shall be deemed to be students enrolled 40063  
in programs and courses at off-campus locations in the district. 40064

(P) Purchase a policy or policies of liability insurance from 40065  
an insurer or insurers licensed to do business in this state 40066  
insuring its members, officers, and employees against all civil 40067  
liability arising from an act or omission by the member, officer, 40068  
or employee, when the member, officer, or employee is not acting 40069  
manifestly outside the scope of the member's, officer's, or 40070  
employee's employment or official responsibilities with the 40071  
institution, with malicious purpose or bad faith, or in a wanton 40072  
or reckless manner, or may otherwise provide for the 40073  
indemnification of such persons against such liability. All or any 40074  
portion of the cost, premium, or charge for such a policy or 40075  
policies or indemnification payment may be paid from any funds 40076  
under the institution's control. The policy or policies of 40077  
liability insurance or the indemnification policy of the 40078  
institution may cover any risks including, but not limited to, 40079  
damages resulting from injury to property or person, professional 40080  
liability, and other special risks, including legal fees and 40081  
expenses incurred in the defense or settlement of claims for such 40082  
damages. 40083

Any instrument by which real property is acquired pursuant to 40084  
this section shall identify the agency of the state that has the 40085  
use and benefit of the real property as specified in section 40086  
5301.012 of the Revised Code. 40087

**Sec. 3357.19.** The ~~Ohio board of regents~~ director of higher 40088  
education shall: 40089

(A) Promulgate rules, regulations, and standards in conformity with Chapter 119. of the Revised Code relative to the qualifications of teaching personnel in technical colleges, and require conformity to all such rules, regulations, and standards as a condition upon the issuance of a charter to any technical college and upon the continued operation of such colleges;

(B) Promulgate rules, regulations, and standards relative to the quality and content of instructional courses in technical colleges, and relative to the awarding of certificates of achievement or ~~associate~~ degrees to students in such colleges, and require conformity to all such rules, regulations, and standards as a condition upon the issuance of a charter to any technical college and upon the continued operation of such college;

(C) Conduct studies and examinations of the operation and facilities of technical colleges, and require reports from such colleges, from time to time as the ~~board~~ director deems necessary, and revoke or suspend pursuant to Chapter 119. of the Revised Code, the charter of any technical college found to be in substantial violation of law, of rules, regulations, or standards of the ~~board~~ director, or of the approved official plan of such college;

(D) Employ such professional, administrative, clerical, or secretarial personnel as may be found necessary to assist the ~~board~~ director in the performance of ~~its~~ the director's duties;

(E) Perform biennial examinations of the budget requirements of the technical colleges in the state, and present recommendations to the governor with respect to such budget requirements;

(F) Perform research studies relative to technical college education.

Sec. 3358.01. As used in sections 3358.01 to 3358.10 of the Revised Code:

(A) "State community college district" means a political subdivision composed of the territory of a county, or of two or more contiguous counties, in either case having a total population of at least one hundred fifty thousand, and organized for the purpose of establishing, owning, and operating a state community college within the district or a political subdivision created pursuant to division (A) of section 3358.02 of the Revised Code.

(B) "State community college" means a two-year institution, offering a baccalaureate-oriented program, technical education program, or an adult continuing education program. The extent to which the college offers baccalaureate-oriented and technical programs shall be determined in its charter. However, a state community college may offer bachelor's degree programs pursuant to section 3358.071 of the Revised Code.

(C) "Baccalaureate-oriented program" means a curricular program of not more than two years' duration that is planned and intended to enable students to gain academic credit for courses comparable to first- and second-year courses offered by accredited colleges and universities. The purpose of baccalaureate-oriented coursework in state community colleges is to enable students to transfer to colleges and universities and earn baccalaureate degrees or to enable students to terminate academic study after two years with a proportionate recognition of academic achievement through receipt of an associate degree.

(D) "Technical education program" means a post high school program of not more than two years' duration that is planned and intended to prepare students to pursue employment or improve technical knowledge in careers generally but not exclusively at the semiprofessional level. Technical education programs include,

but are not limited to, programs in the technologies of business, 40151  
engineering, health, natural science, and public service and are 40152  
programs which, after two years of academic study, result in 40153  
proportionate recognition of academic achievement through receipt 40154  
of an associate degree. 40155

(E) "Adult continuing education program" means the offering 40156  
of short courses, seminars, workshops, exhibits, performances, and 40157  
other educational activities for the general educational or 40158  
occupational benefit of adults. 40159

Sec. 3358.071. (A) The board of trustees of any state 40160  
community college established under this chapter may apply to the 40161  
director of higher education for approval to offer bachelor's 40162  
degree programs in subject areas that are not either of the 40163  
following: 40164

(1) The same or substantially similar subject areas currently 40165  
offered at any state university, either on its main campus or a 40166  
regional campus, or university branch, that is within thirty miles 40167  
of the main campus of the state community college, as determined 40168  
by the director; 40169

(2) The same or substantially similar subject areas that a 40170  
state university plans to offer on its main campus, regional 40171  
campus, or university branch within one year of the date the state 40172  
community college submits its application for approval to the 40173  
director. 40174

Before granting approval to a program under this section, the 40175  
director shall determine and certify that there is a demonstrated 40176  
need for such a program in the geographic area of the state 40177  
community college. If the director grants approval, the state 40178  
community college may offer such programs and award the 40179  
appropriate bachelor's degrees to students upon completion of the 40180  
programs. 40181



<u>(B) As used in this section:</u>	40182
<u>(1) "State university" has the same meaning as in section 3345.011 of the Revised Code.</u>	40183 40184
<u>(2) "University branch" has the same meaning as in section 3355.01 of the Revised Code.</u>	40185 40186
<b>Sec. 3358.08.</b> The board of trustees of a state community college district may:	40187 40188
(A) Own and operate a state community college;	40189
(B) Hold, encumber, control, acquire by donation, purchase or condemn, construct, own, lease, use, and sell, real and personal property as necessary for the conduct of the program of the state community college on whatever terms and for whatever consideration may be appropriate for the purpose of the institution;	40190 40191 40192 40193 40194
(C) Accept gifts, grants, bequests, and devises absolute or in trust for support of the state community college;	40195 40196
(D) Employ a president, and appoint or approve the appointment of other necessary administrative officers, full-time faculty members, and operating staff. The board may delegate the appointment of operating staff and part-time faculty members to the college president. The board shall fix the rate of compensation of the president and all officers and full-time employees as are necessary and proper for state community colleges.	40197 40198 40199 40200 40201 40202 40203 40204
(E) Provide for the state community college necessary lands, buildings, or other structures, equipment, means, and appliances;	40205 40206
(F) Establish within the maximum amounts permitted by law, schedules of fees and tuition for students who are Ohio residents and students who are not;	40207 40208 40209
(G) Grant appropriate <del>associate</del> degrees to students	40210

successfully completing the state community college's programs, 40211  
and certificates of achievement to students who complete other 40212  
programs; 40213

(H) Prescribe policies for the effective operation of the 40214  
state community college and exercise such other powers as are 40215  
necessary for the efficient management of the college; 40216

(I) Enter into contracts with neighboring colleges and 40217  
universities for the conduct of state community college programs 40218  
or technical courses outside the state community college district; 40219

(J) Purchase: 40220

(1) A policy or policies of insurance insuring the district 40221  
against loss or damage to property, whether real, personal, or 40222  
mixed, which is owned by the district or leased by it as lessee or 40223  
which is in the process of construction by or for the district; 40224

(2) A policy or policies of fidelity insurance in such 40225  
amounts and covering such trustees, officers, and employees of the 40226  
district as the board may consider necessary or desirable; 40227

(3) A policy or policies of liability insurance from an 40228  
insurer or insurers licensed to do business in this state insuring 40229  
its members, officers, and employees against all civil liability 40230  
arising from an act or omission by the member, officer, or 40231  
employee, when the member, officer, or employee is not acting 40232  
manifestly outside the scope of employment or official 40233  
responsibilities with the institution, with malicious purpose or 40234  
bad faith, or in a wanton or reckless manner, or may otherwise 40235  
provide for the indemnification of such persons against such 40236  
liability. All or any portion of the cost, premium, or charge for 40237  
such a policy or policies or indemnification payment may be paid 40238  
from any funds under the institution's control. The policy or 40239  
policies of liability insurance or the indemnification policy of 40240  
the institution may cover any risks including, but not limited to, 40241

damages resulting from injury to property or person, professional 40242  
liability, and other special risks, including legal fees and 40243  
expenses incurred in the defense or settlement claims of such 40244  
damages. 40245

(4) A policy or policies of insurance insuring the district 40246  
against any liabilities to which it may be subject on account of 40247  
damage or injury to persons or property, including liability for 40248  
wrongful death. 40249

Any instrument by which real property is acquired pursuant to 40250  
this section shall identify the agency of the state that has the 40251  
use and benefit of the real property as specified in section 40252  
5301.012 of the Revised Code. 40253

**Sec. 3365.02.** (A) There is hereby established the college 40254  
credit plus program under which, beginning with the 2015-2016 40255  
school year, a secondary grade student who is a resident of this 40256  
state may enroll at a college, on a full- or part-time basis, and 40257  
complete nonsectarian, nonremedial courses for high school and 40258  
college credit. The program shall govern arrangements in which a 40259  
secondary grade student enrolls in a college and, upon successful 40260  
completion of coursework taken under the program, receives 40261  
transcripted credit from the college, ~~except for any of the.~~ The 40262  
following are not governed by the college credit plus program: 40263

(1) An agreement governing an early college high school 40264  
program that meets any of the exemption criteria under division 40265  
(E) of section 3313.6013 of the Revised Code; 40266

(2) An advanced placement course or international 40267  
baccalaureate diploma course, as described in divisions (A)(2) and 40268  
(3) of section 3313.6013 of the Revised Code; 40269

(3) ~~Until July 1, 2016, a~~ A career-technical education 40270  
program that is approved by the department of education under 40271

section 3317.161 of the Revised Code and grants articulated credit 40272  
to students participating in that program. However, any portion of 40273  
an approved program that results in the conferral of transcribed 40274  
credit upon the completion of the course shall be governed by the 40275  
college credit plus program. 40276

(B) Any student enrolled in a public or nonpublic secondary 40277  
school in the student's ninth, tenth, eleventh, or twelfth grade; 40278  
any student enrolled in a nonchartered nonpublic secondary school 40279  
in the student's ninth, tenth, eleventh, or twelfth grade; and any 40280  
student who has been excused from the compulsory attendance law 40281  
for the purpose of home instruction under section 3321.04 of the 40282  
Revised Code and is the equivalent of a ninth, tenth, eleventh, or 40283  
twelfth grade student, may participate in the program, if the 40284  
student meets the applicable eligibility criteria in section 40285  
3365.03 of the Revised Code. If a nonchartered nonpublic secondary 40286  
school student chooses to participate in the program, that student 40287  
shall be subject to the same requirements as a home-instructed 40288  
student who chooses to participate in the program under this 40289  
chapter. 40290

(C) All public secondary schools and all public colleges 40291  
shall participate in the program and are subject to the 40292  
requirements of this chapter. Any nonpublic secondary school or 40293  
private college that chooses to participate in the program shall 40294  
also be subject to the requirements of this chapter. 40295

If a nonpublic secondary school chooses not to participate in 40296  
the program, the school shall not be subject to the requirements 40297  
of this chapter. Additionally, the school shall not be subject to 40298  
any rule adopted by the director of higher education or the state 40299  
board of education for purposes of the college credit plus 40300  
program. 40301

(D) The ~~chancellor of the Ohio board of regents~~ director, in 40302  
accordance with Chapter 119. of the Revised Code and in 40303

consultation with the superintendent of public instruction, shall 40304  
adopt rules governing the program. 40305

**Sec. 3365.07.** The department of education shall calculate and 40306  
pay state funds to colleges for participants in the college credit 40307  
plus program under division (B) of section 3365.06 of the Revised 40308  
Code pursuant to this section. For a nonpublic secondary school 40309  
participant, a nonchartered nonpublic secondary school 40310  
participant, or a home-instructed participant, the department 40311  
shall pay state funds pursuant to this section only if that 40312  
participant is awarded funding according to rules adopted by the 40313  
~~chancellor of the Ohio board of regents~~ director of higher 40314  
education, in consultation with the superintendent of public 40315  
instruction, pursuant to section 3365.071 of the Revised Code. The 40316  
program shall be the sole mechanism by which state funds are paid 40317  
to colleges for students to earn ~~college-level~~ transcribed credit 40318  
for college courses while enrolled in both a secondary school and 40319  
a college, with the exception of ~~the programs listed~~ state funds 40320  
paid to colleges according to an agreement described in division 40321  
(A)(1) of section 3365.02 of the Revised Code. 40322

(A) For each public or nonpublic secondary school participant 40323  
enrolled in a public college: 40324

(1) If no agreement has been entered into under division 40325  
(A)(2) of this section, both of the following shall apply: 40326

(a) The department shall pay to the college the applicable 40327  
amount as follows: 40328

(i) For a participant enrolled in a college course delivered 40329  
on the college campus, at another location operated by the 40330  
college, or online, the default ceiling amount; 40331

(ii) For a participant enrolled in a college course delivered 40332  
at the participant's secondary school but taught by college 40333

faculty, fifty per cent of the default ceiling amount; 40334

(iii) For a participant enrolled in a college course 40335  
delivered at the participant's secondary school and taught by a 40336  
high school teacher who has met the credential requirements 40337  
established for purposes of the program in rules adopted by the 40338  
~~chancellor of the Ohio board of regents~~ director of higher 40339  
education, the default floor amount. 40340

(b) The participant's secondary school shall pay for 40341  
textbooks, and the college shall waive payment of all other fees 40342  
related to participation in the program. 40343

(2) The governing entity of a participant's secondary school 40344  
and the college may enter into an agreement to establish an 40345  
alternative payment structure for tuition, textbooks, and fees. 40346  
Under such an agreement, payments for each participant made by the 40347  
department shall be not less than the default floor amount, unless 40348  
approved by the ~~chancellor~~ director of higher education, and not 40349  
more than the default ceiling amount. The ~~chancellor~~ director 40350  
shall approve an agreement that includes a payment below the 40351  
default floor amount, as long as the provisions of the agreement 40352  
comply with all other requirements of this chapter to ensure 40353  
program quality. If no agreement is entered into under division 40354  
(A)(2) of this section, both of the following shall apply: 40355

(a) The department shall pay to the college the applicable 40356  
default amounts prescribed by division (A)(1)(a) of this section, 40357  
depending upon the method of delivery and instruction. 40358

(b) In accordance with division (A)(1)(b) of this section, 40359  
the participant's secondary school shall pay for textbooks, and 40360  
the college shall waive payment of all other fees related to 40361  
participation in the program. 40362

(3) No participant that is enrolled in a public college shall 40363  
be charged for any tuition, textbooks, or other fees related to 40364

participation in the program. 40365

(B) For each public secondary school participant enrolled in 40366  
a private college: 40367

(1) If no agreement has been entered into under division 40368  
(B)(2) of this section, the department shall pay to the college 40369  
the applicable amount calculated in the same manner as in division 40370  
(A)(1)(a) of this section. 40371

(2) The governing entity of a participant's secondary school 40372  
and the college may enter into an agreement to establish an 40373  
alternative payment structure for tuition, textbooks, and fees. 40374  
Under such an agreement, payments shall be not less than the 40375  
default floor amount, unless approved by the ~~chancellor~~ director 40376  
of higher education, and not more than the default ceiling amount. 40377

If an agreement is entered into under division (B)(2) of this 40378  
section, both of the following shall apply: 40379

(a) The department shall make a payment to the college for 40380  
each participant that is equal to the default floor amount, unless 40381  
approved by the ~~chancellor~~ director to pay an amount below the 40382  
default floor amount. The ~~chancellor~~ director shall approve an 40383  
agreement that includes a payment below the default floor amount, 40384  
as long as the provisions of the agreement comply with all other 40385  
requirements of this chapter to ensure program quality. 40386

(b) Payment for costs for the participant that exceed the 40387  
amount paid by the department pursuant to division (B)(2)(a) of 40388  
this section shall be negotiated by the school and the college. 40389  
The agreement may include a stipulation permitting the charging of 40390  
a participant. 40391

However, under no circumstances shall: 40392

(i) Payments for a participant made by the department under 40393  
~~this~~ division (B)(2) of this section exceed the default ceiling 40394

amount; 40395

(ii) The amount charged to a participant under division 40396  
(B)(2) of this section exceed the difference between the maximum 40397  
per participant charge amount and the default floor amount; 40398

(iii) The sum of the payments made by the department for a 40399  
participant and the amount charged to that participant under 40400  
division (B)(2) of this section exceed the following amounts, as 40401  
applicable: 40402

(I) For a participant enrolled in a college course delivered 40403  
on the college campus, at another location operated by the 40404  
college, or online, the maximum per participant charge amount; 40405

(II) For a participant enrolled in a college course delivered 40406  
at the participant's secondary school but taught by college 40407  
faculty, one hundred twenty-five dollars; 40408

(III) For a participant enrolled in a college course 40409  
delivered at the participant's secondary school and taught by a 40410  
high school teacher who has met the credential requirements 40411  
established for purposes of the program in rules adopted by the 40412  
~~chancellor of the Ohio board of regents~~ director of higher 40413  
education, one hundred dollars. 40414

(iv) A participant that is identified as economically 40415  
disadvantaged according to rules adopted by the department be 40416  
charged under division (B)(2) of this section for any tuition, 40417  
textbooks, or other fees related to participation in the program. 40418

(C) For each nonpublic secondary school participant enrolled 40419  
in a private or eligible out-of-state college, the department 40420  
shall pay to the college the applicable amount calculated in the 40421  
same manner as in division (A)(1)(a) of this section. Payment for 40422  
costs for the participant that exceed the amount paid by the 40423  
department shall be negotiated by the governing body of the 40424  
nonpublic secondary school and the college. 40425



However, under no circumstances shall: 40426

(1) The payments for a participant made by the department 40427  
under this division exceed the default ceiling amount. 40428

(2) Any nonpublic secondary school participant, who is 40429  
enrolled in that secondary school with a scholarship awarded under 40430  
either the educational choice scholarship pilot program, as 40431  
prescribed by sections 3310.01 to 3310.17, or the pilot project 40432  
scholarship program, as prescribed by sections 3313.974 to 40433  
3313.979 of the Revised Code, and who qualifies as a low-income 40434  
student under either of those programs, be charged for any 40435  
tuition, textbooks, or other fees related to participation in the 40436  
college credit plus program. 40437

(D) For each nonchartered nonpublic secondary school 40438  
participant and each home-instructed participant enrolled in a 40439  
public, private, or eligible out-of-state college, the department 40440  
shall pay to the college the default ceiling amount, if that 40441  
participant is enrolled in a college course delivered on the 40442  
college campus, at another location operated by the college, or 40443  
online. 40444

(E) Not later than thirty days after the end of each term, 40445  
each college expecting to receive payment for the costs of a 40446  
participant under this section shall notify the department of the 40447  
number of enrolled credit hours for each participant. 40448

(F) Each January and July, or as soon as possible thereafter, 40449  
the department shall make the applicable payments under this 40450  
section to each college, which provided proper notification to the 40451  
department under division (E) of this section, for the number of 40452  
enrolled credit hours for participants enrolled in the college 40453  
under division (B) of section 3365.06 of the Revised Code. The 40454  
department shall not make any payments to a college under this 40455  
section if a participant withdrew from a course prior to the date 40456

on which a withdrawal from the course would have negatively 40457  
affected the participant's transcribed grade, as prescribed by 40458  
the college's established withdrawal policy. 40459

(1) Payments made for public secondary school participants 40460  
under this section shall be deducted from the school foundation 40461  
payments made to the participant's school district or, if the 40462  
participant is enrolled in a community school, a STEM school, or a 40463  
college-preparatory boarding school, from the payments made to 40464  
that school under section 3314.08, 3326.33, or 3328.34 of the 40465  
Revised Code. If the participant is enrolled in a joint vocational 40466  
school district, a portion of the amount shall be deducted from 40467  
the payments to the joint vocational school district and a portion 40468  
shall be deducted from the payments to the participant's city, 40469  
local, or exempted village school district in accordance with the 40470  
full-time equivalency of the student's enrollment in each 40471  
district. Amounts deducted under division (F)(1) of this section 40472  
shall be calculated in accordance with rules adopted by the 40473  
~~chancellor~~ director of higher education, in consultation with the 40474  
state superintendent, pursuant to division (B) of section 3365.071 40475  
of the Revised Code. 40476

(2) Payments made for nonpublic secondary school 40477  
participants, nonchartered nonpublic secondary school 40478  
participants, and home-instructed participants under this section 40479  
shall be deducted from moneys appropriated by the general assembly 40480  
for such purpose. Payments shall be allocated and distributed in 40481  
accordance with rules adopted by the ~~chancellor~~ director, in 40482  
consultation with the state superintendent, pursuant to division 40483  
(A) of section 3365.071 of the Revised Code. 40484

(G) Any public college that enrolls a student under division 40485  
(B) of section 3365.06 of the Revised Code may include that 40486  
student in the calculation used to determine its state share of 40487  
instruction funds appropriated to the ~~Ohio board of regents~~ 40488

department of higher education by the general assembly. 40489

Sec. 3365.14. (A) Notwithstanding anything to the contrary in 40490  
the Revised Code, all public and participating private colleges, 40491  
and eligible out-of-state colleges participating in the program, 40492  
shall offer an associate degree pathway that enables participants 40493  
to earn an associate degree upon completion of the pathway. In 40494  
order to complete the pathway and earn an associate degree, 40495  
participants shall be required to earn at least sixty, but not 40496  
more than seventy-two, credit hours, or the equivalent number of 40497  
hours for colleges operating on a quarter schedule. 40498

(B) Participants enrolled in the associate degree pathway 40499  
under this section may enroll in more than sixty credit hours, or 40500  
the equivalent number of quarter hours, over a period of two 40501  
school years. However, no participant shall enroll in more than 40502  
seventy-two credit hours, or the equivalent number of quarter 40503  
hours, over that same period. 40504

(C) If a participant enrolls in the pathway under this 40505  
section and elects to have the college reimbursed under section 40506  
3365.07 of the Revised Code for courses taken under the program, 40507  
the department shall reimburse the college in the same manner as 40508  
for other participants in accordance with that section. However, 40509  
the director of higher education, in accordance with Chapter 119. 40510  
of the Revised Code and in consultation with the superintendent of 40511  
public instruction, shall adopt rules prescribing a method to 40512  
calculate payments made for participants under this section that 40513  
reflects the increased number of credit hours required under the 40514  
pathway. 40515

Sec. 3365.15. The chancellor of the Ohio board of regents 40516  
director of higher education and the superintendent of public 40517  
instruction jointly shall do all of the following: 40518

(A) Adopt data reporting guidelines specifying the types of data that public and participating nonpublic secondary schools and public and participating private colleges, including eligible out-of-state colleges participating in the program, must annually collect, report, and track under division (G) of section 3365.04 and division (H) of section 3365.05 of the Revised Code. The types of data shall include all of the following:

(1) For each secondary school and college:

(a) The number of participants disaggregated by grade level, socioeconomic status, race, gender, and disability;

(b) The number of completed courses and credit hours, disaggregated by the college in which participants were enrolled;

(c) The number of courses in which participants enrolled, disaggregated by subject area and level of difficulty.

(2) For each secondary school, the number of students who were denied participation in the program under division (A)(1)(a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of the Revised Code. Each participating nonpublic secondary school shall also include the number of students who were denied participation due to the student not being awarded funding by the department of education pursuant to section 3365.071 of the Revised Code.

(3) For each college:

(a) The number of students who applied to enroll in the college under the program but were not granted admission;

(b) The average number of completed courses per participant;

(c) The average grade point average for participants in college courses under the program.

The guidelines adopted under this division shall also include policies and procedures for the collection, reporting, and tracking of such data.

(B) Annually compile the data required under division (A) of 40549  
this section. Not later than the thirty-first day of December of 40550  
each year, the data from the previous school year shall be posted 40551  
in a prominent location on both the ~~board of regents'~~ director of 40552  
higher education's and the department of education's web sites. 40553

(C) Submit a biennial report detailing the status of the 40554  
college credit plus program, including an analysis of quality 40555  
assurance measures related to the program, to the governor, the 40556  
president of the senate, the speaker of the house of 40557  
representatives, and the chairpersons of the education committees 40558  
of the senate and house of representatives. The first report shall 40559  
be submitted not later than December 31, 2017, and each subsequent 40560  
report shall be submitted not later than the thirty-first day of 40561  
December every two years thereafter. 40562

(D) Establish a college credit plus advisory committee to 40563  
assist in the development of performance metrics and the 40564  
monitoring of the program's progress. At least one member of the 40565  
advisory committee shall be a school guidance counselor. 40566

The ~~chancellor~~ director shall also, in consultation with the 40567  
superintendent, create a standard packet of information for the 40568  
college credit plus program directed toward students and parents 40569  
that are interested in the program. 40570

**Sec. 3381.01.** As used in sections 3381.01 to 3381.22 of the 40571  
Revised Code: 40572

(A) "Arts or cultural organization" means: 40573

(1) Any corporation, organization, association, or 40574  
institution that: 40575

(a) Provides programs or activities in areas directly 40576  
concerned with the arts or cultural heritage; and 40577

(b) Is not for profit and whose net earnings may not lawfully 40578

inure to the benefit of any private shareholder, member, or 40579  
individual. 40580

(2) Any arts or cultural councils that satisfy the 40581  
requirement of division (A)(1)(b) of this section. 40582

(B) "Arts or cultural heritage" includes, but is not limited 40583  
to, literature, theater, music, dance, ballet, painting, 40584  
sculpture, photography, motion pictures, architecture, 40585  
archaeology, history, natural history, or the natural sciences. 40586

(C) "Arts and cultural district" means the territory of the 40587  
counties, municipal corporations, or townships that have created a 40588  
regional arts and cultural district under section 3381.03 or 40589  
3381.04 of the Revised Code. 40590

(D) "Regional arts and cultural district" or "district" means 40591  
a regional arts and cultural district created under section 40592  
3381.03 ~~or~~, 3381.04, or 3381.041 of the Revised Code. 40593

(E) "Artistic or cultural facility" or "facility" includes, 40594  
but is not limited to, a performing arts center, a concert hall, a 40595  
museum, a living arts center, and other property, improvements, or 40596  
facilities used in connection therewith. 40597

(F) "Qualifying arts or cultural organization" means any arts 40598  
or cultural organization whose income is exempt from federal 40599  
income taxation, has been in existence for at least three years or 40600  
is a successor to an arts or cultural organization which had been 40601  
in existence for at least five years, and has a permanent and 40602  
viable base of operations within an arts and cultural district. 40603

Sec. 3381.041. (A) In lieu of the procedure set forth in 40604  
section 3381.03 of the Revised Code, the board of commissioners of 40605  
any county with a population of not less than three hundred 40606  
seventy-five thousand and not greater than three hundred ninety 40607  
thousand may create a regional arts and cultural district by 40608

adoption of a resolution by the board of county commissioners of 40609  
that county if a district created under that section does not then 40610  
exist in the county. The resolution shall state all of the 40611  
following: 40612

(1) That the purpose of the district shall be to promote 40613  
arts, culture, and excellence within the community with an 40614  
emphasis on outreach to children; 40615

(2) That the territory of the district shall be coextensive 40616  
with the territory of the county; 40617

(3) The official name by which the district shall be known; 40618

(4) The location of the principal office of the district or 40619  
the manner in which the location shall be selected. 40620

(B) The district shall be created upon the adoption of the 40621  
resolution by the board of county commissioners. Upon the adoption 40622  
of the resolution, the county, the townships in the county, and 40623  
the territory of municipal corporations to the extent situated in 40624  
the county shall not thereafter be a part of any other regional 40625  
arts and cultural district. 40626

(C) The board of trustees of any regional arts and cultural 40627  
district formed under this section shall be comprised of five 40628  
members appointed by the board of county commissioners. 40629

(D)(1) For one or more of the purposes for which a tax may be 40630  
levied under section 3381.16 of the Revised Code and for the 40631  
purposes of paying the expenses of administering the tax and the 40632  
expenses charged by a board of elections to hold an election on a 40633  
question submitted under this section, a board of county 40634  
commissioners that creates a regional arts and culture district 40635  
under this section may levy a tax not to exceed three dollars on 40636  
each gallon of spirituous liquor sold or purchased by liquor 40637  
permit holders for resale, and sold at retail by the state or 40638  
pursuant to a transfer agreement entered into under Chapter 4313. 40639

of the Revised Code, in the county. The tax shall be levied on the 40640  
number of gallons so sold. The tax may be levied for any number of 40641  
years not exceeding twenty. 40642

The tax shall be levied pursuant to a resolution of the board 40643  
of county commissioners approved by a majority of the electors in 40644  
the county voting on the question of levying the tax, which 40645  
resolution shall specify the rate of the tax, the number of years 40646  
the tax will be levied, and the purposes for which the tax is 40647  
levied. The election may be held on the date of a general or 40648  
special election held not sooner than ninety days after the date 40649  
the board certifies its resolution to the board of elections. If 40650  
approved by the electors, the tax takes effect on the first day of 40651  
the month specified in the resolution but not sooner than the 40652  
first day of the month that is at least sixty days after the 40653  
certification of the election results by the board of elections. A 40654  
copy of the resolution levying the tax shall be certified to the 40655  
division of liquor control at least sixty days before the date on 40656  
which the tax is to become effective. 40657

(2) A resolution adopted under division (D) of this section 40658  
may be joined on the ballot as a single question with a resolution 40659  
adopted under section 4301.425 or 5743.021 of the Revised Code to 40660  
levy a tax for the same purposes, and for the purpose of paying 40661  
the expenses of administering that tax. 40662

(3) The form of the ballot in an election held pursuant to 40663  
this section or section 4301.425 or 5743.021 of the Revised Code 40664  
shall be as follows or in any form acceptable to the secretary of 40665  
state: 40666

"For the purpose of ..... (insert the purpose or 40667  
purposes of the tax), shall (an) excise tax(es) be levied 40668  
throughout ..... County for the benefit of the ..... 40669  
(name of the regional arts and culture district) at the rate of 40670  
..... (dollars on each gallon of spirituous liquor sold in the 40671



county , ..... cents per gallon on the sale of beer at wholesale 40672  
in the county, ..... cents per gallon on the sale of wine and 40673  
mixed beverages at wholesale in the county, ..... cents per 40674  
gallon on the sale of cider at wholesale in the county, or .....  40675  
mills per cigarette on the sale of cigarettes at wholesale in the 40676  
county), for ..... years? 40677

Yes 40678

No " 40679

The board of county commissioners shall adjust the ballot 40680  
language based on whether the tax authorized under division (D) of 40681  
this section is combined with a tax authorized under section 40682  
4301.425 or 5743.021 of the Revised Code. 40683

**Sec. 3701.045.** (A) The department of health, in consultation 40684  
with the children's trust fund board established under section 40685  
3109.15 of the Revised Code and any bodies acting as child 40686  
fatality review boards on October 5, 2000, shall adopt rules in 40687  
accordance with Chapter 119. of the Revised Code that establish a 40688  
procedure for county or regional child fatality review boards to 40689  
follow in conducting a review of the death of a child. The rules 40690  
shall do all of the following: 40691

(1) Establish the format for the annual reports required by 40692  
section 307.626 of the Revised Code; 40693

(2) Establish guidelines for a county or regional child 40694  
fatality review board to follow in compiling statistics for annual 40695  
reports so that the reports do not contain any information that 40696  
would permit any person's identity to be ascertained from a 40697  
report; 40698

(3) Establish guidelines for a county or regional child 40699  
fatality review board to follow in creating and maintaining the 40700  
comprehensive database of child deaths required by section 307.623 40701

of the Revised Code, including provisions establishing uniform 40702  
record-keeping procedures; 40703

(4) Establish guidelines for reporting child fatality review 40704  
data to the department of health or a national child death review 40705  
database, either of which must maintain the confidentiality of 40706  
information that would permit a person's identity to be 40707  
ascertained; 40708

(5) Establish guidelines, materials, and training to help 40709  
educate members of county or regional child fatality review boards 40710  
about the purpose of the review process and the confidentiality of 40711  
the information described in section 307.629 of the Revised Code 40712  
and to make them aware that such information is not a public 40713  
record under section 149.43 of the Revised Code. 40714

(B) On or before the thirtieth day of September of each year, 40715  
the department of health and the children's trust fund board 40716  
jointly shall prepare and publish a report organizing and setting 40717  
forth the data from the department of health child death review 40718  
database or the national child death review database, data in all 40719  
the reports provided by county or regional child fatality review 40720  
boards in their annual reports for the previous calendar year, and 40721  
recommendations for any changes to law and policy that might 40722  
prevent future deaths. The department and the children's trust 40723  
fund board jointly shall provide a copy of the report to the 40724  
governor, the speaker of the house of representatives, the 40725  
president of the senate, the minority leaders of the house of 40726  
representatives and the senate, each county or regional child 40727  
fatality review board, and each county or regional family and 40728  
children first council. 40729

Sec. 3701.139. (A) The hope for a smile program is hereby 40730  
established. The primary objective of the program is to improve 40731  
the oral health of school-age children, which the general assembly 40732

declares to be one of the most unmet health care needs of this 40733  
state. Services provided under the program shall be targeted at 40734  
school-age children who are indigent and uninsured, although other 40735  
children may be served. The hope for a smile advisory council 40736  
established under division (H) of this section may recommend 40737  
additional populations to be targeted. 40738

(B) The program shall be operated as a collaboration between 40739  
the department of health and the following: 40740

(1) The Ohio dental association; 40741

(2) The Ohio dental hygienists' association; 40742

(3) The Ohio state university college of dentistry and the 40743  
dental hygiene program at that college; 40744

(4) Case western reserve university school of dental 40745  
medicine; 40746

(5) Shawnee state university; 40747

(6) James A. Rhodes state college; 40748

(7) Columbus state community college; 40749

(8) Cuyahoga community college, metropolitan campus; 40750

(9) Youngstown state university; 40751

(10) Lorain county community college; 40752

(11) Lakeland community college; 40753

(12) University of Cincinnati; 40754

(13) Sinclair community college; 40755

(14) Owens community college; 40756

(15) Stark state college. 40757

(C) With assistance from the director of administrative 40758  
services and using the state's purchasing power, the director of 40759

health shall use money from one or more of the following sources 40760  
to purchase or secure the use of, maintain, and operate one bus 40761  
equipped as a mobile dental unit: 40762

(1) The economic development programs fund created under 40763  
section 3772.17 of the Revised Code; 40764

(2) The hope for a smile program fund created under division 40765  
(G) of this section; 40766

(3) Any other source of public funds that the director of 40767  
administrative services or director of health determines is 40768  
available and may be used for the program. 40769

(D) Dentists, dental hygienists, and the faculty and staff of 40770  
the dentistry and dental hygiene educational programs of this 40771  
state shall staff the bus. The faculty and staff of the 40772  
educational programs may permit students enrolled in the programs 40773  
to participate in staffing the bus. 40774

The individuals staffing the bus shall travel to schools in 40775  
Ohio. In scheduling visits to those schools, priority shall be 40776  
given to schools that are attended by high numbers of children who 40777  
are in the program's targeted population. During each visit, the 40778  
individuals who provide services to the children shall provide the 40779  
services in accordance with their authority to practice under 40780  
Chapter 4715. of the Revised Code. 40781

(E) Dentists and dental hygienists who provide services free 40782  
of charge under the program may deduct the fair market value of 40783  
those services in computing Ohio adjusted gross income under 40784  
section 5747.01 of the Revised Code. 40785

Participation in the program by students of dentistry and 40786  
dental hygiene educational programs in this state shall be 40787  
recognized by the governor and the general assembly as a workforce 40788  
and economic development initiative. 40789

(F) The director of health shall apply on the program's behalf to the department of medicaid for a medicaid provider agreement. The director shall make arrangements with private entities that provide health care insurance or other forms of health care coverage in this state as the director considers necessary for the program to be reimbursed for services provided to children who have health care insurance or coverage through those entities. 40790  
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(G) The program may accept grants, donations, and awards. The program may seek payments from the medicaid program for services provided to children who are medicaid recipients. The program may seek reimbursement from private entities that provide health care insurance or other forms of health care coverage for services provided to children who have insurance or coverage through those. The program may apply for money allocated by the United States department of labor or other entities for workforce or economic development initiatives. 40798  
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Any amounts received from a source described in this division shall be deposited into the state treasury to the credit of the hope for a smile program fund, which is hereby created. Any interest earned on money in the fund shall be credited to the fund. The amounts credited to the fund shall be used solely to pay the costs of the program. 40807  
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(H) The director of health shall establish an advisory council, to be known as the hope for a smile advisory council, to advise the director on matters regarding the implementation and administration of the program. The director shall appoint the council's members, which shall include representatives of the Ohio dental association, the Ohio dental hygienists' association, the Ohio state university college of dentistry and the dental hygiene program at that college, the case western reserve university school of dental medicine, the Ohio council of dental hygiene 40813  
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directors, and other entities considered appropriate by the 40822  
director. 40823

(I) In consultation with the hope for a smile advisory 40824  
council, the director of health shall adopt rules as the director 40825  
considers necessary to implement and administer this section. The 40826  
rules shall be adopted in accordance with Chapter 119. of the 40827  
Revised Code. 40828

(J) Not later than the first day of July each year, the 40829  
director of health, with input from the hope for a smile advisory 40830  
council, shall prepare a report on progress the program has made 40831  
in achieving the objective expressed in division (A) of this 40832  
section, saving money for the medicaid program and other safety 40833  
net programs, and promoting workforce and economic development in 40834  
this state. The director shall submit each report to the governor 40835  
and, in accordance with section 101.68 of the Revised Code, to the 40836  
general assembly. 40837

**Sec. 3701.60.** Every hospital agency as defined in section 40838  
140.01 of the Revised Code, ~~shall~~ may offer a uterine cytologic 40839  
examination for cancer to every female in-patient ~~eighteen~~ 40840  
~~twenty-one~~ years or of age or over unless contrary orders are 40841  
given by the attending physician or unless the examination has 40842  
been performed within the preceding year. Any female in-patient 40843  
may refuse ~~such~~ the examination. ~~The~~ If the examination is 40844  
offered, the hospital agency shall ~~in all cases~~ maintain records 40845  
to show the examination results ~~of the examination,~~ or that the 40846  
examination ~~was not applicable or~~ was refused. 40847

**Sec. 3701.65.** (A) There is hereby created in the state 40848  
treasury the "choose life" fund. The fund shall consist of the 40849  
contributions that are paid to the registrar of motor vehicles by 40850  
applicants who voluntarily elect to obtain "choose life" license 40851

plates pursuant to section 4503.91 of the Revised Code and any 40852  
money returned to the fund under division (E)(1)(d) of this 40853  
section. All investment earnings of the fund shall be credited to 40854  
the fund. 40855

(B)(1) At least annually, the director of health shall 40856  
distribute the money in the fund to any private, nonprofit 40857  
organization that is eligible to receive funds under this section 40858  
and that applies for funding under division (C) of this section. 40859

(2) The director shall ~~distribute~~ allocate the funds ~~based on~~ 40860  
~~the county in which the organization applying for funding is~~ 40861  
~~located and to each county~~ in proportion to the number of "choose 40862  
life" license plates issued during the preceding year to vehicles 40863  
registered in each county. The director shall distribute funds 40864  
allocated for a county ~~to one or more eligible organizations~~ 40865  
~~located in contiguous counties if no eligible organization located~~ 40866  
~~within the county applies for funding. Within each county,~~ 40867  
~~eligible organizations that apply for funding shall share equally~~ 40868  
~~in the funds available for distribution to organizations located~~ 40869  
~~within that county~~ as follows: 40870

(a) To one or more eligible organizations located within the 40871  
county; 40872

(b) If no eligible organization located within the county 40873  
applies for funding, to one or more eligible organizations located 40874  
in contiguous counties; 40875

(c) If no eligible organization located within the county or 40876  
a contiguous county applies for funding, to one or more eligible 40877  
organizations within any other county. 40878

(3) The director shall ensure that any funds allocated for a 40879  
county are distributed equally among eligible organizations that 40880  
apply for funding within the county. 40881

(C) Any organization seeking funds under this section 40882  
annually shall apply for distribution of the funds based on the 40883  
county in which the organization is located. An organization also 40884  
may apply for funding in a ~~contiguous~~ county in which it is not 40885  
located if it demonstrates that it provides services for pregnant 40886  
women residing in that ~~contiguous~~ county. The director shall 40887  
develop an application form and may determine the schedule and 40888  
procedures that an organization shall follow when annually 40889  
applying for funds. The application shall inform the applicant of 40890  
the conditions for receiving and using funds under division (E) of 40891  
this section. The application shall require evidence that the 40892  
organization meets all of the following requirements: 40893

(1) Is a private, nonprofit organization; 40894

(2) Is committed to counseling pregnant women about the 40895  
option of adoption; 40896

(3) Provides services within the state to pregnant women who 40897  
are planning to place their children for adoption, including 40898  
counseling and meeting the material needs of the women; 40899

(4) Does not charge women for any services received; 40900

(5) Is not involved or associated with any abortion 40901  
activities, including counseling for or referrals to abortion 40902  
clinics, providing medical abortion-related procedures, or 40903  
pro-abortion advertising; 40904

(6) Does not discriminate in its provision of any services on 40905  
the basis of race, religion, color, age, marital status, national 40906  
origin, handicap, gender, or age; 40907

(7) If the organization is applying for funding in a county 40908  
in which it is not located, provides services for pregnant women 40909  
residing in that county. 40910

(D) The director shall not distribute funds to an 40911



organization that does not provide verifiable evidence of the 40912  
requirements specified in the application under division (C) of 40913  
this section and shall not provide additional funds to any 40914  
organization that fails to comply with division (E) of this 40915  
section in regard to its previous receipt of funds under this 40916  
section. 40917

(E)(1) An organization receiving funds under this section 40918  
shall do all of the following: 40919

(a) Use not more than sixty per cent of the funds distributed 40920  
to it for the material needs of pregnant women who are planning to 40921  
place their children for adoption or for infants awaiting 40922  
placement with adoptive parents, including clothing, housing, 40923  
medical care, food, utilities, and transportation; 40924

(b) Use not more than forty per cent of the funds distributed 40925  
to it for counseling, training, or advertising; 40926

(c) Not use any of the funds distributed to it for 40927  
administrative expenses, legal expenses, or capital expenditures; 40928

(d) Annually return to the fund created under division (A) of 40929  
this section any unused money that exceeds ten per cent of the 40930  
money distributed to the organization. 40931

(2) The organization annually shall submit to the director an 40932  
audited financial statement verifying its compliance with division 40933  
(E)(1) of this section. 40934

(F) The director, in accordance with Chapter 119. of the 40935  
Revised Code, shall adopt rules to implement this section. 40936

It is not the intent of the general assembly that the 40937  
department create a new position within the department to 40938  
implement and administer this section. It is the intent of the 40939  
general assembly that the implementation and administration of 40940  
this section be accomplished by existing department personnel. 40941

Sec. 3701.70. (A) The director of health shall establish 40942  
guidelines for a state-level review of deaths of children under 40943  
eighteen years of age who, at the time of death, were residents of 40944  
this state. 40945

(B) The purpose of a review conducted pursuant to guidelines 40946  
adopted under this section is to decrease the incidence of 40947  
preventable child deaths by doing all of the following: 40948

(1) Promoting cooperation, collaboration, and communication 40949  
between all groups, professions, agencies, or entities that serve 40950  
families and children; 40951

(2) Maintaining a comprehensive database of child deaths that 40952  
occur in this state in order to develop an understanding of the 40953  
causes and incidence of those deaths; 40954

(3) Recommending and developing plans for implementing state 40955  
and local service and program changes and changes to the groups, 40956  
professions, agencies, or entities that serve families and 40957  
children that might prevent child deaths. 40958

(C) The guidelines shall provide that the director may not 40959  
conduct a review while an investigation of the child's death or 40960  
prosecution of a person for causing the death is pending, unless 40961  
the prosecuting attorney agrees to allow the review. At the 40962  
director's request, the law enforcement agency conducting the 40963  
criminal investigation, on the conclusion of the investigation, 40964  
and the prosecuting attorney, on the conclusion of the 40965  
prosecution, shall notify the director of the conclusion. 40966

Sec. 3701.701. (A)(1) Notwithstanding section 3701.243 and 40967  
any other section of the Revised Code pertaining to 40968  
confidentiality, any individual, public children services agency, 40969  
private child placing agency, or agency that provides services 40970  
specifically to individuals or families, law enforcement agency, 40971

or other public or private entity that provided services to a 40972  
child whose death is being reviewed by the director of health 40973  
pursuant to guidelines established under section 3701.70 of the 40974  
Revised Code, on the request of the director, shall submit to the 40975  
director a summary sheet of information. 40976

(a) With respect to a request made to a health care entity, 40977  
the summary sheet shall contain only information available and 40978  
reasonably drawn from the child's medical record created by the 40979  
health care entity. 40980

(b) With respect to a request made to any other individual or 40981  
entity, the summary sheet shall contain only information available 40982  
and reasonably drawn from any record involving the child that the 40983  
individual or entity develops in the normal course of business. 40984

(c) On the request of the director, an individual or entity 40985  
may, at the individual's or entity's discretion, make any 40986  
additional information, documents, or reports available to the 40987  
director. 40988

(2) Notwithstanding section 3701.243 and any other section of 40989  
the Revised Code pertaining to confidentiality, in the case of a 40990  
child one year of age or younger whose death is being reviewed by 40991  
the director, on the request of the director, a health care entity 40992  
that provided services to the child's mother shall submit to the 40993  
director a summary sheet of information available and reasonably 40994  
drawn from the mother's medical record created by the health care 40995  
entity. Before submitting the summary sheet, the health care 40996  
entity shall attempt to obtain the mother's consent to do so, but 40997  
lack of consent shall not preclude the entity from submitting the 40998  
summary sheet. 40999

(3) For purposes of the review, the director shall have 41000  
access to confidential information provided to the director under 41001  
this section or division (H)(4) of section 2151.421 of the Revised 41002

Code, and the director shall preserve the confidentiality of that information. 41003  
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(B) Notwithstanding division (A) of this section, no person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding the death of a child to the director pursuant to guidelines established under section 3701.70 of the Revised Code while an investigation of the death or prosecution of a person for causing the death is pending, unless the prosecuting attorney agrees to allow the review. 41005  
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**Sec. 3701.702.** (A) An individual or public or private entity providing information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code is immune from civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the information, document, or reports to the director. 41012  
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(B) Each person participating in a review conducted pursuant to guidelines established under section 3701.70 of the Revised Code is immune from civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the person's participation in the review. 41019  
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**Sec. 3701.703.** (A) Except as provided in division (B) of this section and sections 5153.171 to 5153.173 of the Revised Code, any information, document, or report presented to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, all statements made by persons participating in a review conducted pursuant to those guidelines, and all work products of the director are confidential and shall be used by the director only in the exercise of the proper functions of the department of health. 41024  
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(B) The director may disclose the confidential information described in division (A) of this section to a fetal and infant mortality review team. 41033  
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(C) No person shall knowingly permit or encourage the unauthorized dissemination of the confidential information described in division (A) of this section. 41036  
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(D) Whoever violates division (C) of this section is guilty of a misdemeanor of the second degree. 41039  
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**Sec. 3701.834.** There is hereby created in the state treasury the public health emergency preparedness fund. All federal funds the department of health receives to conduct public health emergency preparedness and response activities shall be credited to the fund. The department shall use money in the fund to pay expenses related to public health emergency preparedness and response activities. 41041  
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**Sec. 3702.74.** (A) A primary care physician who has signed a letter of intent under section 3702.73 of the Revised Code and the director of health may enter into a contract for the physician's participation in the physician loan repayment program. The physician's employer or other funding source may also be a party to the contract. 41048  
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(B) The contract shall include all of the following obligations: 41054  
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(1) The primary care physician agrees to provide primary care services in the health resource shortage area identified in the letter of intent for the number of hours and duration specified in the contract; 41056  
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(2) When providing primary care services in the health resource shortage area, the primary care physician agrees to do all of the following: 41060  
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(a) Provide primary care services in an outpatient or ambulatory setting approved by the department of health;	41063 41064
(b) Provide primary care services without regard to a patient's ability to pay;	41065 41066
(c) Meet the requirements for a medicaid provider agreement and enter into the agreement with the department of medicaid to provide primary care services to medicaid recipients.	41067 41068 41069
(3) The department of health agrees, as provided in section 3702.75 of the Revised Code, to repay, so long as the primary care physician performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the primary care physician for expenses described in section 3702.75 of the Revised Code;	41070 41071 41072 41073 41074 41075 41076
(4) The primary care physician agrees to pay the department of health an amount established by rules adopted under section 3702.79 of the Revised Code if the physician fails to complete the service obligation agreed to under division (B)(1) of this section.	41077 41078 41079 41080 41081
(C) The contract shall include the following terms as agreed upon by the parties:	41082 41083
(1) The primary care physician's required length of service in the health resource shortage area, which must be at least two years;	41084 41085 41086
(2) The number of weekly hours the primary care physician will be engaged in full-time practice or part-time practice in the health resource shortage area;	41087 41088 41089
(3) The maximum amount that the department will repay on behalf of the primary care physician;	41090 41091
(4) The extent to which the primary care physician's teaching	41092

activities will be counted toward the physician's full-time 41093  
practice or part-time practice hours under the contract. 41094

(D) If the amount specified in division (C)(3) of this 41095  
section includes federal funds ~~from the bureau of clinician~~ 41096  
~~recruitment and service in the United States department of health~~ 41097  
~~and human services~~, the amount of state funds repaid on the 41098  
individual's behalf shall be the same as the amount of those 41099  
federal funds. 41100

**Sec. 3702.91.** (A) As used in this section: 41101

(1) "Full-time practice" and "part-time practice" have the 41102  
same meanings as in section 3702.71 of the Revised Code; 41103

(2) "Teaching activities" means ~~supervising~~ providing 41104  
clinical education to dental students and dental residents and 41105  
dental health profession students at the service site specified in 41106  
the ~~letter of intent~~ contract described in division (B) of this 41107  
section ~~3702.90 of the Revised Code.~~ 41108

(B) An individual who has signed a letter of intent may enter 41109  
into a contract with the director of health for participation in 41110  
the dentist loan repayment program. The dentist's employer or 41111  
other funding source may also be a party to the contract. 41112

(C) The contract shall include all of the following 41113  
obligations: 41114

(1) The individual agrees to provide dental services in the 41115  
dental health resource shortage area identified in the letter of 41116  
intent for the number of hours and duration specified in the 41117  
contract. 41118

(2) When providing dental services in the dental health 41119  
resource shortage area, the individual agrees to do all of the 41120  
following: 41121

(a) Provide dental services in a service site approved by the 41122

department of health;	41123
(b) Provide dental services without regard to a patient's ability to pay;	41124 41125
(c) Meet the requirements for a medicaid provider agreement and enter into the agreement with the department of medicaid to provide dental services to medicaid recipients.	41126 41127 41128
(3) The department of health agrees, as provided in section 3702.85 of the Revised Code, to repay, so long as the individual performs the service obligation agreed to under division (C)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the individual for expenses described in section 3702.85 of the Revised Code.	41129 41130 41131 41132 41133 41134
(4) The individual agrees to pay the department of health an amount established by rules adopted under section 3702.86 of the Revised Code, if the individual fails to complete the service obligation agreed to under division (C)(1) of this section.	41135 41136 41137 41138
(D) The contract shall include the following terms as agreed upon by the parties:	41139 41140
(1) The individual's required length of service in the dental health resource shortage area, which must be at least two years;	41141 41142
(2) The number of weekly hours the individual will be engaged in full-time practice or part-time practice;	41143 41144
(3) The maximum amount that the department will repay on behalf of the individual;	41145 41146
(4) The extent to which the individual's teaching activities will be counted toward the individual's full-time practice or part-time practice hours under the contract.	41147 41148 41149
(E) If the amount specified in division (D)(3) of this section includes <u>federal</u> funds <del>from the bureau of clinician recruitment and service in the United States department of health</del>	41150 41151 41152



and ~~human services~~, the amount of state funds repaid on the 41153  
individual's behalf shall be the same as the amount of those 41154  
federal funds. 41155

**Sec. 3704.05.** (A) No person shall cause, permit, or allow 41156  
emission of an air contaminant in violation of any rule adopted by 41157  
the director of environmental protection under division (E) of 41158  
section 3704.03 of the Revised Code unless the person is the 41159  
holder of a variance that is issued under division (H) of that 41160  
section and consistent with the federal Clean Air Act permitting 41161  
the emission of the contaminant in excess of that permitted by the 41162  
rule or the person is the holder of an operating permit that 41163  
includes a compliance schedule issued pursuant to rules adopted 41164  
under division (G) of section 3704.03 of the Revised Code. 41165

(B) No person who is the holder of a variance issued under 41166  
division (H) of section 3704.03 of the Revised Code shall cause, 41167  
permit, or allow emission of an air contaminant or contaminants 41168  
listed therein in violation of the conditions of the variance or 41169  
fail to obey an order of the director issued under authority of 41170  
that division. 41171

(C) No person who is the holder of a permit issued under 41172  
division (F) or (G) of section 3704.03 of the Revised Code shall 41173  
violate any of its terms or conditions. 41174

(D) No person shall fail to install and maintain monitoring 41175  
devices or to submit reports or other information as may be 41176  
required under division (I) of section 3704.03 of the Revised 41177  
Code. 41178

(E) No person to whom a permit or variance has been issued 41179  
shall refuse entry to an authorized representative of the director 41180  
or the environmental protection agency as provided in division 41181  
~~(M)~~(L) of section 3704.03 of the Revised Code or hinder or thwart 41182  
the person in making an investigation. 41183

(F) No person shall fail to submit plans and specifications	41184
as required by section 3704.03 of the Revised Code.	41185
(G) No person shall violate any order, rule, or determination	41186
of the director issued, adopted, or made under this chapter.	41187
(H) No person shall do any of the following:	41188
(1) Falsify any plans, specifications, data, reports,	41189
records, or other information required to be kept or submitted to	41190
the director by this chapter or rules adopted under it;	41191
(2) Make any false material statement, representation, or	41192
certification in any form, notice, or report required by the Title	41193
V permit program;	41194
(3) Render inaccurate any monitoring device required by a	41195
Title V permit.	41196
Violation of division (H)(1), (2), or (3) of this section is	41197
not also falsification under section 2921.13 of the Revised Code.	41198
(I) No person shall knowingly falsify an inspection	41199
certificate submitted to another under section 3704.14 or Chapter	41200
4503. of Revised Code. Violation of this division is not also	41201
falsification under section 2921.13 of the Revised Code.	41202
(J) No person shall do either of the following:	41203
(1) With regard to the Title V permit program, fail to pay	41204
any administrative penalty assessed in accordance with rules	41205
adopted under division (S) of section 3704.03 of the Revised Code	41206
or any fee assessed under section 3745.11 of the Revised Code;	41207
(2) Violate any applicable requirement of a Title V permit or	41208
any permit condition, except for an emergency as defined in 40	41209
C.F.R. 70.6 (g), or filing requirement of the Title V permit	41210
program, any duty to allow or carry out inspection, entry, or	41211
monitoring activities, or any rule adopted or order issued by the	41212
director pursuant to the Title V permit program.	41213

(K) On and after the three hundred sixty-sixth day following 41214  
the administrator's final approval of the Title V permit program, 41215  
or on and after the three hundred sixty-sixth day following the 41216  
commencement of operation of a new major source required to comply 41217  
with section 112(g) or part C or D of Title I of the federal Clean 41218  
Air Act, whichever is later, no person shall operate any such 41219  
source that is required to obtain a Title V permit under section 41220  
3704.036 of the Revised Code or rules adopted under it unless such 41221  
a permit has been issued authorizing operation of the source or 41222  
unless a complete and timely application for the issuance, 41223  
renewal, or modification of a Title V permit for the source has 41224  
been submitted to the director under that section. 41225

**Sec. 3704.14.** (A)(1) If the director of environmental 41226  
protection determines that implementation of a motor vehicle 41227  
inspection and maintenance program is necessary for the state to 41228  
effectively comply with the federal Clean Air Act after June 30, 41229  
~~2011~~ 2015, the director may provide for the implementation of the 41230  
program in those counties in this state in which such a program is 41231  
federally mandated. Upon making such a determination, the director 41232  
of environmental protection may request the director of 41233  
administrative services to extend the terms of the contract that 41234  
was entered into under the authority of Am. Sub. H.B. ~~± 153~~ of the 41235  
~~128th~~ 129th general assembly. Upon receiving the request, the 41236  
director of administrative services shall extend the contract, 41237  
beginning on July 1, ~~2011~~ 2015, in accordance with this section. 41238  
The contract shall be extended for a period of up to ~~twelve~~ 41239  
twenty-four months with the contractor who conducted the motor 41240  
vehicle inspection and maintenance program under that contract. 41241

(2) Prior to the expiration of the contract extension that is 41242  
authorized by division (A)(1) of this section, the director of 41243  
environmental protection shall request the director of 41244  
administrative services to enter into a contract with a vendor to 41245

operate a decentralized motor vehicle inspection and maintenance 41246  
program in each county in this state in which such a program is 41247  
federally mandated through June 30, ~~2015~~ 2019, with an option for 41248  
the state to renew the contract for a period of up to twenty-four 41249  
months through June 30, ~~2017~~ 2021. The contract shall ensure that 41250  
the decentralized motor vehicle inspection and maintenance program 41251  
achieves at least the same emission reductions as achieved by the 41252  
program operated under the authority of the contract that was 41253  
extended under division (A)(1) of this section. The director of 41254  
administrative services shall select a vendor through a 41255  
competitive selection process in compliance with Chapter 125. of 41256  
the Revised Code. 41257

(3) Notwithstanding any law to the contrary, the director of 41258  
administrative services shall ensure that a competitive selection 41259  
process regarding a contract to operate a decentralized motor 41260  
vehicle inspection and maintenance program in this state 41261  
incorporates the following, which shall be included in the 41262  
contract: 41263

(a) For purposes of expanding the number of testing locations 41264  
for consumer convenience, a requirement that the vendor utilize 41265  
established local businesses, auto repair facilities, or leased 41266  
properties to operate state-approved inspection and maintenance 41267  
testing facilities; 41268

(b) A requirement that the vendor selected to operate the 41269  
program provide notification of the program's requirements to each 41270  
owner of a motor vehicle that is required to be inspected under 41271  
the program. The contract shall require the notification to be 41272  
provided not later than sixty days prior to the date by which the 41273  
owner of the motor vehicle is required to have the motor vehicle 41274  
inspected. The director of environmental protection and the vendor 41275  
shall jointly agree on the content of the notice. However, the 41276  
notice shall include at a minimum the locations of all inspection 41277

facilities within a specified distance of the address that is listed on the owner's motor vehicle registration; (c) A requirement that the vendor comply with testing methodology and supply the required equipment approved by the director of environmental protection as specified in the competitive selection process in compliance with Chapter 125. of the Revised Code. (4) A decentralized motor vehicle inspection and maintenance program operated under this section shall comply with division (B) of this section. The director of environmental protection shall administer the decentralized motor vehicle inspection and maintenance program operated under this section. (B) The decentralized motor vehicle inspection and maintenance program authorized by this section, at a minimum, shall do all of the following: (1) Comply with the federal Clean Air Act; (2) Provide for the issuance of inspection certificates; (3) Provide for a new car exemption for motor vehicles four years old or newer and provide that a new motor vehicle is exempt for four years regardless of whether legal title to the motor vehicle is transferred during that period. (C) The director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that the director determines are necessary to implement this section. The director may continue to implement and enforce rules pertaining to the motor vehicle inspection and maintenance program previously implemented under former section 3704.14 of the Revised Code as that section existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th general assembly, provided that the rules do not conflict with this section.

(D) There is hereby created in the state treasury the auto emissions test fund, which shall consist of money received by the director from any cash transfers, state and local grants, and other contributions that are received for the purpose of funding the program established under this section. The director of environmental protection shall use money in the fund solely for the implementation, supervision, administration, operation, and enforcement of the motor vehicle inspection and maintenance program established under this section. Money in the fund shall not be used for either of the following:

(1) To pay for the inspection costs incurred by a motor vehicle dealer so that the dealer may provide inspection certificates to an individual purchasing a motor vehicle from the dealer when that individual resides in a county that is subject to the motor vehicle inspection and maintenance program;

(2) To provide payment for more than one free passing emissions inspection or a total of three emissions inspections for a motor vehicle in any three-hundred-sixty-five-day period. The owner or lessee of a motor vehicle is responsible for inspection fees that are related to emissions inspections beyond one free passing emissions inspection or three total emissions inspections in any three-hundred-sixty-five-day period. Inspection fees that are charged by a contractor conducting emissions inspections under a motor vehicle inspection and maintenance program shall be approved by the director of environmental protection.

(E) The motor vehicle inspection and maintenance program established under this section expires upon the termination of all contracts entered into under this section and shall not be implemented beyond the final date on which termination occurs.

**Sec. 3705.08.** (A) The director of health, by rule, shall prescribe the form of records and certificates required by this

chapter. Records and certificates shall include the items and 41339  
information prescribed by the director, including the items 41340  
recommended by the national center for health statistics of the 41341  
United States department of health and human services, subject to 41342  
approval of and modification by the director. 41343

(B) All birth certificates shall include a statement setting 41344  
forth the names of the child's parents and a line for the mother's 41345  
and the father's signature. 41346

(C) All death certificates shall include, in the medical 41347  
certification portion of the certificate, a space to indicate, if 41348  
the deceased individual is female and the manner of death is 41349  
determined to be a suspicious or violent death, whether any of the 41350  
following conditions apply to the individual: 41351

(1) Not pregnant within the past year; 41352

(2) Pregnant at the time of death; 41353

(3) Not pregnant, but had been pregnant within forty-two days 41354  
prior to the time of death; 41355

(4) Not pregnant, but had been pregnant within forty-three 41356  
days to one year prior to the time of death; 41357

(5) Unknown whether pregnant within the past year. 41358

(D)(1) The director shall prescribe methods, forms, and 41359  
blanks and shall furnish necessary postage, forms, and blanks for 41360  
obtaining registration of births, deaths, and other vital 41361  
statistics in each registration district, and for preserving the 41362  
records of the office of vital statistics, and no forms or blanks 41363  
shall be used other than those prescribed by the director. 41364

(2) All birth, fetal death, and death records and 41365  
certificates shall be ~~printed legibly or typewritten in unfading~~ 41366  
~~black ink and~~ signed. Except as provided in division (G) of 41367  
section 3705.09, section 3705.12, 3705.121, 3705.122, or 3705.124, 41368

division (D) of section 3705.15, or section 3705.16 of the Revised Code, ~~a signature required on~~ a birth, fetal death, or death certificate shall be ~~written~~ signed by the person required to sign and ~~a facsimile signature shall not be used~~ the certificate.

(3) All vital records shall contain the date received for registration.

(4) Information and signatures required in certificates, records, or reports authorized by this chapter may be filed and registered by photographic, electronic, or other means as prescribed by the director.

**Sec. 3705.231.** (A) A local registrar shall issue, on receipt of a signed application for a birth or death record and the fee specified in division (B) of this section, a noncertified copy of a birth or death record, and the birth or death record shall contain at least the name, sex, date of birth or death, registration date, and place of birth or death of the person to whose birth or death the record attests and shall attest that the person's birth or death has been registered.

(B) A local registrar may charge a fee for providing a noncertified copy, not to exceed twenty-five cents per page when provided in black and white, or, if a local registrar offers to provide a color copy, a reasonable amount not to exceed the amount the local registrar expends in producing the color copy.

**Sec. 3714.051.** (A)(1) Not later than one hundred eighty days after ~~the effective date of this section~~ December 22, 2005, and in accordance with rules adopted under section 3714.02 of the Revised Code, the director of environmental protection shall establish a program for the issuance of permits to install for new construction and demolition debris facilities.

(2) On and after ~~the effective date of this section~~ December



22, 2005, no person shall establish a new construction and 41399  
demolition debris facility without first obtaining a permit to 41400  
install issued by the board of health of the health district in 41401  
which the facility is or is to be located or from the director if 41402  
the facility is or is to be located in a health district that is 41403  
not on the approved list under section 3714.09 of the Revised Code 41404  
or if a board of health requests the director to issue the permit 41405  
to install under division (G) of this section. 41406

(B) The director, the director's authorized representative, a 41407  
board of health, or an authorized representative of the board may 41408  
assist an applicant for a permit to install during the permitting 41409  
process by providing guidance and technical assistance. 41410

(C) An applicant for a permit to install shall submit an 41411  
application to a board of health or the director, as applicable, 41412  
on a form that the director prescribes. The applicant shall 41413  
include with the application all of the following: 41414

(1) The name and address of the applicant, of all partners if 41415  
the applicant is a partnership or of all officers and directors if 41416  
the applicant is a corporation, and of any other person who has a 41417  
right to control or in fact controls management of the applicant 41418  
or the selection of officers, directors, or managers of the 41419  
applicant; 41420

(2) The designs and plans for the construction and demolition 41421  
debris facility that include the location or proposed location of 41422  
the facility, design and construction plans and specifications, 41423  
anticipated beginning and ending dates for work performed, and any 41424  
other related information that the director requires by rule; 41425

(3) The information required under section 3714.052 of the 41426  
Revised Code; 41427

(4) An application fee of two thousand dollars. A board of 41428  
health shall deposit money collected under division (C)(4) of this 41429

section into the special fund of the health district created under 41430  
section 3714.07 of the Revised Code. The director shall transmit 41431  
money collected under division (C)(4) of this section to the 41432  
treasurer of state to be credited to the ~~construction and~~ 41433  
~~demolition debris facility oversight~~ waste management fund created 41434  
in ~~that~~ section 3734.061 of the Revised Code. Not later than six 41435  
months after a facility that is issued a permit to install begins 41436  
accepting construction and demolition debris for disposal, a board 41437  
of health or the director, as applicable, shall refund the 41438  
application fee received under division (C)(4) of this section to 41439  
the person that submitted the application for the permit to 41440  
install. 41441

(5) Any other information required by the director in 41442  
accordance with rules adopted under section 3714.02 of the Revised 41443  
Code. 41444

(D) A permit to install may be issued with terms and 41445  
conditions that a board of health or the director, as applicable, 41446  
finds necessary to ensure that the facility will comply with this 41447  
chapter and rules adopted under it and to protect public health 41448  
and safety and the environment. 41449

(E) A permit to install shall expire after a time period 41450  
specified by the director or board of health, as applicable, in 41451  
accordance with rules adopted under section 3714.02 of the Revised 41452  
Code unless the applicant has undertaken a continuing program of 41453  
construction or has entered into a binding contractual obligation 41454  
to undertake and complete a continuing program of construction 41455  
within a reasonable time, in which case the director or board, as 41456  
applicable, may extend the expiration date of a permit to install 41457  
upon request of the applicant. 41458

(F) The director or a board of health, as applicable, may 41459  
issue, deny, modify, suspend, or revoke a permit to install in 41460  
accordance with rules. 41461

(G) A board of health shall notify the director of its receipt of an application for a permit to install. A board of health, or its authorized representative, may request the director to review an application, or part of an application, for a permit to install and also may request that the director issue or deny it when the board determines that additional expertise is required. The director shall comply with such a request.

Upon a board of health's issuance of a permit to install for a new construction and demolition debris facility under this section, the board shall mail a copy of the permit to the director together with approved plans, specifications, and information regarding the facility.

**Sec. 3714.07.** (A)(1) For the purpose of assisting boards of health and the environmental protection agency in administering and enforcing this chapter and rules adopted under it, there is hereby levied a fee of thirty cents per cubic yard or sixty cents per ton, as applicable, on both of the following:

(a) The disposal of construction and demolition debris at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code;

(b) The disposal of asbestos or asbestos-containing materials or products at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code.

(2) The owner or operator of a construction and demolition debris facility or a solid waste facility shall determine if cubic yards or tons will be used as the unit of measurement. If basing the fee on cubic yards, the owner or operator shall utilize either the maximum cubic yard capacity of the container, or the hauling volume of the vehicle, that transports the construction and

demolition debris to the facility or the cubic yards actually 41493  
logged for disposal by the owner or operator in accordance with 41494  
rules adopted under section 3714.02 of the Revised Code. If basing 41495  
the fee on tonnage, the owner or operator shall use certified 41496  
scales to determine the tonnage of construction and demolition 41497  
debris that is disposed of. 41498

(3) The owner or operator of a construction and demolition 41499  
debris facility or a solid waste facility shall calculate the 41500  
amount of money generated from the fee levied under division 41501  
(A)(1) of this section and shall hold that amount as a trustee for 41502  
the health district having jurisdiction over the facility, if that 41503  
district is on the approved list under section 3714.09 of the 41504  
Revised Code, or for the state. The owner or operator shall 41505  
prepare and file with the appropriate board of health or the 41506  
director of environmental protection monthly returns indicating 41507  
the total volume or weight, as applicable, of construction and 41508  
demolition debris and asbestos or asbestos-containing materials or 41509  
products disposed of at the facility and the total amount of money 41510  
generated during that month from the fee levied under division 41511  
(A)(1) of this section on the disposal of construction and 41512  
demolition debris and asbestos or asbestos-containing materials or 41513  
products. Not later than thirty days after the last day of the 41514  
month to which the return applies, the owner or operator shall 41515  
mail to the board of health or the director the return for that 41516  
month together with the amount of money calculated under division 41517  
(A)(3) of this section on the disposal of construction and 41518  
demolition debris and asbestos or asbestos-containing materials or 41519  
products during that month or may submit the return and money 41520  
electronically in a manner approved by the director. The owner or 41521  
operator may request, in writing, an extension of not more than 41522  
thirty days after the last day of the month to which the return 41523  
applies. A request for extension may be denied. If the owner or 41524  
operator submits the money late, the owner or operator shall pay a 41525

penalty of ten per cent of the amount of the money due for each 41526  
month that it is late. 41527

(4) Of the money that is submitted by a construction and 41528  
demolition debris facility or a solid waste facility on a per 41529  
cubic yard or per ton basis under this section, a board of health 41530  
shall transmit three cents per cubic yard or six cents per ton, as 41531  
applicable, to the director not later than forty-five days after 41532  
the receipt of the money. The money retained by a board of health 41533  
under this section shall be paid into a special fund, which is 41534  
hereby created in each health district, and used solely for the 41535  
following purposes: 41536

(a) To administer and enforce this chapter and rules adopted 41537  
under it; 41538

(b) To abate abandoned accumulations of construction and 41539  
demolition debris as provided in section 3714.074 of the Revised 41540  
Code. 41541

The director shall transmit all money received under this 41542  
section to the treasurer of state to be ~~credited~~ deposited in the 41543  
state treasury to the ~~construction and demolition debris facility~~ 41544  
~~oversight~~ credit of the waste management fund, which is hereby 41545  
created in ~~the state treasury~~ section 3734.061 of the Revised 41546  
Code. ~~The fund shall be administered by the director, and money~~ 41547  
~~credited to the fund shall be used exclusively for the~~ 41548  
~~administration and enforcement of this chapter and rules adopted~~ 41549  
~~under it.~~ 41550

(B) The board of health of a health district or the director 41551  
may enter into an agreement with the owner or operator of a 41552  
construction and demolition debris facility or a solid waste 41553  
facility for the quarterly payment of money generated from the 41554  
disposal fee as calculated in division (A)(3) of this section. The 41555  
board of health shall notify the director of any such agreement. 41556

Not later than forty-five days after receipt of the quarterly 41557  
payment, the board of health shall transmit the amount established 41558  
in division (A)(4) of this section to the director. The money 41559  
retained by the board of health shall be deposited in the special 41560  
fund of the district as required under that division. Upon receipt 41561  
of the money from a board of health, the director shall transmit 41562  
the money to the treasurer of state to be credited to the 41563  
~~construction and demolition debris facility oversight~~ waste  
management fund. 41564  
41565

(C) If a construction and demolition debris facility or a 41566  
solid waste facility is located within the territorial boundaries 41567  
of a municipal corporation or the unincorporated area of a 41568  
township, the municipal corporation or township may appropriate up 41569  
to four cents per cubic yard or up to eight cents per ton of the 41570  
disposal fee required to be paid by the facility under division 41571  
(A)(1) of this section for the same purposes that a municipal 41572  
corporation or township may levy a fee under division (C) of 41573  
section 3734.57 of the Revised Code. 41574

The legislative authority of the municipal corporation or 41575  
township may appropriate the money from the fee by enacting an 41576  
ordinance or adopting a resolution establishing the amount of the 41577  
fee to be appropriated. Upon doing so, the legislative authority 41578  
shall mail a certified copy of the ordinance or resolution to the 41579  
board of health of the health district in which the construction 41580  
and demolition debris facility or the solid waste facility is 41581  
located or, if the facility is located in a health district that 41582  
is not on the approved list under section 3714.09 of the Revised 41583  
Code, to the director. Upon receipt of the copy of the ordinance 41584  
or resolution and not later than forty-five days after receipt of 41585  
money generated from the fee, the board or the director, as 41586  
applicable, shall transmit to the treasurer or other appropriate 41587  
officer of the municipal corporation or clerk of the township that 41588

portion of the money generated from the disposal fee by the owner 41589  
or operator of the facility that is required by the ordinance or 41590  
resolution to be paid to that municipal corporation or township. 41591

Money received by the treasurer or other appropriate officer 41592  
of a municipal corporation under this division shall be paid into 41593  
the general fund of the municipal corporation. Money received by 41594  
the clerk of a township under this division shall be paid into the 41595  
general fund of the township. The treasurer or other officer of 41596  
the municipal corporation or the clerk of the township, as 41597  
appropriate, shall maintain separate records of the money received 41598  
under this division. 41599

The legislative authority of a municipal corporation or 41600  
township may cease appropriating money under this division by 41601  
repealing the ordinance or resolution that was enacted or adopted 41602  
under this division. 41603

The director shall adopt rules in accordance with Chapter 41604  
119. of the Revised Code establishing requirements for prorating 41605  
the amount of the fee that may be appropriated under this division 41606  
by a municipal corporation or township in which only a portion of 41607  
a construction and demolition debris facility is located within 41608  
the territorial boundaries of the municipal corporation or 41609  
township. 41610

(D) The board of county commissioners of a county in which a 41611  
construction and demolition debris facility or a solid waste 41612  
facility is located may appropriate up to three cents per cubic 41613  
yard or up to six cents per ton of the disposal fee required to be 41614  
paid by the facility under division (A)(1) of this section for the 41615  
same purposes that a solid waste management district may levy a 41616  
fee under division (B) of section 3734.57 of the Revised Code. 41617

The board of county commissioners may appropriate the money 41618  
from the fee by adopting a resolution establishing the amount of 41619

the fee to be appropriated. Upon doing so, the board of county 41620  
commissioners shall mail a certified copy of the resolution to the 41621  
board of health of the health district in which the construction 41622  
and demolition debris facility or the solid waste facility is 41623  
located or, if the facility is located in a health district that 41624  
is not on the approved list under section 3714.09 of the Revised 41625  
Code, to the director. Upon receipt of the copy of the resolution 41626  
and not later than forty-five days after receipt of money 41627  
generated from the fee, the board of health or the director, as 41628  
applicable, shall transmit to the treasurer of the county that 41629  
portion of the money generated from the disposal fee by the owner 41630  
or operator of the facility that is required by the resolution to 41631  
be paid to that county. 41632

Money received by a county treasurer under this division 41633  
shall be paid into the general fund of the county. The county 41634  
treasurer shall maintain separate records of the money received 41635  
under this division. 41636

A board of county commissioners may cease appropriating money 41637  
under this division by repealing the resolution that was adopted 41638  
under this division. 41639

(E)(1) This section does not apply to the disposal of 41640  
construction and demolition debris at a solid waste facility that 41641  
is licensed under Chapter 3734. of the Revised Code if there is no 41642  
construction and demolition debris facility licensed under this 41643  
chapter within thirty-five miles of the solid waste facility as 41644  
determined by a facility's property boundaries. 41645

(2) This section does not apply to the disposal of 41646  
construction and demolition debris at a solid waste facility that 41647  
is licensed under Chapter 3734. of the Revised Code if the owner 41648  
or operator of the facility chooses to collect fees on the 41649  
disposal of the construction and demolition debris and asbestos or 41650  
asbestos-containing materials or products that are identical to 41651



the fees that are collected under Chapters 343. and 3734. of the Revised Code on the disposal of solid wastes at that facility.

(3) This section does not apply to the disposal of source separated materials that are exclusively composed of reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone at a construction and demolition debris facility that is licensed under this chapter when either of the following applies:

(a) The materials are placed within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, are not placed within the unloading zone of the facility, and are used as a fire prevention measure in accordance with rules adopted by the director under section 3714.02 of the Revised Code.

(b) The materials are not placed within the unloading zone of the facility or within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, but are used as fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate fill operations for construction purposes at the facility or to bring the facility up to a consistent grade.

**Sec. 3714.08.** (A) At least annually, the board of health of a health district or the director of environmental protection shall cause each construction and demolition debris facility for which the board or the director, as appropriate, issued a license under section 3714.06 of the Revised Code to be inspected and shall cause a record to be made of each inspection. The board or the director shall require each such facility to be in substantial compliance with this chapter and rules adopted under it.

(B) Within thirty days after the issuance of a license, the board of health shall certify to the director of environmental protection that the construction and demolition debris facility has been inspected and is in substantial compliance with this chapter and rules adopted under it. Each board of health shall provide the director with such other information as ~~he~~ the director may require from time to time.

(C) The board of health or its authorized representative and the director or ~~his~~ the director's authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, may enter at reasonable times upon any public or private property, real or personal, to inspect or investigate, obtain samples, and examine or copy records to determine compliance with this chapter and rules adopted under it. The board of health or its authorized representative or the director or ~~his~~ the director's authorized representative may apply for, and any judge of a court of record may issue, an appropriate search warrant necessary to achieve the purposes of this chapter and rules adopted under it within the court's territorial jurisdiction. If entry is refused or inspection or investigation is refused, hindered, or thwarted, the board of health or the director may suspend or revoke the construction and demolition debris facility's license.

(D) If the entry authorized by division (C) of this section is refused or if the inspection or investigation so authorized is refused, hindered, or thwarted by intimidation or otherwise and if the director, the board of health, or authorized representative of either applies for and obtains a search warrant under division (C) of this section to conduct the inspection or investigation, the owner or operator of the premises where entry was refused or inspection or investigation was refused, hindered, or thwarted is liable to the director or board of health for the reasonable costs

incurred by either for ~~the~~ all of the following: 41715

(1) The regular salaries and fringe benefit costs of 41716  
personnel assigned to conduct the inspection or investigation from 41717  
the time the entry, inspection, or investigation was refused, 41718  
hindered, or thwarted until the search warrant is executed; ~~for~~ 41719  
~~the~~ 41720

(2) The salary, fringe benefits, and travel expenses of the 41721  
attorney general, prosecuting attorney of the county, or city 41722  
director of law, or an authorized assistant, incurred in obtaining 41723  
the search warrant; ~~and for expenses~~ 41724

(3) Expenses necessarily incurred for the assistance of local 41725  
law enforcement officers in executing the search warrant. ~~In~~ 41726

In the application for a search warrant, the director or 41727  
board of health may request and the court, in its order granting 41728  
the search warrant, may order the owner or operator of the 41729  
premises to reimburse the director or board of health for such of 41730  
those costs as the court finds reasonable. From moneys recovered 41731  
under this division, the director shall reimburse the attorney 41732  
general for the costs incurred by ~~him~~ the attorney general or ~~his~~ 41733  
the attorney general's authorized assistant in connection with 41734  
proceedings for obtaining the search warrant, shall reimburse the 41735  
political subdivision in which the premises is located for the 41736  
assistance of its law enforcement officers in executing the search 41737  
warrant, and shall deposit the remainder in the state treasury to 41738  
the credit of the ~~construction and demolition debris facility~~ 41739  
~~oversight~~ waste management fund created in section ~~3714.07~~ 41740  
3734.061 of the Revised Code. From moneys recovered under this 41741  
division, the board of health shall reimburse the prosecuting 41742  
attorney of the county or the city director of law for the costs 41743  
incurred by ~~him~~ the prosecuting attorney or the city director of 41744  
law or ~~his~~ the authorized assistant of the prosecuting attorney or 41745  
the city director of law in connection with proceedings for 41746

obtaining the search warrant, shall reimburse the political 41747  
subdivision in which the premises is located for the assistance of 41748  
its law enforcement officers in executing the search warrant, and 41749  
shall deposit the remainder of any such moneys to the credit of 41750  
the special fund of the health district created in section 3714.07 41751  
of the Revised Code. 41752

**Sec. 3714.09.** (A) The director of environmental protection 41753  
shall place each health district that is on the approved list 41754  
under division (A) or (B) of section 3734.08 of the Revised Code 41755  
on the approved list for the purposes of issuing permits to 41756  
install and licenses under this chapter. Any survey or resurvey of 41757  
any such health district conducted under section 3734.08 of the 41758  
Revised Code shall also determine whether there is substantial 41759  
compliance with this chapter. If the director removes any such 41760  
health district from the approved list under division (B) of that 41761  
section, the director shall also remove the health district from 41762  
the approved list under this division and shall administer and 41763  
enforce this chapter in the health district until the health 41764  
district is placed on the approved list under division (B) of 41765  
section 3734.08 of the Revised Code or division (B)(1) of this 41766  
section. 41767

(B)(1) Upon the request of the board of health of a health 41768  
district that is not on the approved list under division (A) or 41769  
(B) of section 3734.08 of the Revised Code, the director may place 41770  
the board on the approved list for the purpose of permitting and 41771  
licensing construction and demolition debris facilities under this 41772  
chapter if the director determines that the board is both capable 41773  
of and willing to enforce all of the applicable requirements of 41774  
this chapter and rules adopted under it. 41775

(2) The director shall annually survey each health district 41776  
on the approved list under division (B)(1) of this section to 41777

determine whether there is substantial compliance with this 41778  
chapter and rules adopted under it. Upon determining that there is 41779  
substantial compliance, the director shall place the health 41780  
district on the approved list under that division. The director 41781  
shall make a resurvey when in the director's opinion a resurvey is 41782  
necessary and shall remove from the approved list under division 41783  
(B)(1) of this section any health district not substantially 41784  
complying with this chapter and rules adopted under it. 41785

(3) If, after a survey or resurvey is made under division 41786  
(B)(2) of this section, the director determines that a health 41787  
district is not eligible to be placed on the approved list or to 41788  
continue on that list, the director shall certify that fact to the 41789  
board of health of the health district and shall administer and 41790  
enforce this chapter and rules adopted under it in the health 41791  
district until such time as the health district is placed on the 41792  
approved list. 41793

(4) Whenever the director is required to administer and 41794  
enforce this chapter in any health district under division (A) or 41795  
(B)(3) of this section, the director is hereby vested with all of 41796  
the authority and all the duties granted to or imposed upon a 41797  
board of health under this chapter and rules adopted under it 41798  
within the health district. All disposal fees required to be paid 41799  
to a board of health by section 3714.07 of the Revised Code and 41800  
all such previous fees paid to the board, together with any money 41801  
from construction and demolition debris facility license fees that 41802  
were required to be paid to the board under section 3714.07 of the 41803  
Revised Code as that section existed prior to April 15, 2005, that 41804  
have not been expended or encumbered shall be paid to the director 41805  
and deposited by the director in the state treasury to the credit 41806  
of the ~~construction and demolition debris facility oversight~~ waste  
management fund created in section ~~3714.07~~ 3734.061 of the Revised 41807  
Code. 41808  
41809

(C) Nothing in this chapter limits the authority of the 41810  
director to initiate and pursue any administrative remedy or to 41811  
request the attorney general, the prosecuting attorney of the 41812  
appropriate county, or the city director of law of the appropriate 41813  
city to initiate and pursue any appropriate judicial remedy 41814  
available under this chapter to enforce any provision of this 41815  
chapter and any rules or terms or conditions of any permit or 41816  
license or order adopted or issued under this chapter with respect 41817  
to any construction and demolition debris facility regardless of 41818  
whether the facility is located in a health district that is on 41819  
the approved list under this section. 41820

**Sec. 3717.49.** (A) A licensor may suspend or revoke a food 41821  
service operation license on determining that the license holder 41822  
is in violation of any requirement of this chapter or the rules 41823  
adopted under it applicable to food service operations, including 41824  
a violation evidenced by the documented failure to maintain 41825  
sanitary conditions within the operation. 41826

(B) A licensor may revoke a food service operation license on 41827  
determining that the license holder has three or more violations 41828  
that occurred after the effective date of this amendment for 41829  
failure to enforce or observe the prohibitions contained in 41830  
section 3794.02 of the Revised Code within a two-year period or 41831  
failure to pay a civil fine that occurred after the effective date 41832  
of this amendment that is in excess of one thousand dollars 41833  
associated with a violation of section 3794.02 of the Revised 41834  
Code. A decision to revoke a food service operation license under 41835  
this division may be appealed under division (C) or (D) of this 41836  
section. 41837

(C)(1) Except in the case of a violation that presents an 41838  
immediate danger to the public health, prior to initiating action 41839  
to suspend or revoke a food service operation license, the 41840

licensor shall give the license holder written notice specifying 41841  
each violation and a reasonable time within which each violation 41842  
must be corrected to avoid suspension or revocation of the 41843  
license. The licensor may extend the time specified in the notice 41844  
for correcting a violation if the license holder is making a good 41845  
faith effort to correct it. 41846

If the license holder fails to correct the violation in the 41847  
time granted by the licensor, the licensor may initiate action to 41848  
suspend or revoke the food service operation license by giving the 41849  
license holder written notice of the proposed suspension or 41850  
revocation. The licensor shall include in the notice a description 41851  
of the procedure for appealing the proposed suspension or 41852  
revocation. The license holder may appeal the proposed suspension 41853  
or revocation by giving written notice to the licensor. The 41854  
license holder shall specify in the notice whether a hearing is 41855  
requested. The appeal shall be conducted in accordance with 41856  
division ~~(B)~~(C)(3) of this section. 41857

Any action that may be taken by a licensor under division 41858  
~~(B)~~(C)(1) of this section may be taken by a health commissioner or 41859  
other person employed by the licensor if the person or health 41860  
commissioner is authorized by the licensor to take the action. 41861

(2)(a) If actions are initiated to revoke or, except in the 41862  
case of a violation that presents an immediate danger to the 41863  
public health, to suspend a food service operation license, the 41864  
licensor shall determine whether to revoke or suspend the license 41865  
as follows: 41866

(i) If the licensor is a board of health, by a majority vote 41867  
of the members of the board present at a meeting at which there is 41868  
a quorum; 41869

(ii) If the director of health is acting as the licensor, by 41870  
decision of the director. 41871

(b) If the licensor determines to revoke or suspend the license, the licensor shall issue an order revoking or suspending the license.

(3) An appeal made under division ~~(B)~~(C)(1) of this section shall be conducted in accordance with procedures established in rules adopted by the director of health under section 3717.52 of the Revised Code. If a hearing is requested, it shall be held prior to the issuance of an order under division ~~(B)~~(C)(2) of this section, but may be conducted at the meeting at which issuance of the order is considered.

~~(C)~~(D)(1) On determining that a license holder is in violation of any requirement of this chapter or the rules adopted under it applicable to food service operations and that the violation presents an immediate danger to the public health, the licensor may suspend the food service operation license without giving written notice or affording the license holder the opportunity to correct the violation. If the license holder is operating a mobile or catering food service operation, either the licensor that issued the license or the licensor for the health district in which the operation is being operated may suspend the license.

A suspension under division ~~(C)~~(D)(1) of this section takes effect immediately and remains in effect until the licensor lifts the suspension. When a mobile food service operation license is suspended under this division, the licensor that suspended the license shall hold the license until the suspension is lifted and the licensor receives from the license holder written notice of the next location at which the license holder proposes to operate the food service operation.

After suspending a license under division ~~(C)~~(D)(1) of this section, the licensor shall give the license holder written notice of the procedure for appealing the suspension. The license holder



may appeal the suspension by giving written notice to the licensor 41904  
and specifying in the notice whether a hearing is requested. The 41905  
appeal shall be conducted in accordance with division ~~(C)~~(D)(2) of 41906  
this section. 41907

Any action that may be taken by a licensor under division 41908  
~~(C)~~(D)(1) of this section may be taken by a health commissioner if 41909  
the health commissioner is authorized by the licensor to take the 41910  
action. A health commissioner who suspends a license under this 41911  
authority may, on determining that there is no longer an immediate 41912  
danger to the public health, lift the suspension without 41913  
consulting the licensor. 41914

(2)(a) If the license holder appeals a suspension under 41915  
division ~~(C)~~(D)(1) of this section, the licensor shall determine 41916  
whether the immediate danger to the public health continues to 41917  
exist as follows: 41918

(i) If the licensor is a board of health, by majority vote of 41919  
the members of the board present at a meeting at which there is a 41920  
quorum; 41921

(ii) If the director of health is acting as the licensor, by 41922  
decision of the director. 41923

(b) If the licensor determines that there is no longer an 41924  
immediate danger to the public health, the licensor shall lift the 41925  
suspension. If the licensor determines that the immediate danger 41926  
continues to exist, the licensor shall issue an order continuing 41927  
the suspension. 41928

(3) An appeal requested under division ~~(C)~~(D)(1) of this 41929  
section shall be conducted in accordance with procedures 41930  
established in rules adopted by the director of health under 41931  
section 3717.52 of the Revised Code. If a hearing is requested, it 41932  
shall be held not later than two business days after the request 41933  
is received by the licensor. The hearing shall be held prior to 41934

the issuance of an order under division ~~(C)~~(D)(2) of this section, 41935  
but may be conducted at the meeting at which issuance of the order 41936  
is considered. In the case of a suspension of a mobile or catering 41937  
food service operation license, the appeal shall be made to the 41938  
licensor that suspended the license. 41939

~~(D)~~(E) A license holder may appeal an order issued under 41940  
division (B) ~~or~~, (C), or (D) of this section as follows: 41941

(1) If the order was issued by a board of health, to the 41942  
common pleas court of the county in which the licensor is located; 41943

(2) If the order was issued by the director of health, to the 41944  
Franklin county court of common pleas. 41945

Sec. 3727.70. (A)(1) Within two years of the effective date 41946  
of this section, the director of the governor's office of health 41947  
transformation shall create an annual hospital report card 41948  
consisting of a public disclosure of data assembled pursuant to 41949  
sections 3727.71 and 3727.72 of the Revised Code. 41950

(2) The report card shall be made available on a public 41951  
internet web site in a manner that allows members of the public to 41952  
conduct a search and view and compare the information for specific 41953  
hospitals. The web site shall include such additional information 41954  
the director determines necessary to ensure that the web site 41955  
enhances informed decision making among consumers, including 41956  
appropriate guidance on how to use the data and an explanation of 41957  
why data may vary between hospital facilities. 41958

(B) Along with a hospital association selected under section 41959  
3727.72 of the Revised Code, the director shall develop a 41960  
comprehensive hospital information system to provide for the 41961  
collection, compilation, indexing, and utilization of hospital 41962  
related data to be used to create the report card required under 41963  
division (A) of this section. 41964

(C) The director may contract with any individual or entity to carry out the duties described in this section. 41965  
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Sec. 3727.71. (A) The director of the governor's office of health transformation shall do all of the following: 41967  
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(1) Along with a hospital association selected under section 3727.72 of the Revised Code, develop a long-range plan to create the hospital report card required under section 3727.70 of the Revised Code; 41969  
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(2) Do all of the following in developing the hospital report card: 41973  
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(a) Include data on all hospital patients regardless of the payer source and other information that may be required for purchasers to assess the value of the hospital health care services; 41975  
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(b) Use standardized clinical outcomes measures recognized by national organizations that establish standards to measure the performance of health care providers; 41979  
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(c) Use data that is severity- and acuity- adjusted using statistical methods that show variation in reported outcomes, where applicable, and data that has passed standard edits; 41982  
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(d) Report the results with separate documents containing the technical specification and measures; 41985  
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(e) Use standardized reporting; 41987

(f) Disclose the methodology of reporting. 41988

(3) Submit an initial plan and a report on the status of implementation to the governor, speaker of the house of representatives, and president of the senate with copies to all members of the general assembly and available to the public on an internet web site. The plan shall identify the process and time 41989  
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frames for implementation, barriers to implementation, and 41994  
recommendations of changes in the law for the elimination of the 41995  
barriers. 41996

(4) Submit an annual update to the initial plan and status 41997  
report required under division (A)(3) of this section; 41998

(5) Establish procedures by which all licensed hospitals 41999  
receive a draft of the annual report card and are given thirty 42000  
days to submit written comments to the office of health 42001  
transformation. 42002

(B) The initial plan and status report described in division 42003  
(A)(3) of this section shall be submitted within one year of the 42004  
effective date of this section. 42005

**Sec. 3727.72.** (A) Within one year of the effective date of 42006  
this section, the director of the governor's office of health 42007  
transformation shall select a hospital association for assistance 42008  
in developing the hospital report card required under section 42009  
3727.70 of the Revised Code. 42010

(B) The selected association shall provide all of the 42011  
following to the director: 42012

(1) A copy of the association's organizational documents and 42013  
any other rules and regulations governing the association's 42014  
activities; 42015

(2) A list of the association's members, including the name 42016  
and address of a representative of the association who is a 42017  
resident of this state upon whom notice or orders from the 42018  
director may be served; 42019

(3) A plan to create the hospital report card, with specific 42020  
reference to how the interests of health care consumers, including 42021  
health plans and employers, will be considered in developing the 42022  
hospital report card. 42023

(C) Within sixteen months of the effective date of this section, the association shall provide to the director the plan required under division (B)(3) of this section along with a status report of the development and implementation of the hospital report card. 42024  
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**Sec. 3727.73.** The director of the governor's office of health transformation may suspend or revoke the acceptance of a hospital association selected pursuant to section 3727.72 of the Revised Code for any of the following reasons: 42029  
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(A) It reasonably appears that the association will not be able to carry out the purposes of sections 3727.70 to 3727.75 of the Revised Code. 42033  
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(B) The association does not provide to the director the plan and report required under division (C) of section 3727.72 of the Revised Code. 42036  
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(C) The association fails to meet any other requirements established under sections 3727.70 to 3727.75 of the Revised Code. 42039  
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**Sec. 3727.74.** (A) If the director of the governor's office of health transformation suspends or revokes the acceptance of a hospital association under section 3727.73 of the Revised Code, the Ohio commission for hospital statistics shall be created to carry out the purposes of sections 3727.70 to 3727.75 of the Revised Code. 42041  
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(B) The director shall adopt rules establishing the creation, initial appointments, and operation of the commission. The rules shall specify all of the following: 42047  
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(1) The commission shall consist of nine members, who shall be appointed by the governor as follows: 42050  
42051

(a) Three members representing hospitals registered under 42052

section 3701.07 of the Revised Code; 42053

(b) Two members representing individuals authorized under 42054  
Title XLVII of the Revised Code to practice a health care 42055  
profession; 42056

(c) Four members representing consumers or businesses without 42057  
any direct interest in registered hospitals. 42058

(2) At no time shall the commission have more than five 42059  
members of any one political party. 42060

(3) Members of the commission shall serve without 42061  
compensation but shall receive payment for their actual and 42062  
necessary expenses incurred in the conduct of official business. 42063

(4) The commission shall annually elect the chair of the 42064  
commission from its members. 42065

(5) A majority of the commission shall constitute a quorum. 42066

(6) The commission shall meet at least once during each 42067  
calendar quarter. Meeting dates shall be set upon written request 42068  
by three or more members of the commission or by a call of the 42069  
chair upon five days' notice to the members. 42070

(7) Action of the commission shall not be taken except upon 42071  
the affirmative vote of a majority of a quorum of the commission. 42072

(8) All meetings of the commission shall be open to the 42073  
public. 42074

**Sec. 3727.75.** A hospital association or its employees, 42075  
agents, or designees or the designees of the director of the 42076  
governor's office of health transformation shall not be liable in 42077  
a civil action for any actions taken or omitted in the performance 42078  
of their powers and duties under sections 3727.70 to 3727.75 of 42079  
the Revised Code. 42080

Sec. 3728.01. (A) There is hereby created the Ohio all-payer health claims database advisory committee, to be a part of the governor's office of health transformation. The committee shall provide recommendations for developing the Ohio all-payer health claims database.

(B) The Ohio all-payer health claims database shall do all of the following:

(1) Be available to the public while being disclosed in a form and manner that ensures the privacy and security of personal health information as required by state and federal law, as a resource to the public to allow for continuous review of health care utilization, expenditures, and quality and safety performance in this state;

(2) Be available to public and private entities engaged in efforts to improve health care;

(3) Present data in a manner that allows for comparisons of geographic, demographic, and economic factors and institutional size;

(4) Present data in a consumer-friendly manner.

Sec. 3728.02. (A) Within forty-five days after the effective date of this section, the governor shall appoint the following members to the Ohio all-payer health claims database advisory committee:

(1) One member of academia with experience in health care data and cost efficiency research;

(2) One representative of the Ohio hospital association;

(3) One representative of the Ohio state medical association;

(4) One representative of the Ohio osteopathic association;

<u>(5) One representative of small businesses that purchase</u>	42109
<u>group health insurance for employees who is not a supplier or</u>	42110
<u>broker of health insurance;</u>	42111
<u>(6) One representative of large businesses that purchase</u>	42112
<u>health insurance for employees who is not a supplier or broker of</u>	42113
<u>health insurance;</u>	42114
<u>(7) One representative of self-insured businesses who is not</u>	42115
<u>a supplier or broker of health insurance;</u>	42116
<u>(8) One representative of an organization that processes</u>	42117
<u>insurance claims or certain aspects of employee benefit plans for</u>	42118
<u>a separate entity;</u>	42119
<u>(9) One representative of a nonprofit organization that</u>	42120
<u>demonstrates experience working with employers to enhance value</u>	42121
<u>and affordability in health insurance;</u>	42122
<u>(10) One individual with a demonstrated record of advocating</u>	42123
<u>health care privacy issues on behalf of consumers;</u>	42124
<u>(11) One individual with a demonstrated record of advocating</u>	42125
<u>general health care issues on behalf of consumers;</u>	42126
<u>(12) The following two representatives of the Ohio</u>	42127
<u>association of health plans:</u>	42128
<u>(a) One representing for-profit insurers;</u>	42129
<u>(b) One representing nonprofit insurers.</u>	42130
<u>(13) One representative from the mental health and addiction</u>	42131
<u>field that has experience in behavioral health data collection;</u>	42132
<u>(14) One representative of the Ohio pharmacists association;</u>	42133
<u>(15) One representative of pharmacy benefit managers;</u>	42134
<u>(16) Two representatives of nonprofit organizations that</u>	42135
<u>facilitate health information exchange to improve health care</u>	42136
<u>within this state.</u>	42137



<u>(B) The following individuals shall serve as nonvoting members of the committee:</u>	42138
<u>(1) The director of the governor's office of health transformation;</u>	42139
<u>(2) The director of administrative services;</u>	42140
<u>(3) The superintendent of insurance or the superintendent's designee;</u>	42141
<u>(4) One representative from the office of information technology;</u>	42142
<u>(5) One member of the majority party of the house of representatives;</u>	42143
<u>(6) One member of the minority party of the house of representatives;</u>	42144
<u>(7) One member of the majority party of the senate;</u>	42145
<u>(8) One member of the minority party of the senate.</u>	42146
<u>(C) At least two members of the committee shall reside in a rural community with a population of less than fifty thousand or who represent rural interests.</u>	42147
<u>(D) Appointments to the committee end on the date the committee ceases to exist pursuant to section 3728.08 of the Revised Code. If a vacancy occurs before the termination of the committee, a successor shall be appointed who has the qualifications the vacancy requires.</u>	42148
<u>Sec. 3728.03. Within six months after the creation of the Ohio all-payer health claims database advisory committee under section 3728.02 of the Revised Code, the committee shall make recommendations about establishing the Ohio all-payer health claims database to the director of the governor's office of health transformation that do all of the following:</u>	42149
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<u>(A) Include specific strategies to measure and collect data related to health care safety and quality, utilization, health outcomes, and cost;</u>	42167
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<u>(B) Focus on data elements that foster quality improvement and peer group comparisons;</u>	42170
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<u>(C) Facilitate value-based, cost-effective purchasing of health care services by public and private purchasers and consumers;</u>	42172
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	42174
<u>(D) Result in usable and comparable information that allows public and private health care purchasers, consumers, and data analysts to identify and compare health plans, health insurers, health care facilities, and health care providers regarding the provision of safe, cost-effective, high-quality health care services;</u>	42175
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<u>(E) Use and build upon existing data collection standards and methods to establish and maintain the database in a cost-effective and efficient manner;</u>	42181
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<u>(F) Are designed to measure the following performance domains:</u>	42184
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<u>(1) Safety;</u>	42186
<u>(2) Timeliness;</u>	42187
<u>(3) Effectiveness;</u>	42188
<u>(4) Efficiency;</u>	42189
<u>(5) Equity;</u>	42190
<u>(6) Patient-centeredness.</u>	42191
<u>(G) Incorporate and utilize claims, eligibility, and other publicly available data as needed to minimize the cost and administrative burden on data sources;</u>	42192
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	42194
<u>(H) Determine whether or not to include data on the</u>	42195

<u>uninsured;</u>	42196
<u>(I) Discuss the harmonization of the Ohio database with the efforts of other states, regions, and the United States government concerning all-payer claims databases;</u>	42197 42198 42199
<u>(J) Discuss the harmonization of the Ohio database with federal legislation concerning an all-payer claims database;</u>	42200 42201
<u>(K) Establish a limit on the number of times the administration may require submission of the required data elements;</u>	42202 42203 42204
<u>(L) Establish a limit on the number of times the database administrator may change the required data elements for submission in a calendar year considering administrative costs, resources, and time required to fulfill the requests;</u>	42205 42206 42207 42208
<u>(M) Discuss compliance with the "Health Insurance Portability and Accountability Act of 1996," 42 U.S.C. 1320d, as amended, and other proprietary information related to collection and release of data.</u>	42209 42210 42211 42212
<u>(N) Determine how the ongoing oversight of the operations of the Ohio all-payer health claims database should function.</u>	42213 42214
<b>Sec. 3728.04.</b> <u>Within six months of receiving the recommendations described in section 3728.03 of the Revised Code, the director of the governor's office of health transformation shall adopt rules that do all of the following:</u>	42215 42216 42217 42218
<u>(A) Create the Ohio all-payer health claims database;</u>	42219
<u>(B) Define the data to be collected from payers and the method of collection, including mandatory and voluntary reporting of health care and health quality data. Medicaid-related data shall be mandatory.</u>	42220 42221 42222 42223
<u>(C) Establish agreements for voluntary reporting of health</u>	42224

care claims data from health care payers that are not subject to 42225  
mandatory reporting requirements in order to ensure availability 42226  
of the most comprehensive and system-wide data on health care 42227  
costs and quality; 42228

(D) Establish agreements or make requests with the federal 42229  
centers for medicare and medicaid services to obtain medicare 42230  
health claims data; 42231

(E) Define the measures necessary to implement the reporting 42232  
requirements in a manner that is cost-effective and reasonable for 42233  
data sources and timely, relevant, and reliable for the public; 42234

(F) Define the data to be made available to the public with 42235  
recommendations from the advisory committee in order to accomplish 42236  
the purposes of this section, including conducting studies and 42237  
reporting the results of the studies; 42238

(G) Establish processes to collect, aggregate, distribute, 42239  
and publicly report performance data on quality, health outcomes, 42240  
health disparities, cost, utilization, and pricing in a manner 42241  
accessible for the public; 42242

(H) Establish procedures to protect patient privacy in 42243  
compliance with state and federal privacy laws while preserving 42244  
the ability to analyze data and share with providers and payers to 42245  
ensure accuracy prior to the public release of information; 42246

(I) Establish fines for payers that do not comply with rules 42247  
adopted under this section; 42248

(J) Establish procedures for the winding up of the 42249  
committee's business and termination of the committee upon the 42250  
successful creation of the database. 42251

**Sec. 3728.05.** The director of the governor's office of health 42252  
transformation shall do all of the following with respect to the 42253  
Ohio all-payer health claims database: 42254

(A) Provide leadership and coordination of public and private health care quality and performance measurements to ensure efficiency, cost-effectiveness, transparency, and informed choice by consumers and public and private purchasers; 42255  
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(B) Incorporate and utilize publicly available data other than administrative claims data if necessary to measure and analyze a significant health care quality, safety, or cost issue that cannot be adequately measured with administrative claims data alone; 42259  
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(C) Require payer data sources to submit data necessary to implement the all-payer claims database; 42264  
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(D) Determine the data elements to be collected for the database, the reporting formats for data submitted, and the use and reporting of any data submitted. Data collection shall align with national, regional, and other uniform all-payer claims database standards where possible. 42266  
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(E) At the director's discretion, audit the accuracy of all data submitted; 42271  
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(F) As necessary, contract with third parties to collect and process the health care data collected pursuant to this section. The contract shall prohibit the collection of unencrypted social security numbers and the use of the data for any purpose other than those specifically authorized by the contract and shall require the third party to transmit the data collected and processed under the contract to the director or other designated entity. 42273  
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(G) At the director's discretion, share data regionally or help develop a multi-state effort, if recommended by the advisory committee under section 4728.03 of the Revised Code; 42281  
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(H) Issue a report regarding the information kept in the database to the governor, speaker of the house of representatives, 42284  
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<u>and president of the senate annually;</u>	42286
<u>(I) Adopt any additional rules that are necessary to</u>	42287
<u>implement the requirements of sections 3728.01 to 3728.08 of the</u>	42288
<u>Revised Code.</u>	42289
<u>Sec. 3728.06. (A) The Ohio all-payer health claims database</u>	42290
<u>fund is created in the state treasury.</u>	42291
<u>(B) All fines collected under division (I) of section 3728.04</u>	42292
<u>of the Revised Code shall be deposited in the fund and used to pay</u>	42293
<u>for the operating expenses of the Ohio all-payer health claims</u>	42294
<u>database when other funding is not available.</u>	42295
<u>Sec. 3728.07. The collection, storage, and release of health</u>	42296
<u>care data and other information pursuant to sections 3728.01 to</u>	42297
<u>3728.08 of the Revised Code shall be subject to the federal</u>	42298
<u>"Health Insurance Portability and Accountability Act of 1996," 42</u>	42299
<u>U.S.C. 1320d, as amended.</u>	42300
<u>Sec. 3728.08. Pursuant to the rules adopted under section</u>	42301
<u>3728.02 of the Revised Code, the Ohio all-payer health claims</u>	42302
<u>database advisory committee shall cease to exist upon the creation</u>	42303
<u>of the Ohio all-payer health claims database.</u>	42304
<u>Sec. 3734.01. As used in this chapter:</u>	42305
<u>(A) "Board of health" means the board of health of a city or</u>	42306
<u>general health district or the authority having the duties of a</u>	42307
<u>board of health in any city as authorized by section 3709.05 of</u>	42308
<u>the Revised Code.</u>	42309
<u>(B) "Director" means the director of environmental</u>	42310
<u>protection.</u>	42311
<u>(C) "Health district" means a city or general health district</u>	42312
<u>as created by or under authority of Chapter 3709. of the Revised</u>	42313

Code. 42314

(D) "Agency" means the environmental protection agency. 42315

(E) "Solid wastes" means such unwanted residual solid or 42316  
semisolid material as results from industrial, commercial, 42317  
agricultural, and community operations, excluding earth or 42318  
material from construction, mining, or demolition operations, or 42319  
other waste materials of the type that normally would be included 42320  
in demolition debris, nontoxic fly ash and bottom ash, including 42321  
at least ash that results from the combustion of coal and ash that 42322  
results from the combustion of coal in combination with scrap 42323  
tires where scrap tires comprise not more than fifty per cent of 42324  
heat input in any month, spent nontoxic foundry sand, nontoxic, 42325  
nonhazardous, unwanted fired and unfired, glazed and unglazed, 42326  
structural shale and clay products, and slag and other substances 42327  
that are not harmful or inimical to public health, and includes, 42328  
but is not limited to, garbage, scrap tires, combustible and 42329  
noncombustible material, street dirt, and debris. "Solid wastes" 42330  
does not include any material that is an infectious waste or a 42331  
hazardous waste. 42332

(F) "Disposal" means the discharge, deposit, injection, 42333  
dumping, spilling, leaking, emitting, or placing of any solid 42334  
wastes or hazardous waste into or on any land or ground or surface 42335  
water or into the air, except if the disposition or placement 42336  
constitutes storage or treatment or, if the solid wastes consist 42337  
of scrap tires, the disposition or placement constitutes a 42338  
beneficial use or occurs at a scrap tire recovery facility 42339  
licensed under section 3734.81 of the Revised Code. 42340

(G) "Person" includes the state, any political subdivision 42341  
and other state or local body, the United States and any agency or 42342  
instrumentality thereof, and any legal entity defined as a person 42343  
under section 1.59 of the Revised Code. 42344

(H) "Open burning" means the burning of solid wastes in an open area or burning of solid wastes in a type of chamber or vessel that is not approved or authorized in rules adopted by the director under section 3734.02 of the Revised Code or, if the solid wastes consist of scrap tires, in rules adopted under division (V) of this section or section 3734.73 of the Revised Code, or the burning of treated or untreated infectious wastes in an open area or in a type of chamber or vessel that is not approved in rules adopted by the director under section 3734.021 of the Revised Code.

(I) "Open dumping" means the depositing of solid wastes into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code or, if the solid wastes consist of scrap tires, as a scrap tire collection, storage, monocell, monofill, or recovery facility under section 3734.81 of the Revised Code; the depositing of solid wastes that consist of scrap tires onto the surface of the ground at a site or in a manner not specifically identified in divisions (C)(2) to (5), (7), or (10) of section 3734.85 of the Revised Code; the depositing of untreated infectious wastes into a body or stream of water or onto the surface of the ground; or the depositing of treated infectious wastes into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code.

(J) "Hazardous waste" means any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that in the determination of the director, because of its quantity, concentration, or physical or chemical characteristics, may do either of the following:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating



reversible illness; 42377

(2) Pose a substantial present or potential hazard to human 42378  
health or safety or to the environment when improperly stored, 42379  
treated, transported, disposed of, or otherwise managed. 42380

"Hazardous waste" includes any substance identified by 42381  
regulation as hazardous waste under the "Resource Conservation and 42382  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 42383  
amended, and does not include any substance that is subject to the 42384  
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 42385  
amended. 42386

(K) "Treat" or "treatment," when used in connection with 42387  
hazardous waste, means any method, technique, or process designed 42388  
to change the physical, chemical, or biological characteristics or 42389  
composition of any hazardous waste; to neutralize the waste; to 42390  
recover energy or material resources from the waste; to render the 42391  
waste nonhazardous or less hazardous, safer to transport, store, 42392  
or dispose of, or amenable for recovery, storage, further 42393  
treatment, or disposal; or to reduce the volume of the waste. When 42394  
used in connection with infectious wastes, "treat" or "treatment" 42395  
means any method, technique, or process that renders the wastes 42396  
noninfectious so that it is no longer an infectious waste and is 42397  
no longer an infectious substance as defined in applicable federal 42398  
law, including, without limitation, steam sterilization and 42399  
incineration, and, in the instance of wastes identified in 42400  
division (R)(7) of this section, to substantially reduce or 42401  
eliminate the potential for the wastes to cause lacerations or 42402  
puncture wounds. 42403

(L) "Manifest" means the form used for identifying the 42404  
quantity, composition, origin, routing, and destination of 42405  
hazardous waste during its transportation from the point of 42406  
generation to the point of disposal, treatment, or storage. 42407

(M) "Storage," when used in connection with hazardous waste, 42408  
means the holding of hazardous waste for a temporary period in 42409  
such a manner that it remains retrievable and substantially 42410  
unchanged physically and chemically and, at the end of the period, 42411  
is treated; disposed of; stored elsewhere; or reused, recycled, or 42412  
reclaimed in a beneficial manner. When used in connection with 42413  
solid wastes that consist of scrap tires, "storage" means the 42414  
holding of scrap tires for a temporary period in such a manner 42415  
that they remain retrievable and, at the end of that period, are 42416  
beneficially used; stored elsewhere; placed in a scrap tire 42417  
monocell or monofill facility licensed under section 3734.81 of 42418  
the Revised Code; processed at a scrap tire recovery facility 42419  
licensed under that section or a solid waste incineration or 42420  
energy recovery facility subject to regulation under this chapter; 42421  
or transported to a scrap tire monocell, monofill, or recovery 42422  
facility, any other solid waste facility authorized to dispose of 42423  
scrap tires, or a facility that will beneficially use the scrap 42424  
tires, that is located in another state and is operating in 42425  
compliance with the laws of the state in which the facility is 42426  
located. 42427

(N) "Facility" means any site, location, tract of land, 42428  
installation, or building used for incineration, composting, 42429  
sanitary landfilling, or other methods of disposal of solid wastes 42430  
or, if the solid wastes consist of scrap tires, for the 42431  
collection, storage, or processing of the solid wastes; for the 42432  
transfer of solid wastes; for the treatment of infectious wastes; 42433  
or for the storage, treatment, or disposal of hazardous waste. 42434

(O) "Closure" means the time at which a hazardous waste 42435  
facility will no longer accept hazardous waste for treatment, 42436  
storage, or disposal, the time at which a solid waste facility 42437  
will no longer accept solid wastes for transfer or disposal or, if 42438  
the solid wastes consist of scrap tires, for storage or 42439

processing, or the effective date of an order revoking the permit 42440  
for a hazardous waste facility or the registration certificate, 42441  
permit, or license for a solid waste facility, as applicable. 42442  
"Closure" includes measures performed to protect public health or 42443  
safety, to prevent air or water pollution, or to make the facility 42444  
suitable for other uses, if any, including, but not limited to, 42445  
the removal of processing residues resulting from solid wastes 42446  
that consist of scrap tires; the establishment and maintenance of 42447  
a suitable cover of soil and vegetation over cells in which 42448  
hazardous waste or solid wastes are buried; minimization of 42449  
erosion, the infiltration of surface water into such cells, the 42450  
production of leachate, and the accumulation and runoff of 42451  
contaminated surface water; the final construction of facilities 42452  
for the collection and treatment of leachate and contaminated 42453  
surface water runoff, except as otherwise provided in this 42454  
division; the final construction of air and water quality 42455  
monitoring facilities, except as otherwise provided in this 42456  
division; the final construction of methane gas extraction and 42457  
treatment systems; or the removal and proper disposal of hazardous 42458  
waste or solid wastes from a facility when necessary to protect 42459  
public health or safety or to abate or prevent air or water 42460  
pollution. With regard to a solid waste facility that is a scrap 42461  
tire facility, "closure" includes the final construction of 42462  
facilities for the collection and treatment of leachate and 42463  
contaminated surface water runoff and the final construction of 42464  
air and water quality monitoring facilities only if those actions 42465  
are determined to be necessary. 42466

(P) "Premises" means either of the following: 42467

(1) Geographically contiguous property owned by a generator; 42468

(2) Noncontiguous property that is owned by a generator and 42469  
connected by a right-of-way that the generator controls and to 42470  
which the public does not have access. Two or more pieces of 42471

property that are geographically contiguous and divided by public 42472  
or private right-of-way or rights-of-way are a single premises. 42473

(Q) "Post-closure" means that period of time following 42474  
closure during which a hazardous waste facility is required to be 42475  
monitored and maintained under this chapter and rules adopted 42476  
under it, including, without limitation, operation and maintenance 42477  
of methane gas extraction and treatment systems, or the period of 42478  
time after closure during which a scrap tire monocell or monofill 42479  
facility licensed under section 3734.81 of the Revised Code is 42480  
required to be monitored and maintained under this chapter and 42481  
rules adopted under it. 42482

(R) "Infectious wastes" means any wastes or combination of 42483  
wastes that include cultures and stocks of infectious agents and 42484  
associated biologicals, human blood and blood products, and 42485  
substances that were or are likely to have been exposed to or 42486  
contaminated with or are likely to transmit an infectious agent or 42487  
zoonotic agent, including all of the following: 42488

(1) Laboratory wastes; 42489

(2) Pathological wastes; 42490

(3) Animal blood and blood products; 42491

(4) Animal carcasses and parts; 42492

(5) Waste materials from the rooms of humans, or the 42493  
enclosures of animals, that have been isolated because of 42494  
diagnosed communicable disease that are likely to transmit 42495  
infectious agents. Such waste materials from the rooms of humans 42496  
do not include any wastes of patients who have been placed on 42497  
blood and body fluid precautions under the universal precaution 42498  
system established by the centers for disease control in the 42499  
public health service of the United States department of health 42500  
and human services, except to the extent specific wastes generated 42501  
under the universal precautions system have been identified as 42502

infectious wastes by rules adopted under division (R)(7) of this section. 42503  
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(6) Sharp wastes used in the treatment, diagnosis, or inoculation of human beings or animals; 42505  
42506

(7) Any other waste materials generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, that the director of health, by rules adopted in accordance with Chapter 119. of the Revised Code, identifies as infectious wastes after determining that the wastes present a substantial threat to human health when improperly managed because they are contaminated with, or are likely to be contaminated with, infectious agents. 42507  
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As used in this division, "blood products" does not include patient care waste such as bandages or disposable gowns that are lightly soiled with blood or other body fluids unless those wastes are soiled to the extent that the generator of the wastes determines that they should be managed as infectious wastes. 42516  
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(S) "Infectious agent" means a type of microorganism, pathogen, virus, or proteinaceous infectious particle that can cause or significantly contribute to disease in or death of human beings. 42521  
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(T) "Zoonotic agent" means a type of microorganism, pathogen, or virus that causes disease in vertebrate animals, is transmissible to human beings, and can cause or significantly contribute to disease in or death of human beings. 42525  
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(U) "Solid waste transfer facility" means any site, location, tract of land, installation, or building that is used or intended to be used primarily for the purpose of transferring solid wastes that were generated off the premises of the facility from vehicles or containers into other vehicles for transportation to a solid 42529  
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waste disposal facility. "Solid waste transfer facility" does not 42534  
include any facility that consists solely of portable containers 42535  
that have an aggregate volume of fifty cubic yards or less nor any 42536  
facility where legitimate recycling activities are conducted. 42537

(V) "Beneficially use" includes: 42538

(1) With regard to scrap tires, to use a scrap tire in a 42539  
manner that results in a commodity for sale or exchange or in any 42540  
other manner authorized as a beneficial use in rules adopted by 42541  
the director in accordance with Chapter 119. of the Revised Code; 42542

(2) With regard to material from a horizontal well that has 42543  
come in contact with a refined oil-based substance and that is not 42544  
technologically enhanced naturally occurring radioactive material, 42545  
to use the material in any manner authorized as a beneficial use 42546  
in rules adopted by the director under section 3734.125 of the 42547  
Revised Code. 42548

(W) "Commercial car," "commercial tractor," "farm machinery," 42549  
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 42550  
the same meanings as in section 4501.01 of the Revised Code. 42551

(X) "Construction equipment" means road rollers, traction 42552  
engines, power shovels, power cranes, and other equipment used in 42553  
construction work, or in mining or producing or processing 42554  
aggregates, and not designed for or used in general highway 42555  
transportation. 42556

(Y) "Motor vehicle salvage dealer" has the same meaning as in 42557  
section 4738.01 of the Revised Code. 42558

(Z) "Scrap tire" means an unwanted or discarded tire. 42559

(AA) "Scrap tire collection facility" means any facility that 42560  
meets all of the following qualifications: 42561

(1) The facility is used for the receipt and storage of whole 42562  
scrap tires from the public prior to their transportation to a 42563

scrap tire storage, monocell, monofill, or recovery facility 42564  
licensed under section 3734.81 of the Revised Code; a solid waste 42565  
incineration or energy recovery facility subject to regulation 42566  
under this chapter; a premises within the state where the scrap 42567  
tires will be beneficially used; or a scrap tire storage, 42568  
monocell, monofill, or recovery facility, any other solid waste 42569  
disposal facility authorized to dispose of scrap tires, or a 42570  
facility that will beneficially use the scrap tires, that is 42571  
located in another state, and that is operating in compliance with 42572  
the laws of the state in which the facility is located. 42573

(2) The facility exclusively stores scrap tires in portable 42574  
containers. 42575

(3) The aggregate storage of the portable containers in which 42576  
the scrap tires are stored does not exceed five thousand cubic 42577  
feet. 42578

(BB) "Scrap tire monocell facility" means an individual site 42579  
within a solid waste landfill that is used exclusively for the 42580  
environmentally sound storage or disposal of whole scrap tires or 42581  
scrap tires that have been shredded, chipped, or otherwise 42582  
mechanically processed. 42583

(CC) "Scrap tire monofill facility" means an engineered 42584  
facility used or intended to be used exclusively for the storage 42585  
or disposal of scrap tires, including at least facilities for the 42586  
submergence of whole scrap tires in a body of water. 42587

(DD) "Scrap tire recovery facility" means any facility, or 42588  
portion thereof, for the processing of scrap tires for the purpose 42589  
of extracting or producing usable products, materials, or energy 42590  
from the scrap tires through a controlled combustion process, 42591  
mechanical process, or chemical process. "Scrap tire recovery 42592  
facility" includes any facility that uses the controlled 42593  
combustion of scrap tires in a manufacturing process to produce 42594

process heat or steam or any facility that produces usable heat or 42595  
electric power through the controlled combustion of scrap tires in 42596  
combination with another fuel, but does not include any solid 42597  
waste incineration or energy recovery facility that is designed, 42598  
constructed, and used for the primary purpose of incinerating 42599  
mixed municipal solid wastes and that burns scrap tires in 42600  
conjunction with mixed municipal solid wastes, or any tire 42601  
retreading business, tire manufacturing finishing center, or tire 42602  
adjustment center having on the premises of the business a single, 42603  
covered scrap tire storage area at which not more than four 42604  
thousand scrap tires are stored. 42605

(EE) "Scrap tire storage facility" means any facility where 42606  
whole scrap tires are stored prior to their transportation to a 42607  
scrap tire monocell, monofill, or recovery facility licensed under 42608  
section 3734.81 of the Revised Code; a solid waste incineration or 42609  
energy recovery facility subject to regulation under this chapter; 42610  
a premises within the state where the scrap tires will be 42611  
beneficially used; or a scrap tire storage, monocell, monofill, or 42612  
recovery facility, any other solid waste disposal facility 42613  
authorized to dispose of scrap tires, or a facility that will 42614  
beneficially use the scrap tires, that is located in another 42615  
state, and that is operating in compliance with the laws of the 42616  
state in which the facility is located. 42617

(FF) "Used oil" means any oil that has been refined from 42618  
crude oil, or any synthetic oil, that has been used and, as a 42619  
result of that use, is contaminated by physical or chemical 42620  
impurities. "Used oil" includes only those substances identified 42621  
as used oil by the United States environmental protection agency 42622  
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 42623  
U.S.C.A. 6901a, as amended. 42624

(GG) "Accumulated speculatively" has the same meaning as in 42625  
rules adopted by the director under section 3734.12 of the Revised 42626



Code. 42627

(HH) "Horizontal well" has the same meaning as in section 42628  
1509.01 of the Revised Code. 42629

(II) "Technologically enhanced naturally occurring 42630  
radioactive material" has the same meaning as in section 3748.01 42631  
of the Revised Code. 42632

**Sec. 3734.02.** (A) The director of environmental protection, 42633  
in accordance with Chapter 119. of the Revised Code, shall adopt 42634  
and may amend, suspend, or rescind rules having uniform 42635  
application throughout the state governing solid waste facilities 42636  
and the inspections of and issuance of permits and licenses for 42637  
all solid waste facilities in order to ensure that the facilities 42638  
will be located, maintained, and operated, and will undergo 42639  
closure and post-closure care, in a sanitary manner so as not to 42640  
create a nuisance, cause or contribute to water pollution, create 42641  
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 42642  
257.3-8, as amended. The rules may include, without limitation, 42643  
financial assurance requirements for closure and post-closure care 42644  
and corrective action and requirements for taking corrective 42645  
action in the event of the surface or subsurface discharge or 42646  
migration of explosive gases or leachate from a solid waste 42647  
facility, or of ground water contamination resulting from the 42648  
transfer or disposal of solid wastes at a facility, beyond the 42649  
boundaries of any area within a facility that is operating or is 42650  
undergoing closure or post-closure care where solid wastes were 42651  
disposed of or are being disposed of. The rules shall not concern 42652  
or relate to personnel policies, salaries, wages, fringe benefits, 42653  
or other conditions of employment of employees of persons owning 42654  
or operating solid waste facilities. The director, in accordance 42655  
with Chapter 119. of the Revised Code, shall adopt and may amend, 42656  
suspend, or rescind rules governing the issuance, modification, 42657

revocation, suspension, or denial of variances from the director's 42658  
solid waste rules, including, without limitation, rules adopted 42659  
under this chapter governing the management of scrap tires. 42660

Variances shall be issued, modified, revoked, suspended, or 42661  
rescinded in accordance with this division, rules adopted under 42662  
it, and Chapter 3745. of the Revised Code. The director may order 42663  
the person to whom a variance is issued to take such action within 42664  
such time as the director may determine to be appropriate and 42665  
reasonable to prevent the creation of a nuisance or a hazard to 42666  
the public health or safety or the environment. Applications for 42667  
variances shall contain such detail plans, specifications, and 42668  
information regarding objectives, procedures, controls, and other 42669  
pertinent data as the director may require. The director shall 42670  
grant a variance only if the applicant demonstrates to the 42671  
director's satisfaction that construction and operation of the 42672  
solid waste facility in the manner allowed by the variance and any 42673  
terms or conditions imposed as part of the variance will not 42674  
create a nuisance or a hazard to the public health or safety or 42675  
the environment. In granting any variance, the director shall 42676  
state the specific provision or provisions whose terms are to be 42677  
varied and also shall state specific terms or conditions imposed 42678  
upon the applicant in place of the provision or provisions. ~~The~~ 42679

The director may hold a public hearing on an application for 42680  
a variance or renewal of a variance at a location in the county 42681  
where the operations that are the subject of the application for 42682  
the variance are conducted. The director shall give not less than 42683  
twenty days' notice of the hearing to the applicant by certified 42684  
mail or by another type of mail accompanied by a receipt and shall 42685  
publish at least one notice of the hearing in a newspaper with 42686  
general circulation in the county where the hearing is to be held. 42687  
The director shall make available for public inspection at the 42688  
principal office of the environmental protection agency a current 42689

list of pending applications for variances and a current schedule 42690  
of pending variance hearings. The director shall make a complete 42691  
stenographic record of testimony and other evidence submitted at 42692  
the hearing. ~~Within~~ 42693

Within ten days after the hearing, the director shall make a 42694  
written determination to issue, renew, or deny the variance and 42695  
shall enter the determination and the basis for it into the record 42696  
of the hearing. The director shall issue, renew, or deny an 42697  
application for a variance or renewal of a variance within six 42698  
months of the date upon which the director receives a complete 42699  
application with all pertinent information and data required. No 42700  
variance shall be issued, revoked, modified, or denied until the 42701  
director has considered the relative interests of the applicant, 42702  
other persons and property affected by the variance, and the 42703  
general public. Any variance granted under this division shall be 42704  
for a period specified by the director and may be renewed from 42705  
time to time on such terms and for such periods as the director 42706  
determines to be appropriate. No application shall be denied and 42707  
no variance shall be revoked or modified without a written order 42708  
stating the findings upon which the denial, revocation, or 42709  
modification is based. A copy of the order shall be sent to the 42710  
applicant or variance holder by certified mail or by another type 42711  
of mail accompanied by a receipt. 42712

(B) The director shall prescribe and furnish the forms 42713  
necessary to administer and enforce this chapter. The director may 42714  
cooperate with and enter into agreements with other state, local, 42715  
or federal agencies to carry out the purposes of this chapter. The 42716  
director may exercise all incidental powers necessary to carry out 42717  
the purposes of this chapter. 42718

~~The director may use moneys in the infectious waste 42719  
management fund created in section 3734.021 of the Revised Code 42720  
exclusively for administering and enforcing the provisions of this 42721~~

~~chapter governing the management of infectious wastes.~~ 42722

(C) Except as provided in this division and divisions (N)(2) 42723  
and (3) of this section, no person shall establish a new solid 42724  
waste facility or infectious waste treatment facility, or modify 42725  
an existing solid waste facility or infectious waste treatment 42726  
facility, without submitting an application for a permit with 42727  
accompanying detail plans, specifications, and information 42728  
regarding the facility and method of operation and receiving a 42729  
permit issued by the director, except that no permit shall be 42730  
required under this division to install or operate a solid waste 42731  
facility for sewage sludge treatment or disposal when the 42732  
treatment or disposal is authorized by a current permit issued 42733  
under Chapter 3704. or 6111. of the Revised Code. 42734

No person shall continue to operate a solid waste facility 42735  
for which the director has denied a permit for which an 42736  
application was required under division (A)(3) of section 3734.05 42737  
of the Revised Code, or for which the director has disapproved 42738  
plans and specifications required to be filed by an order issued 42739  
under division (A)(5) of that section, after the date prescribed 42740  
for commencement of closure of the facility in the order issued 42741  
under division (A)(6) of section 3734.05 of the Revised Code 42742  
denying the permit application or approval. 42743

On and after the effective date of the rules adopted under 42744  
division (A) of this section and division (D) of section 3734.12 42745  
of the Revised Code governing solid waste transfer facilities, no 42746  
person shall establish a new, or modify an existing, solid waste 42747  
transfer facility without first submitting an application for a 42748  
permit with accompanying engineering detail plans, specifications, 42749  
and information regarding the facility and its method of operation 42750  
to the director and receiving a permit issued by the director. 42751

No person shall establish a new compost facility or continue 42752  
to operate an existing compost facility that accepts exclusively 42753

source separated yard wastes without submitting a completed 42754  
registration for the facility to the director in accordance with 42755  
rules adopted under divisions (A) and (N)(3) of this section. 42756

This division does not apply to a generator of infectious 42757  
wastes that does any of the following: 42758

(1) Treats, by methods, techniques, and practices established 42759  
by rules adopted under division (B)(2)(a) of section 3734.021 of 42760  
the Revised Code, any of the following: 42761

(a) Infectious wastes that are generated on any premises that 42762  
are owned or operated by the generator; 42763

(b) Infectious wastes that are generated by a generator who 42764  
has staff privileges at a hospital as defined in section 3727.01 42765  
of the Revised Code; 42766

(c) Infectious wastes that are generated in providing care to 42767  
a patient by an emergency medical services organization as defined 42768  
in section 4765.01 of the Revised Code. 42769

(2) Holds a license or renewal of a license to operate a 42770  
crematory facility issued under Chapter 4717. and a permit issued 42771  
under Chapter 3704. of the Revised Code; 42772

(3) Treats or disposes of dead animals or parts thereof, or 42773  
the blood of animals, and is subject to any of the following: 42774

(a) Inspection under the "Federal Meat Inspection Act," 81 42775  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 42776

(b) Chapter 918. of the Revised Code; 42777

(c) Chapter 953. of the Revised Code. 42778

(D) Neither this chapter nor any rules adopted under it apply 42779  
to single-family residential premises; to infectious wastes 42780  
generated by individuals for purposes of their own care or 42781  
treatment; to the temporary storage of solid wastes, other than 42782  
scrap tires, prior to their collection for disposal; to the 42783

storage of one hundred or fewer scrap tires unless they are stored 42784  
in such a manner that, in the judgment of the director or the 42785  
board of health of the health district in which the scrap tires 42786  
are stored, the storage causes a nuisance, a hazard to public 42787  
health or safety, or a fire hazard; or to the collection of solid 42788  
wastes, other than scrap tires, by a political subdivision or a 42789  
person holding a franchise or license from a political subdivision 42790  
of the state; to composting, as defined in section 1511.01 of the 42791  
Revised Code, conducted in accordance with section 1511.022 of the 42792  
Revised Code; or to any person who is licensed to transport raw 42793  
rendering material to a compost facility pursuant to section 42794  
953.23 of the Revised Code. 42795

(E)(1) As used in this division: 42796

(a) "On-site facility" means a facility that stores, treats, 42797  
or disposes of hazardous waste that is generated on the premises 42798  
of the facility. 42799

(b) "Off-site facility" means a facility that stores, treats, 42800  
or disposes of hazardous waste that is generated off the premises 42801  
of the facility and includes such a facility that is also an 42802  
on-site facility. 42803

(c) "Satellite facility" means any of the following: 42804

(i) An on-site facility that also receives hazardous waste 42805  
from other premises owned by the same person who generates the 42806  
waste on the facility premises; 42807

(ii) An off-site facility operated so that all of the 42808  
hazardous waste it receives is generated on one or more premises 42809  
owned by the person who owns the facility; 42810

(iii) An on-site facility that also receives hazardous waste 42811  
that is transported uninterruptedly and directly to the facility 42812  
through a pipeline from a generator who is not the owner of the 42813  
facility. 42814

(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Revised Code and subject to the payment of an application fee not to exceed one thousand five hundred dollars, payable upon application for a hazardous waste facility installation and operation permit and upon application for a renewal permit issued under division (H) of section 3734.05 of the Revised Code, to be credited to the hazardous waste facility management fund created in section 3734.18 of the Revised Code. The term of a hazardous waste facility installation and operation permit shall not exceed ten years.

In addition to the application fee, there is hereby levied an annual permit fee to be paid by the permit holder upon the anniversaries of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits and to be credited to the hazardous waste facility management fund. Annual permit fees totaling forty thousand dollars or more for any one facility may be paid on a quarterly basis with the first quarterly payment each year being due on the anniversary of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits. The annual permit fee shall be determined for each permit holder by the director in accordance with the following schedule:

TYPE OF BASIC			
MANAGEMENT UNIT	TYPE OF FACILITY	FEE	
Storage facility using:			
Containers	On-site, off-site, and satellite	\$ 500	

Tanks	On-site, off-site, and		42847
	satellite	500	42848
Waste pile	On-site, off-site, and		42849
	satellite	3,000	42850
Surface impoundment	On-site and satellite	8,000	42851
	Off-site	10,000	42852
Disposal facility using:			42853
Deep well injection	On-site and satellite	15,000	42854
	Off-site	25,000	42855
Landfill	On-site and satellite	25,000	42856
	Off-site	40,000	42857
Land application	On-site and satellite	2,500	42858
	Off-site	5,000	42859
Surface impoundment	On-site and satellite	10,000	42860
	Off-site	20,000	42861
Treatment facility using:			42862
Tanks	On-site, off-site, and		42863
	satellite	700	42864
Surface impoundment	On-site and satellite	8,000	42865
	Off-site	10,000	42866
Incinerator	On-site and satellite	5,000	42867
	Off-site	10,000	42868
Other forms			42869
of treatment	On-site, off-site, and		42870
	satellite	1,000	42871

A hazardous waste disposal facility that disposes of hazardous waste by deep well injection and that pays the annual permit fee established in section 6111.046 of the Revised Code is not subject to the permit fee established in this division for disposal facilities using deep well injection unless the director determines that the facility is not in compliance with applicable requirements established under this chapter and rules adopted under it.



In determining the annual permit fee required by this 42880  
section, the director shall not require additional payments for 42881  
multiple units of the same method of storage, treatment, or 42882  
disposal or for individual units that are used for both storage 42883  
and treatment. A facility using more than one method of storage, 42884  
treatment, or disposal shall pay the permit fee indicated by the 42885  
schedule for each such method. 42886

The director shall not require the payment of that portion of 42887  
an annual permit fee of any permit holder that would apply to a 42888  
hazardous waste management unit for which a permit has been 42889  
issued, but for which construction has not yet commenced. Once 42890  
construction has commenced, the director shall require the payment 42891  
of a part of the appropriate fee indicated by the schedule that 42892  
bears the same relationship to the total fee that the number of 42893  
days remaining until the next anniversary date at which payment of 42894  
the annual permit fee is due bears to three hundred sixty-five. 42895

The director, by rules adopted in accordance with Chapters 42896  
119. and 3745. of the Revised Code, shall prescribe procedures for 42897  
collecting the annual permit fee established by this division and 42898  
may prescribe other requirements necessary to carry out this 42899  
division. 42900

(3) The prohibition against establishing or operating a 42901  
hazardous waste facility without a hazardous waste facility 42902  
installation and operation permit does not apply to either of the 42903  
following: 42904

(a) A facility that is operating in accordance with a permit 42905  
renewal issued under division (H) of section 3734.05 of the 42906  
Revised Code, a revision issued under division (I) of that section 42907  
as it existed prior to August 20, 1996, or a modification issued 42908  
by the director under division (I) of that section on and after 42909  
August 20, 1996; 42910

(b) Except as provided in division (J) of section 3734.05 of the Revised Code, a facility that will operate or is operating in accordance with a permit by rule, or that is not subject to permit requirements, under rules adopted by the director. In accordance with Chapter 119. of the Revised Code, the director shall adopt, and subsequently may amend, suspend, or rescind, rules for the purposes of division (E)(3)(b) of this section. Any rules so adopted shall be consistent with and equivalent to regulations pertaining to interim status adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

If a modification is requested or proposed for a facility described in division (E)(3)(a) or (b) of this section, division (I)(7) of section 3734.05 of the Revised Code applies.

(F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended;

(3) A facility in another nation operating in accordance with the laws of that nation;

(4) A facility holding a permit issued pursuant to Title I of the "Marine Protection, Research, and Sanctuaries Act of 1972," 86

Stat. 1052, 33 U.S.C.A. 1401, as amended; 42942

(5) A hazardous waste facility as described in division 42943  
(E)(3)(a) or (b) of this section. 42944

(G) The director, by order, may exempt any person generating, 42945  
collecting, storing, treating, disposing of, or transporting solid 42946  
wastes, infectious wastes, or hazardous waste, or processing solid 42947  
wastes that consist of scrap tires, in such quantities or under 42948  
such circumstances that, in the determination of the director, are 42949  
unlikely to adversely affect the public health or safety or the 42950  
environment from any requirement to obtain a registration 42951  
certificate, permit, or license or comply with the manifest system 42952  
or other requirements of this chapter. Such an exemption shall be 42953  
consistent with and equivalent to any regulations adopted by the 42954  
administrator of the United States environmental protection agency 42955  
under the "Resource Conservation and Recovery Act of 1976," 90 42956  
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 42957  
provided in this chapter. 42958

(H) No person shall engage in filling, grading, excavating, 42959  
building, drilling, or mining on land where a hazardous waste 42960  
facility, or a solid waste facility, was operated without prior 42961  
authorization from the director, who shall establish the procedure 42962  
for granting such authorization by rules adopted in accordance 42963  
with Chapter 119. of the Revised Code. 42964

A public utility that has main or distribution lines above or 42965  
below the land surface located on an easement or right-of-way 42966  
across land where a solid waste facility was operated may engage 42967  
in any such activity within the easement or right-of-way without 42968  
prior authorization from the director for purposes of performing 42969  
emergency repair or emergency replacement of its lines; of the 42970  
poles, towers, foundations, or other structures supporting or 42971  
sustaining any such lines; or of the appurtenances to those 42972  
structures, necessary to restore or maintain existing public 42973

utility service. A public utility may enter upon any such easement 42974  
or right-of-way without prior authorization from the director for 42975  
purposes of performing necessary or routine maintenance of those 42976  
portions of its existing lines; of the existing poles, towers, 42977  
foundations, or other structures sustaining or supporting its 42978  
lines; or of the appurtenances to any such supporting or 42979  
sustaining structure, located on or above the land surface on any 42980  
such easement or right-of-way. Within twenty-four hours after 42981  
commencing any such emergency repair, replacement, or maintenance 42982  
work, the public utility shall notify the director or the 42983  
director's authorized representative of those activities and shall 42984  
provide such information regarding those activities as the 42985  
director or the director's representative may request. Upon 42986  
completion of the emergency repair, replacement, or maintenance 42987  
activities, the public utility shall restore any land of the solid 42988  
waste facility disturbed by those activities to the condition 42989  
existing prior to the commencement of those activities. 42990

(I) No owner or operator of a hazardous waste facility, in 42991  
the operation of the facility, shall cause, permit, or allow the 42992  
emission therefrom of any particulate matter, dust, fumes, gas, 42993  
mist, smoke, vapor, or odorous substance that, in the opinion of 42994  
the director, unreasonably interferes with the comfortable 42995  
enjoyment of life or property by persons living or working in the 42996  
vicinity of the facility, or that is injurious to public health. 42997  
Any such action is hereby declared to be a public nuisance. 42998

(J) Notwithstanding any other provision of this chapter, in 42999  
the event the director finds an imminent and substantial danger to 43000  
public health or safety or the environment that creates an 43001  
emergency situation requiring the immediate treatment, storage, or 43002  
disposal of hazardous waste, the director may issue a temporary 43003  
emergency permit to allow the treatment, storage, or disposal of 43004  
the hazardous waste at a facility that is not otherwise authorized 43005

by a hazardous waste facility installation and operation permit to 43006  
treat, store, or dispose of the waste. The emergency permit shall 43007  
not exceed ninety days in duration and shall not be renewed. The 43008  
director shall adopt, and may amend, suspend, or rescind, rules in 43009  
accordance with Chapter 119. of the Revised Code governing the 43010  
issuance, modification, revocation, and denial of emergency 43011  
permits. 43012

(K) Except for infectious wastes generated by a person who 43013  
produces fewer than fifty pounds of infectious wastes at a 43014  
premises during any one month, no owner or operator of a sanitary 43015  
landfill shall knowingly accept for disposal, or dispose of, any 43016  
infectious wastes that have not been treated to render them 43017  
noninfectious. 43018

(L) The director, in accordance with Chapter 119. of the 43019  
Revised Code, shall adopt, and may amend, suspend, or rescind, 43020  
rules having uniform application throughout the state establishing 43021  
a training and certification program that shall be required for 43022  
employees of boards of health who are responsible for enforcing 43023  
the solid waste and infectious waste provisions of this chapter 43024  
and rules adopted under them and for persons who are responsible 43025  
for the operation of solid waste facilities or infectious waste 43026  
treatment facilities. The rules shall provide all of the 43027  
following, without limitation: 43028

(1) The program shall be administered by the director and 43029  
shall consist of a course on new solid waste and infectious waste 43030  
technologies, enforcement procedures, and rules; 43031

(2) The course shall be offered on an annual basis; 43032

(3) Those persons who are required to take the course under 43033  
division (L) of this section shall do so triennially; 43034

(4) Persons who successfully complete the course shall be 43035  
certified by the director; 43036

(5) Certification shall be required for all employees of boards of health who are responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and for all persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities;

(6)(a) All employees of a board of health who, on the effective date of the rules adopted under this division, are responsible for enforcing the solid waste or infectious waste provisions of this chapter and the rules adopted under them shall complete the course and be certified by the director not later than January 1, 1995;

(b) All employees of a board of health who, after the effective date of the rules adopted under division (L) of this section, become responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and who do not hold a current and valid certification from the director at that time shall complete the course and be certified by the director within two years after becoming responsible for performing those activities.

No person shall fail to obtain the certification required under this division.

(M) The director shall not issue a permit under section 3734.05 of the Revised Code to establish a solid waste facility, or to modify a solid waste facility operating on December 21, 1988, in a manner that expands the disposal capacity or geographic area covered by the facility, that is or is to be located within the boundaries of a state park established or dedicated under Chapter 1541. of the Revised Code, a state park purchase area established under section 1541.02 of the Revised Code, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not

been acquired or is not administered by the secretary of the 43069  
United States department of the interior, located in this state, 43070  
or any candidate area located in this state and identified for 43071  
potential inclusion in the national park system in the edition of 43072  
the "national park system plan" submitted under paragraph (b) of 43073  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 43074  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 43075  
application for the permit, unless the facility or proposed 43076  
facility is or is to be used exclusively for the disposal of solid 43077  
wastes generated within the park or recreation area and the 43078  
director determines that the facility or proposed facility will 43079  
not degrade any of the natural or cultural resources of the park 43080  
or recreation area. The director shall not issue a variance under 43081  
division (A) of this section and rules adopted under it, or issue 43082  
an exemption order under division (G) of this section, that would 43083  
authorize any such establishment or expansion of a solid waste 43084  
facility within the boundaries of any such park or recreation 43085  
area, state park purchase area, or candidate area, other than a 43086  
solid waste facility exclusively for the disposal of solid wastes 43087  
generated within the park or recreation area when the director 43088  
determines that the facility will not degrade any of the natural 43089  
or cultural resources of the park or recreation area. 43090

(N)(1) The rules adopted under division (A) of this section, 43091  
other than those governing variances, do not apply to scrap tire 43092  
collection, storage, monocell, monofill, and recovery facilities. 43093  
Those facilities are subject to and governed by rules adopted 43094  
under sections 3734.70 to 3734.73 of the Revised Code, as 43095  
applicable. 43096

(2) Division (C) of this section does not apply to scrap tire 43097  
collection, storage, monocell, monofill, and recovery facilities. 43098  
The establishment and modification of those facilities are subject 43099  
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 43100

Code, as applicable. 43101

(3) The director may adopt, amend, suspend, or rescind rules 43102  
under division (A) of this section creating an alternative system 43103  
for authorizing the establishment, operation, or modification of a 43104  
solid waste compost facility in lieu of the requirement that a 43105  
person seeking to establish, operate, or modify a solid waste 43106  
compost facility apply for and receive a permit under division (C) 43107  
of this section and section 3734.05 of the Revised Code and a 43108  
license under division (A)(1) of that section. The rules may 43109  
include requirements governing, without limitation, the 43110  
classification of solid waste compost facilities, the submittal of 43111  
operating records for solid waste compost facilities, and the 43112  
creation of a registration or notification system in lieu of the 43113  
issuance of permits and licenses for solid waste compost 43114  
facilities. The rules shall specify the applicability of divisions 43115  
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 43116  
Code to a solid waste compost facility. 43117

(O)(1) As used in this division, "secondary aluminum waste" 43118  
means waste material or byproducts, when disposed of, containing 43119  
aluminum generated from secondary aluminum smelting operations and 43120  
consisting of dross, salt cake, baghouse dust associated with 43121  
aluminum recycling furnace operations, or dry-milled wastes. 43122

(2) The owner or operator of a sanitary landfill shall not 43123  
dispose of municipal solid waste that has been commingled with 43124  
secondary aluminum waste. 43125

(3) The owner or operator of a sanitary landfill may dispose 43126  
of secondary aluminum waste, but only in a monocell or monofill 43127  
that has been permitted for that purpose in accordance with this 43128  
chapter and rules adopted under it. 43129

(P)(1) As used in divisions (P) and (Q) of this section: 43130

(a) "Natural background" means two picocuries per gram or the 43131



actual number of picocuries per gram as measured at an individual 43132  
solid waste facility, subject to verification by the director of 43133  
health. 43134

(b) "Drilling operation" includes a production operation as 43135  
defined in section 1509.01 of the Revised Code. 43136

(2) The owner or operator of a solid waste facility shall not 43137  
accept for transfer or disposal technologically enhanced naturally 43138  
occurring radioactive material if that material contains or is 43139  
contaminated with radium-226, radium-228, or any combination of 43140  
radium-226 and radium-228 at concentrations equal to or greater 43141  
than five picocuries per gram above natural background. 43142

(3) The owner or operator of a solid waste facility may 43143  
receive and process for purposes other than transfer or disposal 43144  
technologically enhanced naturally occurring radioactive material 43145  
that contains or is contaminated with radium-226, radium-228, or 43146  
any combination of radium-226 and radium-228 at concentrations 43147  
equal to or greater than five picocuries per gram above natural 43148  
background, provided that the owner or operator has obtained and 43149  
maintains all other necessary authorizations, including any 43150  
authorization required by rules adopted by the director of health 43151  
under section 3748.04 of the Revised Code. 43152

(4) The director of environmental protection may adopt rules 43153  
in accordance with Chapter 119. of the Revised Code governing the 43154  
receipt, acceptance, processing, handling, management, and 43155  
disposal by solid waste facilities of material that contains or is 43156  
contaminated with radioactive material, including, without 43157  
limitation, technologically enhanced naturally occurring 43158  
radioactive material that contains or is contaminated with 43159  
radium-226, radium-228, or any combination of radium-226 and 43160  
radium-228 at concentrations less than five picocuries per gram 43161  
above natural background. Rules adopted by the director may 43162  
include at a minimum both of the following: 43163

(a) Requirements in accordance with which the owner or operator of a solid waste facility must monitor leachate and ground water for radium-226, radium-228, and other radionuclides;

(b) Requirements in accordance with which the owner or operator of a solid waste facility must develop procedures to ensure that technologically enhanced naturally occurring radioactive material accepted at the facility neither contains nor is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.

(Q) Notwithstanding any other provision of this section, the owner or operator of a solid waste facility shall not receive, accept, process, handle, manage, or dispose of technologically enhanced naturally occurring radioactive material associated with drilling operations without first obtaining representative analytical results to determine compliance with divisions (P)(2) and (3) of this section and rules adopted under it.

**Sec. 3734.021.** (A) Infectious wastes shall be segregated, managed, treated, and disposed of in accordance with rules adopted under this section.

(B) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary or appropriate to protect human health or safety or the environment that do both of the following:

(1) Establish standards for generators of infectious wastes that include, without limitation, the following requirements and authorizations that:

(a) All generators of infectious wastes:

(i) Either treat all specimen cultures and cultures of viable infectious agents on the premises where they are generated to

render them noninfectious by methods, techniques, or practices 43194  
prescribed by rules adopted under division (B)(2)(a) of this 43195  
section before they are transported off that premises for disposal 43196  
or ensure that such wastes are treated to render them 43197  
noninfectious at an infectious waste treatment facility off that 43198  
premises prior to disposal of the wastes; 43199

(ii) Transport and dispose of infectious wastes, if a 43200  
generator produces fewer than fifty pounds of infectious wastes 43201  
during any one month that are subject to and packaged and labeled 43202  
in accordance with federal requirements, in the same manner as 43203  
solid wastes. Such generators who treat specimen cultures and 43204  
cultures of viable infectious agents on the premises where they 43205  
are generated shall not be considered treatment facilities as 43206  
"treatment" and "facility" are defined in section 3734.01 of the 43207  
Revised Code. 43208

(iii) Dispose of infectious wastes subject to and treated in 43209  
accordance with rules adopted under division (B)(1)(a)(i) of this 43210  
section in the same manner as solid wastes; 43211

(iv) May take wastes generated in providing care to a patient 43212  
by an emergency medical services organization, as defined in 43213  
section 4765.01 of the Revised Code, to and leave them at a 43214  
hospital, as defined in section 3727.01 of the Revised Code, for 43215  
treatment at a treatment facility owned or operated by the 43216  
hospital or, in conjunction with infectious wastes generated by 43217  
the hospital, at another treatment facility regardless of whether 43218  
the wastes were generated in providing care to the patient at the 43219  
scene of an emergency or during the transportation of the patient 43220  
to a hospital; 43221

(v) May take wastes generated by an individual for purposes 43222  
of the individual's own care or treatment to and leave them at a 43223  
hospital, as defined in section 3727.01 of the Revised Code, for 43224  
treatment at a treatment facility owned or operated by the 43225

hospital or, in conjunction with infectious wastes generated by 43226  
the hospital, at another treatment facility. 43227

(b) Each generator of fifty pounds or more of infectious 43228  
wastes during any one month: 43229

(i) Register with the environmental protection agency as a 43230  
generator of infectious wastes and obtain a registration 43231  
certificate. The fee for issuance of a generator registration 43232  
certificate is one hundred forty dollars payable at the time of 43233  
application. The registration certificate applies to all the 43234  
premises owned or operated by the generator in this state where 43235  
infectious wastes are generated and shall list the address of each 43236  
such premises. If a generator owns or operates facilities for the 43237  
treatment of infectious wastes it generates, the certificate shall 43238  
list the address and method of treatment used at each such 43239  
facility. 43240

A generator registration certificate is valid for three years 43241  
from the date of issuance and shall be renewed for a term of three 43242  
years upon the generator's submission of an application for 43243  
renewal and payment of a one hundred forty dollar renewal fee. 43244

The rules may establish a system of staggered renewal dates 43245  
with approximately one-third of such certificates subject to 43246  
renewal each year. The applicable renewal date shall be prescribed 43247  
on each registration certificate. Registration fees shall be 43248  
prorated according to the time remaining in the registration cycle 43249  
to the nearest year. 43250

The registration and renewal fees collected under division 43251  
(B)(1)(b)(i) of this section shall be ~~credited~~ deposited in the 43252  
state treasury to the ~~infectious wastes management credit of the~~ 43253  
waste management fund, ~~hereby~~ created in the ~~state treasury~~ 43254  
section 3734.061 of the Revised Code. 43255

(ii) Segregate infectious wastes from other wastes at the 43256

point of generation. Nothing in this section and rules adopted 43257  
under it prohibits a generator of infectious wastes from 43258  
designating and managing any wastes, in addition to those defined 43259  
as infectious wastes under section 3734.01 of the Revised Code, as 43260  
infectious wastes. After designating any such other wastes as 43261  
infectious, the generator shall manage those wastes in compliance 43262  
with the requirements of this chapter and rules adopted under it 43263  
applicable to the management of infectious wastes. 43264

(iii) Either treat the infectious wastes that it generates at 43265  
a facility owned or operated by the generator by methods, 43266  
techniques, or practices prescribed by rules adopted under 43267  
division (B)(2)(a) of this section to render them noninfectious, 43268  
or designate the wastes for treatment off that premises at an 43269  
infectious waste treatment facility holding a license issued under 43270  
division (B) of section 3734.05 of the Revised Code, at an 43271  
infectious waste treatment facility that is located in another 43272  
state that is in compliance with applicable state and federal 43273  
laws, or at a treatment facility authorized by rules adopted under 43274  
division (B)(2)(d) of this section, prior to disposal of the 43275  
wastes. After being treated to render them noninfectious, the 43276  
wastes shall be disposed of at a solid waste disposal facility 43277  
holding a license issued under division (A) of section 3734.05 of 43278  
the Revised Code or at a disposal facility in another state that 43279  
is in compliance with applicable state and federal laws. 43280

(iv) Not compact or grind any type of infectious wastes prior 43281  
to treatment in accordance with rules adopted under division 43282  
(B)(2)(a) of this section; 43283

(v) May discharge untreated liquid or semiliquid infectious 43284  
wastes consisting of blood, blood products, body fluids, and 43285  
excreta into a disposal system, as defined in section 6111.01 of 43286  
the Revised Code, unless the discharge of those wastes into a 43287  
disposal system is inconsistent with the terms and conditions of 43288

the permit for the system issued under Chapter 6111. of the Revised Code; (vi) May transport or cause to be transported infectious wastes that have been treated to render them noninfectious in the same manner as solid wastes are transported. (2) Establish standards for owners and operators of infectious waste treatment facilities that include, without limitation, the following requirements and authorizations that: (a) Require treatment of all wastes received to be performed in accordance with methods, techniques, and practices approved by the director; (b) Govern the location, design, construction, and operation of infectious waste treatment facilities. The rules adopted under division (B)(2)(b) of this section shall require that a new infectious waste incineration facility be located so that the incinerator unit and all areas where infectious wastes are handled on the premises where the facility is proposed to be located are at least three hundred feet inside the property line of the tract of land on which the facility is proposed to be located and are at least one thousand feet from any domicile, school, prison, or jail that is in existence on the date on which the application for the permit to establish the incinerator is submitted under division (B)(2)(b) of section 3734.05 of the Revised Code. (c) Establish quality control and testing procedures to ensure compliance with the rules adopted under division (B)(2)(b) of this section; (d) Authorize infectious wastes to be treated at a facility that holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717., and a permit issued under Chapter 3704., of the Revised Code to the extent that the treatment of those wastes is consistent with that permit and its

terms and conditions. The rules adopted under divisions (B)(2)(b) 43320  
and (c) of this section do not apply to a facility holding such a 43321  
license and permit. 43322

In adopting the rules required by divisions (B)(2)(a) to (d) 43323  
of this section, the director shall consider and, to the maximum 43324  
feasible extent, utilize existing standards and guidelines 43325  
established by professional and governmental organizations having 43326  
expertise in the fields of infection control and infectious wastes 43327  
management. 43328

(e) Require shipping papers to accompany shipments of wastes 43329  
that have been treated to render them noninfectious. The shipping 43330  
papers shall include only the following elements: 43331

(i) The name of the owner or operator of the facility where 43332  
the wastes were treated and the address of the treatment facility; 43333  
43334

(ii) A certification by the owner or operator of the 43335  
treatment facility where the wastes were treated indicating that 43336  
the wastes have been treated by the methods, techniques, and 43337  
practices prescribed in rules adopted under division (B)(2)(a) of 43338  
this section. 43339

(C) This section and rules adopted under it do not apply to 43340  
the treatment or disposal of wastes consisting of dead animals or 43341  
parts thereof, or the blood of animals: 43342

(1) By the owner of the animal after slaughter by the owner 43343  
on the owner's premises to obtain meat for consumption by the 43344  
owner and the members of the owner's household; 43345

(2) In accordance with Chapter 941. of the Revised Code; or 43346

(3) By persons who are subject to any of the following: 43347

(a) Inspection under the "Federal Meat Inspection Act," 81 43348  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 43349

(b) Chapter 918. of the Revised Code; 43350

(c) Chapter 953. of the Revised Code. 43351

(D) As used in this section, "generator" means a person who 43352  
produces infectious wastes at a specific premises. 43353

(E) Rules adopted under this section shall not concern or 43354  
relate to personnel policies, salaries, wages, fringe benefits, or 43355  
other conditions of employment of employees of persons owning or 43356  
operating infectious waste treatment facilities. 43357

(F)(1) The director, in accordance with Chapter 119. of the 43358  
Revised Code, shall adopt rules governing the issuance, 43359  
modification, revocation, suspension, and denial of variances from 43360  
the rules adopted under division (B) of this section. Variances 43361  
shall be issued, modified, revoked, suspended, or denied in 43362  
accordance with division (F) of this section, rules adopted under 43363  
it, and Chapter 3745. of the Revised Code. 43364

(2) A person who desires to obtain a variance or renew a 43365  
variance from the rules adopted under division (B) of this section 43366  
shall submit to the director an application as prescribed by the 43367  
director. The application shall contain detail plans, 43368  
specifications, and information regarding objectives, procedures, 43369  
controls, and any other information that the director may require. 43370  
The director shall issue, renew, or deny a variance or renewal of 43371  
a variance within six months of the date on which the director 43372  
receives a complete application with all required information and 43373  
data. 43374

(3) The director may hold a public hearing on an application 43375  
submitted under division (F) of this section for a variance at a 43376  
location in the county in which the operations that are the 43377  
subject of the application for a variance or renewal of variance 43378  
are conducted. Not less than twenty days before the hearing, the 43379  
director shall provide to the applicant notice of the hearing by 43380



certified mail or by another type of mail that is accompanied by a receipt and shall publish notice of the hearing at least one time in a newspaper of general circulation in the county in which the hearing is to be held. The director shall make a complete stenographic record of testimony and other evidence submitted at the hearing. Not later than ten days after the hearing, the director shall make a written determination to issue, renew, or deny the variance and shall enter the determination and the basis for it into the record of the hearing.

(4) A variance shall not be issued, modified, revoked, or denied under division (F) of this section until the director has considered the relative interests of the applicant, other persons and property that will be affected by the variance, and the general public. The director shall grant a variance only if the applicant demonstrates to the director's satisfaction that the requested action will not create a nuisance or a hazard to the health or safety of the public or to the environment. In granting a variance, the director shall state the specific provision or provisions whose terms are to be varied and also shall state specific terms or conditions imposed on the applicant in place of the provision or provisions.

(5) A variance granted under division (F) of this section shall be for a period specified by the director and may be renewed from time to time on terms and for periods that the director determines to be appropriate. The director may order the person to whom a variance has been issued to take action within the time that the director determines to be appropriate and reasonable to prevent the creation of a nuisance or a hazard to the health or safety of the public or to the environment.

(6) An application submitted under division (F) of this section shall not be denied and a variance shall not be revoked or modified under that division without a written order of the

director stating the findings on which the denial, revocation, or 43413  
modification is based. A copy of the order shall be sent to the 43414  
applicant or holder of a variance by certified mail or by another 43415  
type of mail that is accompanied by a receipt. 43416

(7) The director shall make available for public inspection 43417  
at the principal office of the environmental protection agency a 43418  
current list of pending applications for variances submitted under 43419  
division (F) of this section and a current schedule of pending 43420  
variance hearings under it. 43421

Sec. 3734.061. (A) There is hereby created in the state 43422  
treasury the waste management fund. The fund shall consist of 43423  
money credited to it under division (C)(4) of section 3714.051, 43424  
divisions (A)(4) and (B) of section 3714.07, division (D) of 43425  
section 3714.08, division (B)(4) of section 3714.09, division (B) 43426  
of section 3734.021, division (D)(4) of section 3734.07, division 43427  
(B) of section 3734.551, and division (A)(2) of section 3734.57 of 43428  
the Revised Code. 43429

(B) The director of environmental protection shall use money 43430  
in the fund as follows: 43431

(1) Money credited to the fund under division (C)(4) of 43432  
section 3714.051, divisions (A)(4) and (B) of section 3714.07, 43433  
division (D) of section 3714.08, and division (B)(4) of section 43434  
3714.09 of the Revised Code exclusively for the administration and 43435  
enforcement of Chapter 3714. of the Revised Code and rules adopted 43436  
under it; 43437

(2) Money credited to the fund under division (B) of section 43438  
3734.551 and division (A)(2) of section 3734.57 of the Revised 43439  
Code exclusively to pay the costs of administering and enforcing 43440  
the laws pertaining to solid wastes, infectious wastes, and 43441  
construction and demolition debris, including ground water 43442  
evaluations related to solid wastes, infectious wastes, and 43443

construction and demolition debris, under this chapter and Chapter 43444  
3714. of the Revised Code and any rules adopted under those 43445  
chapters and addressing violations of Chapters 3704. and 6111. of 43446  
the Revised Code at facilities; 43447

(3) Money credited to the fund under division (B) of section 43448  
3734.021 and division (D)(4) of section 3734.07 of the Revised 43449  
Code exclusively for the administration and enforcement of the 43450  
provisions of this chapter governing the management of infectious 43451  
wastes and rules adopted under them. 43452

**Sec. 3734.07.** (A) Before a license is initially issued and 43453  
annually thereafter, or more often if necessary, the board of 43454  
health shall cause each solid waste facility and infectious waste 43455  
treatment facility to be inspected and a record to be made of each 43456  
inspection and shall require each solid waste facility and 43457  
infectious waste treatment facility in the health district to be 43458  
in substantial compliance with this chapter and the rules adopted 43459  
under it. 43460

(B) Within thirty days after the issuance of a license, the 43461  
board of health shall certify to the director of environmental 43462  
protection that the solid waste facility or infectious waste 43463  
treatment facility has been inspected and is in substantial 43464  
compliance with this chapter and the rules adopted under it. Each 43465  
board of health shall provide the director with such other 43466  
information as he may require from time to time. 43467

(C) The board of health or its authorized representative and 43468  
the director or ~~his~~ the director's authorized representative, upon 43469  
proper identification and upon stating the purpose and necessity 43470  
of an inspection, may enter at reasonable times upon any private 43471  
or public property, real or personal, to inspect or investigate, 43472  
obtain samples, and examine or copy any records to determine 43473  
compliance with this chapter and the rules adopted under it. The 43474

board of health or its authorized representative or the director 43475  
or ~~his~~ the director's authorized representative may apply for, and 43476  
any judge of a court of record may issue, an appropriate search 43477  
warrant necessary to achieve the purposes of this chapter and the 43478  
rules adopted under it within the court's territorial 43479  
jurisdiction. If entry is refused or inspection or investigation 43480  
is refused, hindered, or thwarted, the board of health may suspend 43481  
or revoke the operating license of the solid waste facility or 43482  
infectious waste treatment facility that refused entry, or the 43483  
director may suspend or revoke the license or permit of the solid 43484  
waste facility, hazardous waste facility, or infectious waste 43485  
treatment facility that refused entry. 43486

(D) If the entry authorized by division (C) of this section 43487  
is refused or if the inspection or investigation so authorized is 43488  
refused, hindered, or thwarted by intimidation or otherwise and 43489  
the director, board of health, or authorized representative of 43490  
either applies for and obtains a search warrant under division (C) 43491  
of this section to conduct the inspection or investigation, the 43492  
owner or operator of the premises where entry was refused or 43493  
inspection or investigation was refused, hindered, or thwarted is 43494  
liable to the director or board of health for the reasonable costs 43495  
incurred by either for the regular salaries and fringe benefit 43496  
costs of personnel assigned to conduct the inspection or 43497  
investigation from the time the entry, inspection, or 43498  
investigation was refused, hindered, or thwarted until the search 43499  
warrant is executed; for the salary, fringe benefits, and travel 43500  
expenses of the attorney general, prosecuting attorney of the 43501  
county, or city director of law, or an authorized assistant, 43502  
incurred in obtaining the search warrant; and for expenses 43503  
necessarily incurred for the assistance of local law enforcement 43504  
officers in executing the search warrant. In the application for 43505  
the search warrant, the director or board of health may request 43506  
and the court, in its order granting the search warrant, may order 43507

the owner or operator of the premises to reimburse the director or 43508  
board of health for such of those costs as the court finds 43509  
reasonable. ~~From~~ 43510

From moneys recovered under this division, the director shall 43511  
reimburse the attorney general for the costs incurred by ~~him~~ the 43512  
attorney general or ~~his~~ the attorney general's authorized 43513  
assistant in connection with proceedings for obtaining the search 43514  
warrant; shall reimburse the political subdivision in which the 43515  
premises is located for the assistance of its law enforcement 43516  
officers in executing the search warrant; and shall deposit the 43517  
remainder of any such moneys to the credit of the following, as 43518  
applicable: 43519

(1) The hazardous waste facility management fund created in 43520  
section 3734.18 of the Revised Code if the inspection or 43521  
investigation pertained to compliance with the hazardous waste 43522  
provisions of this chapter or a rule, order, or term or condition 43523  
of a permit adopted or issued under them or with a rule adopted 43524  
under section 3734.121 of the Revised Code ~~to the credit of the;~~ 43525

(2) The general revenue fund if the inspection or 43526  
investigation pertained to compliance with the solid waste 43527  
provisions of this chapter or rules, orders, or terms and 43528  
conditions of a permit, license, or variance adopted or issued 43529  
under them, other than the provisions governing solid wastes that 43530  
consist of scrap tires; ~~to the credit of the~~ 43531

(3) The scrap tire management fund created in section 3734.82 43532  
of the Revised Code if the inspection or investigation pertained 43533  
to compliance with the provisions of this chapter governing solid 43534  
wastes that consist of scrap tires or rules, orders, or terms and 43535  
conditions of a permit, license, or variance adopted or issued 43536  
under them; ~~or to the credit of the infectious~~ 43537

(4) The waste management fund created in section ~~3734.021~~ 43538

3734.061 of the Revised Code if the inspection or investigation 43539  
pertained to compliance with the infectious waste provisions of 43540  
this chapter or rules, orders, or terms and conditions of a permit 43541  
or license issued under them. ~~From~~ 43542

From moneys recovered under this division, the board of 43543  
health shall reimburse the prosecuting attorney of the county or 43544  
city director of law for the costs incurred by ~~him~~ the prosecuting 43545  
attorney or city director of law or an authorized assistant in 43546  
connection with proceedings for obtaining the search warrant; 43547  
shall reimburse the political subdivision in which the premises is 43548  
located for the assistance of its law enforcement officers in 43549  
executing the search warrant; and shall deposit the remainder of 43550  
any such moneys to the special infectious waste fund of the health 43551  
district created under division (C) of section 3734.06 of the 43552  
Revised Code if the inspection or investigation pertained to 43553  
compliance with the infectious waste provisions of this chapter or 43554  
rules, orders, or terms and conditions of a permit or license 43555  
issued under them; to the credit of the special fund of the health 43556  
district created under division (B) of section 3734.06 of the 43557  
Revised Code if the inspection or investigation pertained to 43558  
compliance with the solid waste provisions of this chapter or 43559  
rules, orders, or terms and conditions of a permit, license, or 43560  
variance adopted or issued under them, other than the provisions 43561  
governing solid wastes that consist of scrap tires; or to the 43562  
credit of the special fund of the health district created under 43563  
division (F) of section 3734.82 of the Revised Code if the 43564  
inspection or investigation pertained to compliance with the 43565  
provisions of this chapter governing solid wastes that consist of 43566  
scrap tires or rules, orders, or terms and conditions of a permit, 43567  
license, or variance adopted or issued under them. 43568

Sec. 3734.49. (A) There is hereby created within the 43569  
environmental protection agency the materials management advisory 43570

council consisting of the following eleven members who shall be 43571  
appointed by the governor with the advice and consent of the 43572  
senate: 43573

(1) One member who is an employee of a health district whose 43574  
duties include enforcement of the solid waste provisions of this 43575  
chapter; 43576

(2) One member representing the interests of counties; 43577

(3) One member representing the interests of municipal 43578  
corporations; 43579

(4) One member representing the interests of townships; 43580

(5) One member representing the interests of solid waste 43581  
management districts; 43582

(6) One member representing a statewide environmental 43583  
advocacy organization; 43584

(7) One member representing the public; 43585

(8) Four members with knowledge of or experience in waste 43586  
management, recycling, or litter prevention programs. Those 43587  
members also shall represent a broad range of interests, including 43588  
manufacturing, wholesale, retail, labor, raw materials, commercial 43589  
recycling, and solid waste management. 43590

(B)(1) The governor shall make initial appointments to the 43591  
advisory council not later than forty-five days after the 43592  
effective date of this section. 43593

(2) The following initial members of the advisory council 43594  
each shall be appointed for a term ending July 1, 2016: 43595

(a) The member representing the interests of counties; 43596

(b) The member representing the interests of solid waste 43597  
management districts; 43598

(c) Two of the members with knowledge of or experience in waste management, recycling, or litter prevention programs. 43599  
43600

(3) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2017: 43601  
43602

(a) The member who is an employee of a health district whose duties include enforcement of the solid waste provisions of this chapter; 43603  
43604  
43605

(b) The member representing the interests of municipal corporations; 43606  
43607

(c) Two of the members with knowledge of or experience in waste management, recycling, or litter prevention programs. 43608  
43609

(4) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2018: 43610  
43611

(a) The member representing the interests of townships; 43612

(b) The member representing a statewide environmental advocacy organization; 43613  
43614

(c) The member representing the public. 43615

Thereafter, terms of office shall be for three years. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. In the event of death, removal, resignation, or incapacity of a member, the governor, with the advice and consent of the senate, shall appoint a successor who shall hold office for the remainder of the term for which the successor's predecessor was appointed. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. Members may be reappointed. The governor at any time may remove a member for misfeasance, nonfeasance, or malfeasance in office. 43616  
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(C) The advisory council shall hold at least two meetings 43628



each year. Special meetings may be held at the request of the 43629  
chairperson or a majority of the members. The director of 43630  
environmental protection shall select from among the advisory 43631  
council's members a chairperson. The advisory council annually 43632  
shall select from among its members a vice-chairperson and a 43633  
secretary to keep a record of its proceedings. Not later than two 43634  
hundred days after the selection of the first chairperson of the 43635  
advisory council, the advisory council shall adopt bylaws 43636  
governing its procedural operations. A majority vote of the 43637  
members of the advisory council is necessary to take action on any 43638  
matter. 43639

(D) Membership on the advisory council does not constitute 43640  
holding a public office or position of employment under the laws 43641  
of this state and does not constitute grounds for removal of 43642  
public officers or employees from their offices or positions of 43643  
employment. 43644

(E) A member of the advisory council shall serve without 43645  
compensation for attending advisory council meetings, but shall be 43646  
reimbursed for all ordinary and necessary expenses incurred in the 43647  
performance of duties as a member. 43648

(F) The advisory council shall do all of the following: 43649

(1) Advise and assist the director with preparation of the 43650  
state solid waste management plan and periodic revisions to the 43651  
plan under section 3734.50 of the Revised Code; 43652

(2) Approve or disapprove the draft state solid waste 43653  
management plan and periodic revisions prior to adoption of the 43654  
plan under section 3734.50 of the Revised Code; 43655

(3) Annually review implementation of the state solid waste 43656  
management plan; 43657

(4) Prepare and submit an annual report to the general 43658  
assembly on the state's solid waste management system and efforts 43659

towards achieving the goals, restrictions, and objectives 43660  
established under divisions (A) to (C) of section 3734.50 of the 43661  
Revised Code. The report may recommend legislative action. 43662

(5) Triennially advise the director in conducting a review of 43663  
the progress made toward achieving the objectives, restrictions, 43664  
and goals established under divisions (A) to (C) of section 43665  
3734.50 of the Revised Code; 43666

(6) With the approval of the director, establish criteria by 43667  
which to certify, and certify, agencies of the state and political 43668  
subdivisions for receipt of grants for activities or projects that 43669  
are intended to accomplish the purposes of any of the programs 43670  
established under section 3736.02 or 3736.05 of the Revised Code; 43671

(7) Advise the director on establishing and implementing 43672  
statewide source reduction, recycling, recycling market 43673  
development, and litter prevention programs; 43674

(8) Research and respond to questions posed to the advisory 43675  
council by the director; 43676

(9) Establish and develop formal and informal partnerships 43677  
with other entities that foster a productive marketplace for the 43678  
collection and use of recycled materials. 43679

**Sec. 3734.50.** The director of environmental protection, with 43680  
the advice of the ~~solid waste~~ materials management advisory 43681  
council created in section ~~3734.51~~ 3734.49 of the Revised Code, 43682  
shall prepare a state solid waste management plan to do all of the 43683  
following: 43684

(A) Reduce reliance on the use of landfills for management of 43685  
solid wastes; 43686

(B) Establish objectives for solid waste reduction, 43687  
recycling, reuse, and minimization and a schedule for implementing 43688  
those objectives; 43689

(C) Establish restrictions on the types of solid wastes disposed of by landfilling for which alternative management methods are available, such as yard wastes, and a schedule for implementing those restrictions. The objectives under division (B) of this section and restrictions under this division need not be of uniform application throughout the state or as to categories of solid waste generators. Rather, in establishing those objectives and restrictions, the director shall take into consideration the feasibility of waste reduction, recycling, reuse, and minimization measures and landfilling restrictions in urban, suburban, and rural areas and also shall take into consideration the extent to which those measures have been implemented by specific categories of solid waste generators and political subdivisions prior to June 24, 1988.

(D) Establish revised general criteria for the location of solid waste facilities;

(E) Examine alternative methods for disposal of fly ash and bottom ash resulting from the burning of mixed municipal solid wastes;

(F) Establish a statewide strategy for managing scrap tires, which shall include identification of locations within the state that qualify as scrap tire facilities and accumulations. In developing the strategy, the director shall examine the feasibility of recycling or recovering materials or energy from scrap tires and landfilling scrap tires in abandoned coal strip mines as well as other methods for managing scrap tires.

(G) Establish a strategy that contains specific recommendations for legislative and administrative action to promote markets for products containing recycled materials generally and for promoting the use by state government of products containing recycled materials;

(H) Establish a program for the proper separation and 43721  
disposal of hazardous waste generated by households. 43722

The director shall adopt the state solid waste management 43723  
plan within one year after June 24, 1988. After completion of a 43724  
draft plan, the director shall hold a public hearing on the draft 43725  
plan at each of five different locations within the state. After 43726  
receiving public comments on the draft plan, the director may make 43727  
such revisions to it as ~~he~~ the director considers appropriate 43728  
based on the comments received and shall submit the draft plan 43729  
with any revisions to the advisory council for approval. If the 43730  
advisory council approves the draft plan, the director shall adopt 43731  
it as the state solid waste management plan. If the advisory 43732  
council disapproves the draft plan, the director, with the advice 43733  
of the advisory council, shall prepare a new draft plan and 43734  
proceed in the same manner as for the initial draft plan to hold 43735  
hearings on, revise, and submit the new draft plan to the advisory 43736  
council for approval, and adopt the new draft plan. 43737

Not later than one year after adoption of the plan, the 43738  
director shall adopt rules in accordance with Chapter 119. of the 43739  
Revised Code establishing the objectives and restrictions of the 43740  
state plan, and schedules for implementing them, under divisions 43741  
(B) and (C) of this section as mandatory elements of the solid 43742  
waste management plans of county and joint solid waste management 43743  
districts under division (A) of section 3734.53 of the Revised 43744  
Code. Within one year after adoption of the plan, the director 43745  
shall adopt rules in accordance with Chapter 119. of the Revised 43746  
Code, which rules are hereby deemed to constitute rules adopted 43747  
under division (A) of section 3734.02 of the Revised Code, 43748  
establishing revised general location criteria for solid waste 43749  
facilities, other than solid waste transfer facilities, and 43750  
standards for the disposal of fly ash and bottom ash resulting 43751  
from the burning of mixed municipal solid waste. 43752

Triennially the director, with the advice of the advisory 43753  
council, shall conduct a thorough review of the progress made 43754  
toward achieving the goals set forth in divisions (A) to (H) of 43755  
this section. Based upon the findings of ~~his~~ the review, the 43756  
director, in accordance with the procedures of this section, may 43757  
prepare and adopt a revised state solid waste management plan. If 43758  
the revised plan modifies any of the objectives, restrictions, or 43759  
implementation schedules established under division (B) or (C) of 43760  
this section, the director, not later than one year after adoption 43761  
of the revised plan, shall amend the existing rules adopted under 43762  
this section in a manner consistent with those revisions. 43763

If any revision to the plan or enactment or amendment of a 43764  
statute by the general assembly that takes effect on or after 43765  
April 16, 1993, establishes a restriction on the landfilling or 43766  
burning or other thermal processing in an incinerator or energy 43767  
recovery facility of any type of solid waste with mixed municipal 43768  
solid waste, or prescribes for a type of solid waste a management 43769  
method alternative to landfilling or thermal processing with mixed 43770  
municipal solid waste, the estimated reduction in the quantity of 43771  
solid wastes being disposed of by landfilling or thermal 43772  
processing that results from the implementation of the restriction 43773  
or alternative management method within a county or joint solid 43774  
waste management district constitutes a reduction in solid waste 43775  
generation within the district for purposes of determining the 43776  
district's compliance with the waste reduction objective 43777  
established under division (C) of this section and any revisions 43778  
thereof and the rules and amendments thereto adopted under this 43779  
section to implement that objective. 43780

**Sec. 3734.551.** (A) The board of county commissioners of a 43781  
county or board of directors of a joint solid waste management 43782  
district that is ordered to implement an initial or amended solid 43783  
waste management plan prepared by the director of environmental 43784

protection under section 3734.521, 3734.55, or 3734.56 of the Revised Code and that is levying fees under division (A) or (B) of section 3734.574 of the Revised Code shall reimburse the director from moneys in the special fund of the district created in division (G) of section 3734.57 of the Revised Code for the expenses incurred by the director in preparing and ordering the implementation of the plan or amended plan for all of the following purposes, as applicable:

- (1) Postage;
- (2) Copying and duplicating;
- (3) Notices published in newspapers;
- (4) A court reporter to record testimony at public hearings and transcribe the record of those hearings;
- (5) Facility rental for holding public information sessions or public hearings;
- (6) Conducting a survey of industrial solid waste generators within the district and other primary data collection activities when the necessary data are not available from the district, including, without limitation, the costs of conducting the survey or data collection by contract;
- (7) Fuel, meals, and lodging for the staff of the environmental protection agency when travel to the district is necessary to conduct data collection and other plan preparation activities;
- (8) Necessary long-distance telephone calls.

(B) Upon ordering a district to implement a plan or amended plan under section 3734.521, 3734.55, or 3734.56 of the Revised Code, the director shall send to the board of county commissioners or directors an itemized demand for the expenses enumerated in division (A) of this section that were incurred by the director in

preparing and ordering the implementation of the plan or amended 43815  
plan. The board of county commissioners or directors shall pay to 43816  
the director the amount stated in the demand within sixty days 43817  
after receiving it. Moneys received by the director under this 43818  
division shall be deposited in the state treasury to the credit of 43819  
the ~~solid~~ waste management fund created in ~~division (A) of~~ section 43820  
~~3734.57~~ 3734.061 of the Revised Code. 43821

**Sec. 3734.57.** (A) The following fees are hereby levied on the 43822  
transfer or disposal of solid wastes in this state: 43823

(1) ~~One dollar~~ Ninety cents per ton through June 30, ~~2016~~ 43824  
~~2018~~, ~~thirty per cent~~ twenty cents of the proceeds of which shall 43825  
be deposited in the state treasury to the credit of the hazardous 43826  
waste facility management fund created in section 3734.18 of the 43827  
Revised Code and seventy ~~per cent~~ cents of the proceeds of which 43828  
shall be deposited in the state treasury to the credit of the 43829  
hazardous waste clean-up fund created in section 3734.28 of the 43830  
Revised Code; 43831

(2) An additional ~~one dollar~~ seventy-five cents per ton 43832  
through June 30, ~~2016~~ 2018, the proceeds of which shall be 43833  
deposited in the state treasury to the credit of the ~~solid~~ waste 43834  
management fund, ~~which is hereby~~ created in section 3734.061 of 43835  
the Revised Code. ~~The environmental protection agency shall use~~ 43836  
~~money in the solid waste fund to pay the costs of administering~~ 43837  
~~and enforcing the laws pertaining to solid wastes, infectious~~ 43838  
~~wastes, and construction and demolition debris, including, without~~ 43839  
~~limitation, ground water evaluations related to solid wastes,~~ 43840  
~~infectious wastes, and construction and demolition debris, under~~ 43841  
~~this chapter and Chapter 3714. of the Revised Code and any rules~~ 43842  
~~adopted under them, providing compliance assistance to small~~ 43843  
~~businesses, and paying a share of the administrative costs of the~~ 43844  
~~environmental protection agency pursuant to section 3745.014 of~~ 43845

~~the Revised Code.~~ 43846

(3) An additional two dollars and ~~fifty~~ eighty-five cents per 43847  
ton through June 30, ~~2016~~ 2018, the proceeds of which shall be 43848  
deposited in the state treasury to the credit of the environmental 43849  
protection fund created in section 3745.015 of the Revised Code; 43850

(4) An additional twenty-five cents per ton through June 30, 43851  
~~2016~~ 2018, the proceeds of which shall be deposited in the state 43852  
treasury to the credit of the soil and water conservation district 43853  
assistance fund created in section 1515.14 of the Revised Code. 43854

In the case of solid wastes that are taken to a solid waste 43855  
transfer facility located in this state prior to being transported 43856  
for disposal at a solid waste disposal facility located in this 43857  
state or outside of this state, the fees levied under this 43858  
division shall be collected by the owner or operator of the 43859  
transfer facility as a trustee for the state. The amount of fees 43860  
required to be collected under this division at such a transfer 43861  
facility shall equal the total tonnage of solid wastes received at 43862  
the facility multiplied by the fees levied under this division. In 43863  
the case of solid wastes that are not taken to a solid waste 43864  
transfer facility located in this state prior to being transported 43865  
to a solid waste disposal facility, the fees shall be collected by 43866  
the owner or operator of the solid waste disposal facility as a 43867  
trustee for the state. The amount of fees required to be collected 43868  
under this division at such a disposal facility shall equal the 43869  
total tonnage of solid wastes received at the facility that was 43870  
not previously taken to a solid waste transfer facility located in 43871  
this state multiplied by the fees levied under this division. Fees 43872  
levied under this division do not apply to materials separated 43873  
from a mixed waste stream for recycling by a generator or 43874  
materials removed from the solid waste stream through recycling, 43875  
as "recycling" is defined in rules adopted under section 3734.02 43876  
of the Revised Code. 43877



The owner or operator of a solid waste transfer facility or disposal facility, as applicable, shall prepare and file with the director of environmental protection each month a return indicating the total tonnage of solid wastes received at the facility during that month and the total amount of the fees required to be collected under this division during that month. In addition, the owner or operator of a solid waste disposal facility shall indicate on the return the total tonnage of solid wastes received from transfer facilities located in this state during that month for which the fees were required to be collected by the transfer facilities. The monthly returns shall be filed on a form prescribed by the director. Not later than thirty days after the last day of the month to which a return applies, the owner or operator shall mail to the director the return for that month together with the fees required to be collected under this division during that month as indicated on the return or may submit the return and fees electronically in a manner approved by the director. If the return is filed and the amount of the fees due is paid in a timely manner as required in this division, the owner or operator may retain a discount of three-fourths of one per cent of the total amount of the fees that are required to be paid as indicated on the return.

The owner or operator may request an extension of not more than thirty days for filing the return and remitting the fees, provided that the owner or operator has submitted such a request in writing to the director together with a detailed description of why the extension is requested, the director has received the request not later than the day on which the return is required to be filed, and the director has approved the request. If the fees are not remitted within thirty days after the last day of the month to which the return applies or are not remitted by the last day of an extension approved by the director, the owner or operator shall not retain the three-fourths of one per cent

discount and shall pay an additional ten per cent of the amount of 43911  
the fees for each month that they are late. For purposes of 43912  
calculating the late fee, the first month in which fees are late 43913  
begins on the first day after the deadline has passed for timely 43914  
submitting the return and fees, and one additional month shall be 43915  
counted every thirty days thereafter. 43916

The owner or operator of a solid waste facility may request a 43917  
refund or credit of fees levied under this division and remitted 43918  
to the director that have not been paid to the owner or operator. 43919  
Such a request shall be made only if the fees have not been 43920  
collected by the owner or operator, have become a debt that has 43921  
become worthless or uncollectable for a period of six months or 43922  
more, and may be claimed as a deduction, including a deduction 43923  
claimed if the owner or operator keeps accounts on an accrual 43924  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 43925  
U.S.C. 166, as amended, and regulations adopted under it. Prior to 43926  
making a request for a refund or credit, an owner or operator 43927  
shall make reasonable efforts to collect the applicable fees. A 43928  
request for a refund or credit shall not include any costs 43929  
resulting from those efforts to collect unpaid fees. 43930

A request for a refund or credit of fees shall be made in 43931  
writing, on a form prescribed by the director, and shall be 43932  
supported by evidence that may be required in rules adopted by the 43933  
director under this chapter. After reviewing the request, and if 43934  
the request and evidence submitted with the request indicate that 43935  
a refund or credit is warranted, the director shall grant a refund 43936  
to the owner or operator or shall permit a credit to be taken by 43937  
the owner or operator on a subsequent monthly return submitted by 43938  
the owner or operator. The amount of a refund or credit shall not 43939  
exceed an amount that is equal to ninety days' worth of fees owed 43940  
to an owner or operator by a particular debtor of the owner or 43941  
operator. A refund or credit shall not be granted by the director 43942

to an owner or operator more than once in any twelve-month period 43943  
for fees owed to the owner or operator by a particular debtor. 43944

If, after receiving a refund or credit from the director, an 43945  
owner or operator receives payment of all or part of the fees, the 43946  
owner or operator shall remit the fees with the next monthly 43947  
return submitted to the director together with a written 43948  
explanation of the reason for the submittal. 43949

For purposes of computing the fees levied under this division 43950  
or division (B) of this section, any solid waste transfer or 43951  
disposal facility that does not use scales as a means of 43952  
determining gate receipts shall use a conversion factor of three 43953  
cubic yards per ton of solid waste or one cubic yard per ton for 43954  
baled waste, as applicable. 43955

The fees levied under this division and divisions (B) and (C) 43956  
of this section are in addition to all other applicable fees and 43957  
taxes and shall be paid by the customer or a political subdivision 43958  
to the owner or operator of a solid waste transfer or disposal 43959  
facility. In the alternative, the fees shall be paid by a customer 43960  
or political subdivision to a transporter of waste who 43961  
subsequently transfers the fees to the owner or operator of such a 43962  
facility. The fees shall be paid notwithstanding the existence of 43963  
any provision in a contract that the customer or a political 43964  
subdivision may have with the owner or operator or with a 43965  
transporter of waste to the facility that would not require or 43966  
allow such payment regardless of whether the contract was entered 43967  
prior to or after October 16, 2009. For those purposes, "customer" 43968  
means a person who contracts with, or utilizes the solid waste 43969  
services of, the owner or operator of a solid waste transfer or 43970  
disposal facility or a transporter of solid waste to such a 43971  
facility. 43972

(B) For the purposes specified in division (G) of this 43973  
section, the solid waste management policy committee of a county 43974

or joint solid waste management district may levy fees upon the 43975  
following activities: 43976

(1) The disposal at a solid waste disposal facility located 43977  
in the district of solid wastes generated within the district; 43978

(2) The disposal at a solid waste disposal facility within 43979  
the district of solid wastes generated outside the boundaries of 43980  
the district, but inside this state; 43981

(3) The disposal at a solid waste disposal facility within 43982  
the district of solid wastes generated outside the boundaries of 43983  
this state. 43984

The solid waste management plan of the county or joint 43985  
district approved under section 3734.521 or 3734.55 of the Revised 43986  
Code and any amendments to it, or the resolution adopted under 43987  
this division, as appropriate, shall establish the rates of the 43988  
fees levied under divisions (B)(1), (2), and (3) of this section, 43989  
if any, and shall specify whether the fees are levied on the basis 43990  
of tons or cubic yards as the unit of measurement. A solid waste 43991  
management district that levies fees under this division on the 43992  
basis of cubic yards shall do so in accordance with division (A) 43993  
of this section. 43994

The fee levied under division (B)(1) of this section shall be 43995  
not less than one dollar per ton nor more than two dollars per 43996  
ton, the fee levied under division (B)(2) of this section shall be 43997  
not less than two dollars per ton nor more than four dollars per 43998  
ton, and the fee levied under division (B)(3) of this section 43999  
shall be not more than the fee levied under division (B)(1) of 44000  
this section. 44001

Prior to the approval of the solid waste management plan of a 44002  
district under section 3734.55 of the Revised Code, the solid 44003  
waste management policy committee of a district may levy fees 44004  
under this division by adopting a resolution establishing the 44005

proposed amount of the fees. Upon adopting the resolution, the 44006  
committee shall deliver a copy of the resolution to the board of 44007  
county commissioners of each county forming the district and to 44008  
the legislative authority of each municipal corporation and 44009  
township under the jurisdiction of the district and shall prepare 44010  
and publish the resolution and a notice of the time and location 44011  
where a public hearing on the fees will be held. Upon adopting the 44012  
resolution, the committee shall deliver written notice of the 44013  
adoption of the resolution; of the amount of the proposed fees; 44014  
and of the date, time, and location of the public hearing to the 44015  
director and to the fifty industrial, commercial, or institutional 44016  
generators of solid wastes within the district that generate the 44017  
largest quantities of solid wastes, as determined by the 44018  
committee, and to their local trade associations. The committee 44019  
shall make good faith efforts to identify those generators within 44020  
the district and their local trade associations, but the 44021  
nonprovision of notice under this division to a particular 44022  
generator or local trade association does not invalidate the 44023  
proceedings under this division. The publication shall occur at 44024  
least thirty days before the hearing. After the hearing, the 44025  
committee may make such revisions to the proposed fees as it 44026  
considers appropriate and thereafter, by resolution, shall adopt 44027  
the revised fee schedule. Upon adopting the revised fee schedule, 44028  
the committee shall deliver a copy of the resolution doing so to 44029  
the board of county commissioners of each county forming the 44030  
district and to the legislative authority of each municipal 44031  
corporation and township under the jurisdiction of the district. 44032  
Within sixty days after the delivery of a copy of the resolution 44033  
adopting the proposed revised fees by the policy committee, each 44034  
such board and legislative authority, by ordinance or resolution, 44035  
shall approve or disapprove the revised fees and deliver a copy of 44036  
the ordinance or resolution to the committee. If any such board or 44037  
legislative authority fails to adopt and deliver to the policy 44038

committee an ordinance or resolution approving or disapproving the 44039  
revised fees within sixty days after the policy committee 44040  
delivered its resolution adopting the proposed revised fees, it 44041  
shall be conclusively presumed that the board or legislative 44042  
authority has approved the proposed revised fees. The committee 44043  
shall determine if the resolution has been ratified in the same 44044  
manner in which it determines if a draft solid waste management 44045  
plan has been ratified under division (B) of section 3734.55 of 44046  
the Revised Code. 44047

The committee may amend the schedule of fees levied pursuant 44048  
to a resolution adopted and ratified under this division by 44049  
adopting a resolution establishing the proposed amount of the 44050  
amended fees. The committee may repeal the fees levied pursuant to 44051  
such a resolution by adopting a resolution proposing to repeal 44052  
them. Upon adopting such a resolution, the committee shall proceed 44053  
to obtain ratification of the resolution in accordance with this 44054  
division. 44055

Not later than fourteen days after declaring the new fees to 44056  
be ratified or the fees to be repealed under this division, the 44057  
committee shall notify by certified mail the owner or operator of 44058  
each solid waste disposal facility that is required to collect the 44059  
fees of the ratification and the amount of the fees or of the 44060  
repeal of the fees. Collection of any fees shall commence or 44061  
collection of repealed fees shall cease on the first day of the 44062  
second month following the month in which notification is sent to 44063  
the owner or operator. 44064

Fees levied under this division also may be established, 44065  
amended, or repealed by a solid waste management policy committee 44066  
through the adoption of a new district solid waste management 44067  
plan, the adoption of an amended plan, or the amendment of the 44068  
plan or amended plan in accordance with sections 3734.55 and 44069  
3734.56 of the Revised Code or the adoption or amendment of a 44070

district plan in connection with a change in district composition 44071  
under section 3734.521 of the Revised Code. 44072

Not later than fourteen days after the director issues an 44073  
order approving a district's solid waste management plan, amended 44074  
plan, or amendment to a plan or amended plan that establishes, 44075  
amends, or repeals a schedule of fees levied by the district, the 44076  
committee shall notify by certified mail the owner or operator of 44077  
each solid waste disposal facility that is required to collect the 44078  
fees of the approval of the plan or amended plan, or the amendment 44079  
to the plan, as appropriate, and the amount of the fees, if any. 44080  
In the case of an initial or amended plan approved under section 44081  
3734.521 of the Revised Code in connection with a change in 44082  
district composition, other than one involving the withdrawal of a 44083  
county from a joint district, the committee, within fourteen days 44084  
after the change takes effect pursuant to division (G) of that 44085  
section, shall notify by certified mail the owner or operator of 44086  
each solid waste disposal facility that is required to collect the 44087  
fees that the change has taken effect and of the amount of the 44088  
fees, if any. Collection of any fees shall commence or collection 44089  
of repealed fees shall cease on the first day of the second month 44090  
following the month in which notification is sent to the owner or 44091  
operator. 44092

If, in the case of a change in district composition involving 44093  
the withdrawal of a county from a joint district, the director 44094  
completes the actions required under division (G)(1) or (3) of 44095  
section 3734.521 of the Revised Code, as appropriate, forty-five 44096  
days or more before the beginning of a calendar year, the policy 44097  
committee of each of the districts resulting from the change that 44098  
obtained the director's approval of an initial or amended plan in 44099  
connection with the change, within fourteen days after the 44100  
director's completion of the required actions, shall notify by 44101  
certified mail the owner or operator of each solid waste disposal 44102

facility that is required to collect the district's fees that the 44103  
change is to take effect on the first day of January immediately 44104  
following the issuance of the notice and of the amount of the fees 44105  
or amended fees levied under divisions (B)(1) to (3) of this 44106  
section pursuant to the district's initial or amended plan as so 44107  
approved or, if appropriate, the repeal of the district's fees by 44108  
that initial or amended plan. Collection of any fees set forth in 44109  
such a plan or amended plan shall commence on the first day of 44110  
January immediately following the issuance of the notice. If such 44111  
an initial or amended plan repeals a schedule of fees, collection 44112  
of the fees shall cease on that first day of January. 44113

If, in the case of a change in district composition involving 44114  
the withdrawal of a county from a joint district, the director 44115  
completes the actions required under division (G)(1) or (3) of 44116  
section 3734.521 of the Revised Code, as appropriate, less than 44117  
forty-five days before the beginning of a calendar year, the 44118  
director, on behalf of each of the districts resulting from the 44119  
change that obtained the director's approval of an initial or 44120  
amended plan in connection with the change proceedings, shall 44121  
notify by certified mail the owner or operator of each solid waste 44122  
disposal facility that is required to collect the district's fees 44123  
that the change is to take effect on the first day of January 44124  
immediately following the mailing of the notice and of the amount 44125  
of the fees or amended fees levied under divisions (B)(1) to (3) 44126  
of this section pursuant to the district's initial or amended plan 44127  
as so approved or, if appropriate, the repeal of the district's 44128  
fees by that initial or amended plan. Collection of any fees set 44129  
forth in such a plan or amended plan shall commence on the first 44130  
day of the second month following the month in which notification 44131  
is sent to the owner or operator. If such an initial or amended 44132  
plan repeals a schedule of fees, collection of the fees shall 44133  
cease on the first day of the second month following the month in 44134  
which notification is sent to the owner or operator. 44135



If the schedule of fees that a solid waste management district is levying under divisions (B)(1) to (3) of this section is amended or repealed, the fees in effect immediately prior to the amendment or repeal shall continue to be collected until collection of the amended fees commences or collection of the repealed fees ceases, as applicable, as specified in this division. In the case of a change in district composition, money so received from the collection of the fees of the former districts shall be divided among the resulting districts in accordance with division (B) of section 343.012 of the Revised Code and the agreements entered into under division (B) of section 343.01 of the Revised Code to establish the former and resulting districts and any amendments to those agreements.

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

(C) For the purposes of defraying the added costs to a municipal corporation or township of maintaining roads and other public facilities and of providing emergency and other public services, and compensating a municipal corporation or township for reductions in real property tax revenues due to reductions in real property valuations resulting from the location and operation of a solid waste disposal facility within the municipal corporation or township, a municipal corporation or township in which such a solid waste disposal facility is located may levy a fee of not more than twenty-five cents per ton on the disposal of solid wastes at a solid waste disposal facility located within the boundaries of the municipal corporation or township regardless of

where the wastes were generated. 44168

The legislative authority of a municipal corporation or 44169  
township may levy fees under this division by enacting an 44170  
ordinance or adopting a resolution establishing the amount of the 44171  
fees. Upon so doing the legislative authority shall mail a 44172  
certified copy of the ordinance or resolution to the board of 44173  
county commissioners or directors of the county or joint solid 44174  
waste management district in which the municipal corporation or 44175  
township is located or, if a regional solid waste management 44176  
authority has been formed under section 343.011 of the Revised 44177  
Code, to the board of trustees of that regional authority, the 44178  
owner or operator of each solid waste disposal facility in the 44179  
municipal corporation or township that is required to collect the 44180  
fee by the ordinance or resolution, and the director of 44181  
environmental protection. Although the fees levied under this 44182  
division are levied on the basis of tons as the unit of 44183  
measurement, the legislative authority, in its ordinance or 44184  
resolution levying the fees under this division, may direct that 44185  
the fees be levied on the basis of cubic yards as the unit of 44186  
measurement based upon a conversion factor of three cubic yards 44187  
per ton generally or one cubic yard per ton for baled wastes. 44188

Not later than five days after enacting an ordinance or 44189  
adopting a resolution under this division, the legislative 44190  
authority shall so notify by certified mail the owner or operator 44191  
of each solid waste disposal facility that is required to collect 44192  
the fee. Collection of any fee levied on or after March 24, 1992, 44193  
shall commence on the first day of the second month following the 44194  
month in which notification is sent to the owner or operator. 44195

(D)(1) The fees levied under divisions (A), (B), and (C) of 44196  
this section do not apply to the disposal of solid wastes that: 44197

(a) Are disposed of at a facility owned by the generator of 44198  
the wastes when the solid waste facility exclusively disposes of 44199

solid wastes generated at one or more premises owned by the 44200  
generator regardless of whether the facility is located on a 44201  
premises where the wastes are generated; 44202

(b) Are generated from the combustion of coal, or from the 44203  
combustion of primarily coal, regardless of whether the disposal 44204  
facility is located on the premises where the wastes are 44205  
generated; 44206

(c) Are asbestos or asbestos-containing materials or products 44207  
disposed of at a construction and demolition debris facility that 44208  
is licensed under Chapter 3714. of the Revised Code or at a solid 44209  
waste facility that is licensed under this chapter. 44210

(2) Except as provided in section 3734.571 of the Revised 44211  
Code, any fees levied under division (B)(1) of this section apply 44212  
to solid wastes originating outside the boundaries of a county or 44213  
joint district that are covered by an agreement for the joint use 44214  
of solid waste facilities entered into under section 343.02 of the 44215  
Revised Code by the board of county commissioners or board of 44216  
directors of the county or joint district where the wastes are 44217  
generated and disposed of. 44218

(3) When solid wastes, other than solid wastes that consist 44219  
of scrap tires, are burned in a disposal facility that is an 44220  
incinerator or energy recovery facility, the fees levied under 44221  
divisions (A), (B), and (C) of this section shall be levied upon 44222  
the disposal of the fly ash and bottom ash remaining after burning 44223  
of the solid wastes and shall be collected by the owner or 44224  
operator of the sanitary landfill where the ash is disposed of. 44225

(4) When solid wastes are delivered to a solid waste transfer 44226  
facility, the fees levied under divisions (B) and (C) of this 44227  
section shall be levied upon the disposal of solid wastes 44228  
transported off the premises of the transfer facility for disposal 44229  
and shall be collected by the owner or operator of the solid waste 44230

disposal facility where the wastes are disposed of. 44231

(5) The fees levied under divisions (A), (B), and (C) of this 44232  
section do not apply to sewage sludge that is generated by a waste 44233  
water treatment facility holding a national pollutant discharge 44234  
elimination system permit and that is disposed of through 44235  
incineration, land application, or composting or at another 44236  
resource recovery or disposal facility that is not a landfill. 44237

(6) The fees levied under divisions (A), (B), and (C) of this 44238  
section do not apply to solid wastes delivered to a solid waste 44239  
composting facility for processing. When any unprocessed solid 44240  
waste or compost product is transported off the premises of a 44241  
composting facility and disposed of at a landfill, the fees levied 44242  
under divisions (A), (B), and (C) of this section shall be 44243  
collected by the owner or operator of the landfill where the 44244  
unprocessed waste or compost product is disposed of. 44245

(7) When solid wastes that consist of scrap tires are 44246  
processed at a scrap tire recovery facility, the fees levied under 44247  
divisions (A), (B), and (C) of this section shall be levied upon 44248  
the disposal of the fly ash and bottom ash or other solid wastes 44249  
remaining after the processing of the scrap tires and shall be 44250  
collected by the owner or operator of the solid waste disposal 44251  
facility where the ash or other solid wastes are disposed of. 44252

(8) The director of environmental protection may issue an 44253  
order exempting from the fees levied under this section solid 44254  
wastes, including, but not limited to, scrap tires, that are 44255  
generated, transferred, or disposed of as a result of a contract 44256  
providing for the expenditure of public funds entered into by the 44257  
administrator or regional administrator of the United States 44258  
environmental protection agency, the director of environmental 44259  
protection, or the director of administrative services on behalf 44260  
of the director of environmental protection for the purpose of 44261  
remediating conditions at a hazardous waste facility, solid waste 44262

facility, or other location at which the administrator or regional 44263  
administrator or the director of environmental protection has 44264  
reason to believe that there is a substantial threat to public 44265  
health or safety or the environment or that the conditions are 44266  
causing or contributing to air or water pollution or soil 44267  
contamination. An order issued by the director of environmental 44268  
protection under division (D)(8) of this section shall include a 44269  
determination that the amount of the fees not received by a solid 44270  
waste management district as a result of the order will not 44271  
adversely impact the implementation and financing of the 44272  
district's approved solid waste management plan and any approved 44273  
amendments to the plan. Such an order is a final action of the 44274  
director of environmental protection. 44275

(E) The fees levied under divisions (B) and (C) of this 44276  
section shall be collected by the owner or operator of the solid 44277  
waste disposal facility where the wastes are disposed of as a 44278  
trustee for the county or joint district and municipal corporation 44279  
or township where the wastes are disposed of. Moneys from the fees 44280  
levied under division (B) of this section shall be forwarded to 44281  
the board of county commissioners or board of directors of the 44282  
district in accordance with rules adopted under division (H) of 44283  
this section. Moneys from the fees levied under division (C) of 44284  
this section shall be forwarded to the treasurer or such other 44285  
officer of the municipal corporation as, by virtue of the charter, 44286  
has the duties of the treasurer or to the fiscal officer of the 44287  
township, as appropriate, in accordance with those rules. 44288

(F) Moneys received by the treasurer or other officer of the 44289  
municipal corporation under division (E) of this section shall be 44290  
paid into the general fund of the municipal corporation. Moneys 44291  
received by the fiscal officer of the township under that division 44292  
shall be paid into the general fund of the township. The treasurer 44293  
or other officer of the municipal corporation or the township 44294

fiscal officer, as appropriate, shall maintain separate records of 44295  
the moneys received from the fees levied under division (C) of 44296  
this section. 44297

(G) Moneys received by the board of county commissioners or 44298  
board of directors under division (E) of this section or section 44299  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 44300  
shall be paid to the county treasurer, or other official acting in 44301  
a similar capacity under a county charter, in a county district or 44302  
to the county treasurer or other official designated by the board 44303  
of directors in a joint district and kept in a separate and 44304  
distinct fund to the credit of the district. If a regional solid 44305  
waste management authority has been formed under section 343.011 44306  
of the Revised Code, moneys received by the board of trustees of 44307  
that regional authority under division (E) of this section shall 44308  
be kept by the board in a separate and distinct fund to the credit 44309  
of the district. Moneys in the special fund of the county or joint 44310  
district arising from the fees levied under division (B) of this 44311  
section and the fee levied under division (A) of section 3734.573 44312  
of the Revised Code shall be expended by the board of county 44313  
commissioners or directors of the district in accordance with the 44314  
district's solid waste management plan or amended plan approved 44315  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 44316  
exclusively for the following purposes: 44317

(1) Preparation of the solid waste management plan of the 44318  
district under section 3734.54 of the Revised Code, monitoring 44319  
implementation of the plan, and conducting the periodic review and 44320  
amendment of the plan required by section 3734.56 of the Revised 44321  
Code by the solid waste management policy committee; 44322

(2) Implementation of the approved solid waste management 44323  
plan or amended plan of the district, including, without 44324  
limitation, the development and implementation of solid waste 44325  
recycling or reduction programs; 44326

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

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

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

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

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

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to

the health districts for the participation of their employees 44358  
responsible for enforcement of the solid waste provisions of this 44359  
chapter and rules adopted and orders and terms and conditions of 44360  
permits, licenses, and variances issued under those provisions in 44361  
the training and certification program as required by rules 44362  
adopted under division (L) of section 3734.02 of the Revised Code; 44363

(9) Providing financial assistance to individual municipal 44364  
corporations and townships within the district to defray their 44365  
added costs of maintaining roads and other public facilities and 44366  
of providing emergency and other public services resulting from 44367  
the location and operation within their boundaries of a 44368  
composting, energy or resource recovery, incineration, or 44369  
recycling facility that either is owned by the district or is 44370  
furnishing solid waste management facility or recycling services 44371  
to the district pursuant to a contract or agreement with the board 44372  
of county commissioners or directors of the district; 44373

(10) Payment of any expenses that are agreed to, awarded, or 44374  
ordered to be paid under section 3734.35 of the Revised Code and 44375  
of any administrative costs incurred pursuant to that section. In 44376  
the case of a joint solid waste management district, if the board 44377  
of county commissioners of one of the counties in the district is 44378  
negotiating on behalf of affected communities, as defined in that 44379  
section, in that county, the board shall obtain the approval of 44380  
the board of directors of the district in order to expend moneys 44381  
for administrative costs incurred. 44382

Prior to the approval of the district's solid waste 44383  
management plan under section 3734.55 of the Revised Code, moneys 44384  
in the special fund of the district arising from the fees shall be 44385  
expended for those purposes in the manner prescribed by the solid 44386  
waste management policy committee by resolution. 44387

Notwithstanding division (G)(6) of this section as it existed 44388  
prior to October 29, 1993, or any provision in a district's solid 44389



waste management plan prepared in accordance with division 44390  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 44391  
prior to that date, any moneys arising from the fees levied under 44392  
division (B)(3) of this section prior to January 1, 1994, may be 44393  
expended for any of the purposes authorized in divisions (G)(1) to 44394  
(10) of this section. 44395

(H) The director shall adopt rules in accordance with Chapter 44396  
119. of the Revised Code prescribing procedures for collecting and 44397  
forwarding the fees levied under divisions (B) and (C) of this 44398  
section to the boards of county commissioners or directors of 44399  
county or joint solid waste management districts and to the 44400  
treasurers or other officers of municipal corporations and the 44401  
fiscal officers of townships. The rules also shall prescribe the 44402  
dates for forwarding the fees to the boards and officials and may 44403  
prescribe any other requirements the director considers necessary 44404  
or appropriate to implement and administer divisions (A), (B), and 44405  
(C) of this section. 44406

**Sec. 3734.822.** (A) There is hereby created in the state 44407  
treasury the scrap tire grant fund, consisting of moneys 44408  
transferred to the fund under section 3734.82 of the Revised Code. 44409  
The director of environmental protection may make grants from the 44410  
fund for the following purposes: 44411

(1) Supporting market development activities for scrap tires 44412  
and synthetic rubber from tire manufacturing processes and tire 44413  
recycling processes; 44414

(2) Supporting scrap tire amnesty and cleanup events 44415  
sponsored by solid waste management districts. 44416

Grants awarded under division (A)(1) of this section may be 44417  
awarded to individuals, businesses, and entities certified under 44418  
division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised Code. 44419

(B) Projects and activities that are eligible for grants 44420  
under division (A)(1) of this section shall be evaluated for 44421  
funding using, at a minimum, the following criteria: 44422

(1) The degree to which a proposed project contributes to the 44423  
increased use of scrap tires generated in this state; 44424

(2) The degree of local financial support for a proposed 44425  
project; 44426

(3) The technical merit and quality of a proposed project. 44427

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to 44428  
defray the cost of administering and enforcing the scrap tire 44429  
provisions of this chapter, rules adopted under those provisions, 44430  
and terms and conditions of orders, variances, and licenses issued 44431  
under those provisions; to abate accumulations of scrap tires; to 44432  
make grants supporting market development activities for scrap 44433  
tires and synthetic rubber from tire manufacturing processes and 44434  
tire recycling processes and to support scrap tire amnesty and 44435  
cleanup events; to make loans to promote the recycling or recovery 44436  
of energy from scrap tires; and to defray the costs of 44437  
administering and enforcing sections 3734.90 to 3734.9014 of the 44438  
Revised Code, a fee of fifty cents per tire is hereby levied on 44439  
the sale of tires. The proceeds of the fee shall be deposited in 44440  
the state treasury to the credit of the scrap tire management fund 44441  
created in section 3734.82 of the Revised Code. The fee is levied 44442  
from the first day of the calendar month that begins next after 44443  
thirty days from October 29, 1993, through June 30, ~~2016~~ 2018. 44444

(2) Beginning on July 1, 2011, and ending on June 30, ~~2016~~ 44445  
2018, there is hereby levied an additional fee of fifty cents per 44446  
tire on the sale of tires the proceeds of which shall be deposited 44447  
in the state treasury to the credit of the soil and water 44448  
conservation district assistance fund created in section 1515.14 44449  
of the Revised Code. 44450

(B) Only one sale of the same article shall be used in 44451  
computing the amount of the fee due. 44452

**Sec. 3736.03.** (A) There is hereby created in the state 44453  
treasury the recycling and litter prevention fund, consisting of 44454  
moneys distributed to it from fees, including the fee levied under 44455  
division (A)(2) of section 3714.073 of the Revised Code, gifts, 44456  
donations, grants, reimbursements, and other sources, including 44457  
investment earnings. 44458

(B) The director of environmental protection shall do all of 44459  
the following: 44460

(1) Use moneys credited to the fund exclusively for the 44461  
purposes set forth in sections 3734.49, 3736.02, ~~3736.04~~, 3736.05, 44462  
and 3745.014 of the Revised Code, with particular emphasis on 44463  
programs relating to recycling; 44464

(2) Require recipients of grants under section 3736.05 of the 44465  
Revised Code, as a condition of receiving and retaining them, to 44466  
do all of the following: 44467

(a) Create a separate account for the grants and any cash 44468  
donations received that qualify for the donor credit allowed by 44469  
section 5733.064 of the Revised Code; 44470

(b) Make expenditures from the account exclusively for the 44471  
purposes for which the grants were received; 44472

(c) Use any auditing and accounting practices the director 44473  
considers necessary regarding the account; 44474

(d) Report to the director information regarding the amount 44475  
and donor of cash donations received as described by section 44476  
5733.064 of the Revised Code; 44477

(e) Use grants received to supplement and not to replace any 44478  
existing funding for such purposes. 44479

(3) Report to the tax commissioner information the director receives pursuant to division (B)(2)(d) of this section.

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**Sec. 3736.05.** (A) The director of environmental protection, pursuant to division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised Code, may make grants from the recycling and litter prevention fund created in section 3736.03 of the Revised Code to accomplish the purposes of the programs established under section 3736.02 of the Revised Code.

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(B) Except as provided in division (C) of this section, the director may require any eligible applicant certified by the ~~recycling and litter prevention~~ materials management advisory council under division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised Code that applies for a grant for an activity or project that is intended to further the purposes of any program established under division (A)(1), (2), or (4) of section 3736.02 of the Revised Code to provide a matching contribution of not more than fifty per cent of the grant.

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(C) Notwithstanding division (B) of this section, any grant awarded under division (A) of this section to foster cooperative research and development regarding recycling or the cooperative establishment or expansion of private recycling facilities or programs shall be made in conjunction with a contribution to the project by a cooperating enterprise that maintains or proposes to maintain a relevant research and development or recycling facility or program in this state or by an agency of the state, provided that funding provided by a state agency shall not be provided from general revenue funds appropriated by the general assembly. No grant made under division (A) of this section for the purposes described in this division shall exceed the contribution made by the cooperating enterprise or state agency. The director may consider cooperating contributions in the form of state of the art

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new equipment or in other forms if the director determines that 44511  
the contribution is essential to the successful implementation of 44512  
the project. 44513

Grants made under division (A) of this section for the 44514  
purposes described in this division shall be made in such form and 44515  
conditioned on such terms as the director considers to be 44516  
appropriate. 44517

(D)(1) The director may require any eligible applicant 44518  
certified by the ~~recycling and litter prevention~~ advisory council 44519  
under division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised 44520  
Code that applies for a grant that is intended to further the 44521  
purposes of the program established under division (A)(3) of 44522  
section 3736.02 of the Revised Code, except any eligible applicant 44523  
that is or is located in a county that has a per capita income 44524  
equal to or below ninety per cent of the median county per capita 44525  
income of the state as determined by the director using the most 44526  
recently available figures from the United States census bureau, 44527  
to provide a matching contribution as follows: 44528

(a) Up to ten per cent of the grant from any eligible 44529  
applicant that is or is located in a county that has a per capita 44530  
income above ninety per cent of the median county per capita 44531  
income of the state, but equal to or below one hundred per cent of 44532  
the median county per capita income of the state; 44533

(b) Up to twenty per cent of the grant from any eligible 44534  
applicant that is or is located in a county that has a per capita 44535  
income above the median county per capita income of the state. 44536

(2) If the eligible applicant is a joint solid waste 44537  
management district or is filing a joint application on behalf of 44538  
two or more counties, the matching contribution required under 44539  
division (D)(1) of this section shall be the average of the 44540  
matching contributions of all of the counties covered by the 44541

application as determined in accordance with that division. The 44542  
matching contribution of a county that has a per capita income 44543  
equal to or below ninety per cent of the median county per capita 44544  
income of the state shall be included as zero in calculating the 44545  
average matching contribution. 44546

(E) The director shall ensure that not less than fifty per 44547  
cent of the moneys distributed as grants under this section shall 44548  
be expended for the purposes of recycling and recycling market 44549  
development. 44550

(F) No information that is submitted to, acquired by, or 44551  
exchanged with employees of the environmental protection agency 44552  
who administer or provide services under this section and that is 44553  
submitted, acquired, or exchanged in order to obtain a grant 44554  
pursuant to division (A) of this section shall be used in any 44555  
manner for the purpose of the enforcement of any requirement 44556  
established in an environmental law or used as evidence in any 44557  
judicial or administrative enforcement proceeding unless that 44558  
information reveals a clear and immediate danger to the 44559  
environment or to the health, safety, or welfare of the public. 44560

(G) Nothing in this section confers immunity on persons from 44561  
enforcement that is based on information that is obtained by the 44562  
director or the director's authorized representatives who are not 44563  
employees of the agency who administer or provide services under 44564  
this section. 44565

(H) As used in this section, "environmental law" means a law 44566  
that is administered by the environmental protection agency. 44567

**Sec. 3736.06.** (A) Agencies of the state certified pursuant to 44568  
section ~~3736.04~~ 3734.49 of the Revised Code as eligible to receive 44569  
a grant shall designate an employee as the liaison with the 44570  
director of environmental protection to cooperate with the 44571  
director in carrying out the director's duties under this chapter. 44572

(B) The executive and legislative authorities of municipal corporations, counties, and townships and the boards of park commissioners of township park districts created under section 511.18 of the Revised Code, boards of park commissioners of park districts created under section 1545.04 of the Revised Code, and boards of education of city, exempted village, local, and joint vocational school districts may participate in the programs established under section 3736.02 of the Revised Code.

**Sec. 3737.17.** (A) As used in this section, a "qualifying small government" means any of the following:

(1) A township that has a population of not more than five thousand or, regardless of its population, is located in a county that has a population of less than one hundred thousand;

(2) A municipal corporation that has a population of not more than seven thousand five hundred;

(3) A fire district, joint fire district, or fire and ambulance district that shares territory exclusively with townships or municipal corporations that meet the conditions of division (A)(1) or (2) of this section.

(B) The state fire marshal shall administer a small government fire department services revolving loan program under which the state fire marshal makes loans to qualifying small governments for the following purposes:

(1) To expedite purchases of major equipment for fire fighting, ambulance, emergency medical, or rescue services;

(2) To expedite projects for the construction or renovation of fire department buildings.

A loan for either purpose under the small government fire department services revolving loan program is not to carry interest, and is to be repaid within a term of not longer than

twenty years. A qualifying small government is not eligible to 44603  
receive a loan for a project or purchase under the program unless 44604  
the qualifying small government contributes to the project or 44605  
purchase an amount equal to at least five per cent of the loan 44606  
amount. 44607

(C) A qualifying small government may apply to the state fire 44608  
marshal for a loan under the small government fire department 44609  
services revolving loan program. In its application, the 44610  
qualifying small government shall explain how it qualifies for the 44611  
loan, describe the project or purchase for which it is requesting 44612  
a loan, state the amount of the loan it requests, and state the 44613  
amount it is prepared to contribute to the project or purchase. 44614  
The qualifying small government shall provide additional 44615  
information to support its application for a loan under the 44616  
program as requested by the state fire marshal. 44617

(D) The state fire marshal, in accordance with Chapter 119. 44618  
of the Revised Code, shall adopt rules for the administration of 44619  
the small government fire department services revolving loan 44620  
program. 44621

(E) There is hereby created in the state treasury the small 44622  
government fire department services revolving loan fund, into 44623  
which shall be deposited repayments by qualifying small 44624  
governments of loans authorized under this section. The fund also 44625  
shall consist of appropriated money. Investment earnings on money 44626  
in the fund shall be credited to the fund. The state fire marshal 44627  
shall use the money credited to the fund to make loans to 44628  
qualifying small governments as described in this section. The 44629  
state fire marshal may loan money from repaid loans credited to 44630  
the fund at any time to qualifying small governments in accordance 44631  
with this section. 44632

**Sec. 3737.84.** (A) The state fire code adopted pursuant to 44633



sections 3737.82 and 3737.83 of the Revised Code shall not contain 44634  
any provision as follows: 44635

(1) Relating to the organization or structure of a municipal 44636  
or township fire department; 44637

(2) Relating to structural building requirements covered by 44638  
the Ohio building code; 44639

(3) That would cause an employer, in complying with it, to be 44640  
in violation of the "Occupational Safety and Health Act of 1970," 44641  
84 Stat. 1590, 29 U.S.C.A. 651, or the "Consumer Product Safety 44642  
Act of 1972," 86 Stat. 1207, 15 U.S.C.A. 2051; 44643

(4) Regulating manufacturers or manufacturing facilities with 44644  
respect to occupational hazards where they are subject to 44645  
regulation by the federal occupational safety and health 44646  
administration; 44647

(5) That is inconsistent with, or in conflict with, 44648  
regulations of the federal occupational safety and health 44649  
administration or the hazardous materials regulations of the 44650  
hazardous materials regulations board of the federal highway 44651  
administration, United States department of transportation, or the 44652  
public utilities commission; 44653

(6) That establishes a minimum standard of flammability for 44654  
consumer goods in any area where the "Flammable Fabrics Act," 81 44655  
Stat. 568 (1967), 15 U.S.C. 1191 authorizes the federal government 44656  
or any department or agency of the federal government to establish 44657  
national standards of flammability for consumer goods; 44658

(7) That establishes a health or safety standard for the use 44659  
of explosives in mining, for which the federal government through 44660  
its authorized agency sets health or safety standards pursuant to 44661  
section 6 of the "Federal Metal and Nonmetallic Mine Safety Act of 44662  
1966," 80 Stat. 772, 30 U.S.C. 725, or section 101 of the "Federal 44663  
Coal Mine Health and Safety Act of 1969," 83 Stat. 745, 30 44664

U.S.C.A. 811; 44665

(8) That is inconsistent with, or in conflict with, section 44666  
3737.73 or Chapter 3743. of the Revised Code, or the rules adopted 44667  
pursuant to that chapter; 44668

(9)(a) Restricting the dispensing of diesel fuel at a 44669  
terminal or bulk plant into a motor vehicle that is transporting 44670  
petroleum products or equipment essential to the operation of the 44671  
terminal or bulk plant, provided that the motor vehicle is owned 44672  
or leased by or operated under a contract with a person who has 44673  
been issued a motor fuel dealer's license under section 5735.02 of 44674  
the Revised Code; 44675

(b) Authorizing the dispensing of any petroleum products at a 44676  
terminal or bulk plant from an ~~above-ground~~ aboveground storage 44677  
tank at the terminal or bulk plant to a motor vehicle other than a 44678  
motor vehicle that is described in division (A)(9)(a) of this 44679  
section or to a member of the general public. 44680

As used in this section, "terminal or bulk plant" means that 44681  
portion of a property where petroleum products are received by 44682  
tank vessels, pipelines, tank cars, or tank vehicles and are 44683  
stored or blended in bulk for the purpose of distributing the 44684  
petroleum products via tank vessel, pipeline, tank car, tank 44685  
vehicle, portable tank, or container. 44686

(10) That prohibits the use of a security device described in 44687  
division (B)(4) of section 3313.536 of the Revised Code, so long 44688  
as the device is approved by all entities required under that 44689  
division. 44690

(B) No penalty shall be imposed by the fire marshal on any 44691  
person for a violation of the state fire code if a penalty has 44692  
been imposed or an order issued by the federal government for a 44693  
violation of a similar provision contained in or adopted pursuant 44694  
to the federal acts referred to in this section, where the facts 44695

that constitute the violation of the state fire code are the same 44696  
as those that constitute the violation or alleged violation of the 44697  
federal act. 44698

**Sec. 3745.015.** There is hereby created in the state treasury 44699  
the environmental protection fund consisting of money credited to 44700  
the fund under division (A)(3) of section 3734.57 of the Revised 44701  
Code. The environmental protection agency shall use money in the 44702  
fund to pay the agency's costs associated with administering and 44703  
enforcing, or otherwise conducting activities under, this chapter 44704  
and Chapters 3704., 3734., 3746., 3747., 3748., 3750., 3751., 44705  
3752., 3753., 5709., 6101., 6103., 6105., 6109., 6111., 6112., 44706  
6113., 6115., 6117., and 6119. and sections 122.65 and 1521.19 of 44707  
the Revised Code, including providing compliance assistance to 44708  
small businesses. 44709

**Sec. 3745.11.** (A) Applicants for and holders of permits, 44710  
licenses, variances, plan approvals, and certifications issued by 44711  
the director of environmental protection pursuant to Chapters 44712  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 44713  
to the environmental protection agency for each such issuance and 44714  
each application for an issuance as provided by this section. No 44715  
fee shall be charged for any issuance for which no application has 44716  
been submitted to the director. 44717

(B) Except as otherwise provided in division (C)(2) of this 44718  
section, beginning July 1, 1994, each person who owns or operates 44719  
an air contaminant source and who is required to apply for and 44720  
obtain a Title V permit under section 3704.036 of the Revised Code 44721  
shall pay the fees set forth in this division. For the purposes of 44722  
this division, total emissions of air contaminants may be 44723  
calculated using engineering calculations, emissions factors, 44724  
material balance calculations, or performance testing procedures, 44725  
as authorized by the director. 44726

The following fees shall be assessed on the total actual 44727  
emissions from a source in tons per year of the regulated 44728  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 44729  
organic compounds, and lead: 44730

(1) Fifteen dollars per ton on the total actual emissions of 44731  
each such regulated pollutant during the period July through 44732  
December 1993, to be collected no sooner than July 1, 1994; 44733

(2) Twenty dollars per ton on the total actual emissions of 44734  
each such regulated pollutant during calendar year 1994, to be 44735  
collected no sooner than April 15, 1995; 44736

(3) Twenty-five dollars per ton on the total actual emissions 44737  
of each such regulated pollutant in calendar year 1995, and each 44738  
subsequent calendar year, to be collected no sooner than the 44739  
fifteenth day of April of the year next succeeding the calendar 44740  
year in which the emissions occurred. 44741

The fees levied under this division do not apply to that 44742  
portion of the emissions of a regulated pollutant at a facility 44743  
that exceed four thousand tons during a calendar year. 44744

(C)(1) The fees assessed under division (B) of this section 44745  
are for the purpose of providing funding for the Title V permit 44746  
program. 44747

(2) The fees assessed under division (B) of this section do 44748  
not apply to emissions from any electric generating unit 44749  
designated as a Phase I unit under Title IV of the federal Clean 44750  
Air Act prior to calendar year 2000. Those fees shall be assessed 44751  
on the emissions from such a generating unit commencing in 44752  
calendar year 2001 based upon the total actual emissions from the 44753  
generating unit during calendar year 2000 and shall continue to be 44754  
assessed each subsequent calendar year based on the total actual 44755  
emissions from the generating unit during the preceding calendar 44756  
year. 44757

(3) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (B) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice.

(D)(1) Except as provided in division (D)(3) of this section, from January 1, 1994, through December 31, 2003, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

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

(2) Except as provided in division (D)(3) of this section, beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay

a single fee based upon the sum of the actual annual emissions 44790  
from the facility of the regulated pollutants particulate matter, 44791  
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 44792  
accordance with the following schedule: 44793

Total tons per year 44794		
of regulated pollutants 44795	Annual fee	
emitted 44796	per facility	
More than 0, but less than 10 44797	\$ 100	
10 or more, but less than 50 44798	200	
50 or more, but less than 100 44799	300	
100 or more 44800	700	

(3)(a) As used in division (D) of this section, "synthetic 44801  
minor facility" means a facility for which one or more permits to 44802  
install or permits to operate have been issued for the air 44803  
contaminant sources at the facility that include terms and 44804  
conditions that lower the facility's potential to emit air 44805  
contaminants below the major source thresholds established in 44806  
rules adopted under section 3704.036 of the Revised Code. 44807

(b) Beginning January 1, 2000, through June 30, ~~2016~~ 2018, 44808  
each person who owns or operates a synthetic minor facility shall 44809  
pay an annual fee based on the sum of the actual annual emissions 44810  
from the facility of particulate matter, sulfur dioxide, nitrogen 44811  
dioxide, organic compounds, and lead in accordance with the 44812  
following schedule: 44813

Combined total tons 44814		
per year of all regulated 44815	Annual fee	
pollutants emitted 44816	per facility	
Less than 10 44817	\$ 170	
10 or more, but less than 20 44818	340	
20 or more, but less than 30 44819	670	
30 or more, but less than 40 44820	1,010	
40 or more, but less than 50 44821	1,340	

50 or more, but less than 60	1,680	44822
60 or more, but less than 70	2,010	44823
70 or more, but less than 80	2,350	44824
80 or more, but less than 90	2,680	44825
90 or more, but less than 100	3,020	44826
100 or more	3,350	44827

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

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

assessed under that division and to the public. 44855

(2) For the purposes of division (E)(1) of this section: 44856

(a) The consumer price index for any year is the average of 44857  
the consumer price index for all urban consumers published by the 44858  
United States department of labor as of the close of the 44859  
twelve-month period ending on the thirty-first day of August of 44860  
that year. 44861

(b) If the 1989 consumer price index is revised, the director 44862  
shall use the revision of the consumer price index that is most 44863  
consistent with that for calendar year 1989. 44864

(F) Each person who is issued a permit to install pursuant to 44865  
rules adopted under division (F) of section 3704.03 of the Revised 44866  
Code on or after July 1, 2003, shall pay the fees specified in the 44867  
following schedules: 44868

(1) Fuel-burning equipment (boilers, furnaces, or process 44869  
heaters used in the process of burning fuel for the primary 44870  
purpose of producing heat or power by indirect heat transfer) 44871

Input capacity (maximum) 44872

(million British thermal units per hour) Permit to install 44873

Greater than 0, but less than 10 \$ 200 44874

10 or more, but less than 100 400 44875

100 or more, but less than 300 1000 44876

300 or more, but less than 500 2250 44877

500 or more, but less than 1000 3750 44878

1000 or more, but less than 5000 6000 44879

5000 or more 9000 44880

Units burning exclusively natural gas, number two fuel oil, 44881  
or both shall be assessed a fee that is one-half the applicable 44882  
amount shown in division (F)(1) of this section. 44883

(2) Combustion turbines and stationary internal combustion 44884  
engines designed to generate electricity 44885



Generating capacity (mega watts)	Permit to install	44886
0 or more, but less than 10	\$ 25	44887
10 or more, but less than 25	150	44888
25 or more, but less than 50	300	44889
50 or more, but less than 100	500	44890
100 or more, but less than 250	1000	44891
250 or more	2000	44892
(3) Incinerators		44893
Input capacity (pounds per hour)	Permit to install	44894
0 to 100	\$ 100	44895
101 to 500	500	44896
501 to 2000	1000	44897
2001 to 20,000	1500	44898
more than 20,000	3750	44899
(4)(a) Process		44900
Process weight rate (pounds per hour)	Permit to install	44901
0 to 1000	\$ 200	44902
1001 to 5000	500	44903
5001 to 10,000	750	44904
10,001 to 50,000	1000	44905
more than 50,000	1250	44906
In any process where process weight rate cannot be		44907
ascertained, the minimum fee shall be assessed. A boiler, furnace,		44908
combustion turbine, stationary internal combustion engine, or		44909
process heater designed to provide direct heat or power to a		44910
process not designed to generate electricity shall be assessed a		44911
fee established in division (F)(4)(a) of this section. A		44912
combustion turbine or stationary internal combustion engine		44913
designed to generate electricity shall be assessed a fee		44914
established in division (F)(2) of this section.		44915
(b) Notwithstanding division (F)(4)(a) of this section, any		44916
person issued a permit to install pursuant to rules adopted under		44917

division (F) of section 3704.03 of the Revised Code shall pay the 44918  
fees set forth in division (F)(4)(c) of this section for a process 44919  
used in any of the following industries, as identified by the 44920  
applicable two-digit, three-digit, or four-digit standard 44921  
industrial classification code according to the Standard 44922  
Industrial Classification Manual published by the United States 44923  
office of management and budget in the executive office of the 44924  
president, 1987, as revised: 44925

Major group 10, metal mining; 44926

Major group 12, coal mining; 44927

Major group 14, mining and quarrying of nonmetallic minerals; 44928

Industry group 204, grain mill products; 44929

2873 Nitrogen fertilizers; 44930

2874 Phosphatic fertilizers; 44931

3281 Cut stone and stone products; 44932

3295 Minerals and earth, ground or otherwise treated; 44933

4221 Grain elevators (storage only); 44934

5159 Farm related raw materials; 44935

5261 Retail nurseries and lawn and garden supply stores. 44936

(c) The fees set forth in the following schedule apply to the 44937  
issuance of a permit to install pursuant to rules adopted under 44938  
division (F) of section 3704.03 of the Revised Code for a process 44939  
identified in division (F)(4)(b) of this section: 44940

Process weight rate (pounds per hour)	Permit to install	
0 to 10,000	\$ 200	44942
10,001 to 50,000	400	44943
50,001 to 100,000	500	44944
100,001 to 200,000	600	44945

200,001 to 400,000	750	44946
400,001 or more	900	44947
(5) Storage tanks		44948
Gallons (maximum useful capacity)	Permit to install	44949
0 to 20,000	\$ 100	44950
20,001 to 40,000	150	44951
40,001 to 100,000	250	44952
100,001 to 500,000	400	44953
500,001 or greater	750	44954
(6) Gasoline/fuel dispensing facilities		44955
For each gasoline/fuel		44956
dispensing facility (includes all	Permit to install	44957
units at the facility)	\$ 100	44958
(7) Dry cleaning facilities		44959
For each dry cleaning		44960
facility (includes all units	Permit to install	44961
at the facility)	\$ 100	44962
(8) Registration status		44963
For each source covered	Permit to install	44964
by registration status	\$ 75	44965
(G) An owner or operator who is responsible for an asbestos		44966
demolition or renovation project pursuant to rules adopted under		44967
section 3704.03 of the Revised Code shall pay the fees set forth		44968
in the following schedule:		44969
Action	Fee	44970
Each notification	\$75	44971
Asbestos removal	\$3/unit	44972
Asbestos cleanup	\$4/cubic yard	44973
For purposes of this division, "unit" means any combination of		44974
linear feet or square feet equal to fifty.		44975
(H) A person who is issued an extension of time for a permit		44976

to install an air contaminant source pursuant to rules adopted 44977  
under division (F) of section 3704.03 of the Revised Code shall 44978  
pay a fee equal to one-half the fee originally assessed for the 44979  
permit to install under this section, except that the fee for such 44980  
an extension shall not exceed two hundred dollars. 44981

(I) A person who is issued a modification to a permit to 44982  
install an air contaminant source pursuant to rules adopted under 44983  
section 3704.03 of the Revised Code shall pay a fee equal to 44984  
one-half of the fee that would be assessed under this section to 44985  
obtain a permit to install the source. The fee assessed by this 44986  
division only applies to modifications that are initiated by the 44987  
owner or operator of the source and shall not exceed two thousand 44988  
dollars. 44989

(J) Notwithstanding division (F) of this section, a person 44990  
who applies for or obtains a permit to install pursuant to rules 44991  
adopted under division (F) of section 3704.03 of the Revised Code 44992  
after the date actual construction of the source began shall pay a 44993  
fee for the permit to install that is equal to twice the fee that 44994  
otherwise would be assessed under the applicable division unless 44995  
the applicant received authorization to begin construction under 44996  
division (W) of section 3704.03 of the Revised Code. This division 44997  
only applies to sources for which actual construction of the 44998  
source begins on or after July 1, 1993. The imposition or payment 44999  
of the fee established in this division does not preclude the 45000  
director from taking any administrative or judicial enforcement 45001  
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 45002  
of the Revised Code, or a rule adopted under any of them, in 45003  
connection with a violation of rules adopted under division (F) of 45004  
section 3704.03 of the Revised Code. 45005

As used in this division, "actual construction of the source" 45006  
means the initiation of physical on-site construction activities 45007  
in connection with improvements to the source that are permanent 45008

in nature, including, without limitation, the installation of 45009  
building supports and foundations and the laying of underground 45010  
pipework. 45011

(K)(1) Money received under division (B) of this section 45012  
shall be deposited in the state treasury to the credit of the 45013  
Title V clean air fund created in section 3704.035 of the Revised 45014  
Code. Annually, fifty cents per ton of each fee assessed under 45015  
division (B) of this section on actual emissions from a source and 45016  
received by the environmental protection agency pursuant to that 45017  
division shall be transferred using an interstate transfer voucher 45018  
to the state treasury to the credit of the small business 45019  
assistance fund created in section 3706.19 of the Revised Code. In 45020  
addition, annually, the amount of money necessary for the 45021  
operation of the office of ombudsperson as determined under 45022  
division (B) of that section shall be transferred to the state 45023  
treasury to the credit of the small business ombudsperson fund 45024  
created by that section. 45025

(2) Money received by the agency pursuant to divisions (D), 45026  
(F), (G), (H), (I), and (J) of this section shall be deposited in 45027  
the state treasury to the credit of the non-Title V clean air fund 45028  
created in section 3704.035 of the Revised Code. 45029

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 45030  
or (c) of this section, a person issued a water discharge permit 45031  
or renewal of a water discharge permit pursuant to Chapter 6111. 45032  
of the Revised Code shall pay a fee based on each point source to 45033  
which the issuance is applicable in accordance with the following 45034  
schedule: 45035

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	45037
1,001 to 5000	100	45038
5,001 to 50,000	200	45039
50,001 to 100,000	300	45040

100,001 to 300,000	525	45041
over 300,000	750	45042

(b) Notwithstanding the fee schedule specified in division 45043  
(L)(1)(a) of this section, the fee for a water discharge permit 45044  
that is applicable to coal mining operations regulated under 45045  
Chapter 1513. of the Revised Code shall be two hundred fifty 45046  
dollars per mine. 45047

(c) Notwithstanding the fee schedule specified in division 45048  
(L)(1)(a) of this section, the fee for a water discharge permit 45049  
for a public discharger identified by I in the third character of 45050  
the permittee's NPDES permit number shall not exceed seven hundred 45051  
fifty dollars. 45052

(2) A person applying for a plan approval for a wastewater 45053  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 45054  
of the Revised Code shall pay a fee of one hundred dollars plus 45055  
sixty-five one-hundredths of one per cent of the estimated project 45056  
cost through June 30, ~~2016~~ 2018, and one hundred dollars plus 45057  
two-tenths of one per cent of the estimated project cost on and 45058  
after July 1, ~~2016~~ 2018, except that the total fee shall not 45059  
exceed fifteen thousand dollars through June 30, ~~2016~~ 2018, and 45060  
five thousand dollars on and after July 1, ~~2016~~ 2018. The fee 45061  
shall be paid at the time the application is submitted. 45062

(3) A person issued a modification of a water discharge 45063  
permit shall pay a fee equal to one-half the fee that otherwise 45064  
would be charged for a water discharge permit, except that the fee 45065  
for the modification shall not exceed four hundred dollars. 45066

(4) A person who has entered into an agreement with the 45067  
director under section 6111.14 of the Revised Code shall pay an 45068  
administrative service fee for each plan submitted under that 45069  
section for approval that shall not exceed the minimum amount 45070  
necessary to pay administrative costs directly attributable to 45071  
processing plan approvals. The director annually shall calculate 45072

the fee and shall notify all persons who have entered into 45073  
agreements under that section, or who have applied for agreements, 45074  
of the amount of the fee. 45075

(5)(a)(i) Not later than January 30, ~~2014~~ 2016, and January 45076  
30, ~~2015~~ 2017, a person holding an NPDES discharge permit issued 45077  
pursuant to Chapter 6111. of the Revised Code with an average 45078  
daily discharge flow of five thousand gallons or more shall pay a 45079  
nonrefundable annual discharge fee. Any person who fails to pay 45080  
the fee at that time shall pay an additional amount that equals 45081  
ten per cent of the required annual discharge fee. 45082

(ii) The billing year for the annual discharge fee 45083  
established in division (L)(5)(a)(i) of this section shall consist 45084  
of a twelve-month period beginning on the first day of January of 45085  
the year preceding the date when the annual discharge fee is due. 45086  
In the case of an existing source that permanently ceases to 45087  
discharge during a billing year, the director shall reduce the 45088  
annual discharge fee, including the surcharge applicable to 45089  
certain industrial facilities pursuant to division (L)(5)(c) of 45090  
this section, by one-twelfth for each full month during the 45091  
billing year that the source was not discharging, but only if the 45092  
person holding the NPDES discharge permit for the source notifies 45093  
the director in writing, not later than the first day of October 45094  
of the billing year, of the circumstances causing the cessation of 45095  
discharge. 45096

(iii) The annual discharge fee established in division 45097  
(L)(5)(a)(i) of this section, except for the surcharge applicable 45098  
to certain industrial facilities pursuant to division (L)(5)(c) of 45099  
this section, shall be based upon the average daily discharge flow 45100  
in gallons per day calculated using first day of May through 45101  
thirty-first day of October flow data for the period two years 45102  
prior to the date on which the fee is due. In the case of NPDES 45103  
discharge permits for new sources, the fee shall be calculated 45104

using the average daily design flow of the facility until actual 45105  
average daily discharge flow values are available for the time 45106  
period specified in division (L)(5)(a)(iii) of this section. The 45107  
annual discharge fee may be prorated for a new source as described 45108  
in division (L)(5)(a)(ii) of this section. 45109

(b) An NPDES permit holder that is a public discharger shall 45110  
pay the fee specified in the following schedule: 45111

Average daily	Fee due by	
discharge flow	January 30,	
	<del>2014</del> <u>2016</u> , and	
	January 30, <del>2015</del>	
	<u>2017</u>	
5,000 to 49,999	\$ 200	45116
50,000 to 100,000	500	45117
100,001 to 250,000	1,050	45118
250,001 to 1,000,000	2,600	45119
1,000,001 to 5,000,000	5,200	45120
5,000,001 to 10,000,000	10,350	45121
10,000,001 to 20,000,000	15,550	45122
20,000,001 to 50,000,000	25,900	45123
50,000,001 to 100,000,000	41,400	45124
100,000,001 or more	62,100	45125

Public dischargers owning or operating two or more publicly 45126  
owned treatment works serving the same political subdivision, as 45127  
"treatment works" is defined in section 6111.01 of the Revised 45128  
Code, and that serve exclusively political subdivisions having a 45129  
population of fewer than one hundred thousand shall pay an annual 45130  
discharge fee under division (L)(5)(b) of this section that is 45131  
based on the combined average daily discharge flow of the 45132  
treatment works. 45133

(c) An NPDES permit holder that is an industrial discharger, 45134  
other than a coal mining operator identified by P in the third 45135



character of the permittee's NPDES permit number, shall pay the		45136
fee specified in the following schedule:		45137
Average daily	Fee due by	45138
discharge flow	January 30,	45139
	<del>2014</del> <u>2016</u> , and	45140
	January 30, <del>2015</del>	45141
	<u>2017</u>	
5,000 to 49,999	\$ 250	45142
50,000 to 250,000	1,200	45143
250,001 to 1,000,000	2,950	45144
1,000,001 to 5,000,000	5,850	45145
5,000,001 to 10,000,000	8,800	45146
10,000,001 to 20,000,000	11,700	45147
20,000,001 to 100,000,000	14,050	45148
100,000,001 to 250,000,000	16,400	45149
250,000,001 or more	18,700	45150

In addition to the fee specified in the above schedule, an 45151  
NPDES permit holder that is an industrial discharger classified as 45152  
a major discharger during all or part of the annual discharge fee 45153  
billing year specified in division (L)(5)(a)(ii) of this section 45154  
shall pay a nonrefundable annual surcharge of seven thousand five 45155  
hundred dollars not later than January 30, ~~2014~~ 2016, and not 45156  
later than January 30, ~~2015~~ 2017. Any person who fails to pay the 45157  
surcharge at that time shall pay an additional amount that equals 45158  
ten per cent of the amount of the surcharge. 45159

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 45160  
section, a public discharger identified by I in the third 45161  
character of the permittee's NPDES permit number and an industrial 45162  
discharger identified by I, J, L, V, W, X, Y, or Z in the third 45163  
character of the permittee's NPDES permit number shall pay a 45164  
nonrefundable annual discharge fee of one hundred eighty dollars 45165  
not later than January 30, ~~2014~~ 2016, and not later than January 45166

30, ~~2015~~ 2017. Any person who fails to pay the fee at that time 45167  
shall pay an additional amount that equals ten per cent of the 45168  
required fee. 45169

(6) Each person obtaining a national pollutant discharge 45170  
elimination system general or individual permit for municipal 45171  
storm water discharge shall pay a nonrefundable storm water 45172  
discharge fee of one hundred dollars per square mile of area 45173  
permitted. The fee shall not exceed ten thousand dollars and shall 45174  
be payable on or before January 30, 2004, and the thirtieth day of 45175  
January of each year thereafter. Any person who fails to pay the 45176  
fee on the date specified in division (L)(6) of this section shall 45177  
pay an additional amount per year equal to ten per cent of the 45178  
annual fee that is unpaid. 45179

(7) The director shall transmit all moneys collected under 45180  
division (L) of this section to the treasurer of state for deposit 45181  
into the state treasury to the credit of the surface water 45182  
protection fund created in section 6111.038 of the Revised Code. 45183

(8) As used in division (L) of this section: 45184

(a) "NPDES" means the federally approved national pollutant 45185  
discharge elimination system program for issuing, modifying, 45186  
revoking, reissuing, terminating, monitoring, and enforcing 45187  
permits and imposing and enforcing pretreatment requirements under 45188  
Chapter 6111. of the Revised Code and rules adopted under it. 45189

(b) "Public discharger" means any holder of an NPDES permit 45190  
identified by P in the second character of the NPDES permit number 45191  
assigned by the director. 45192

(c) "Industrial discharger" means any holder of an NPDES 45193  
permit identified by I in the second character of the NPDES permit 45194  
number assigned by the director. 45195

(d) "Major discharger" means any holder of an NPDES permit 45196  
classified as major by the regional administrator of the United 45197

States environmental protection agency in conjunction with the 45198  
director. 45199

(M) Through June 30, ~~2016~~ 2018, a person applying for a 45200  
license or license renewal to operate a public water system under 45201  
section 6109.21 of the Revised Code shall pay the appropriate fee 45202  
established under this division at the time of application to the 45203  
director. Any person who fails to pay the fee at that time shall 45204  
pay an additional amount that equals ten per cent of the required 45205  
fee. The director shall transmit all moneys collected under this 45206  
division to the treasurer of state for deposit into the drinking 45207  
water protection fund created in section 6109.30 of the Revised 45208  
Code. 45209

Except as provided in divisions (M)(4) and (5) of this 45210  
section, fees required under this division shall be calculated and 45211  
paid in accordance with the following schedule: 45212

(1) For the initial license required under section 6109.21 of 45213  
the Revised Code for any public water system that is a community 45214  
water system as defined in section 6109.01 of the Revised Code, 45215  
and for each license renewal required for such a system prior to 45216  
January 31, ~~2016~~ 2018, the fee is: 45217

Number of service connections	Fee amount	
Not more than 49	\$ 112	45218
50 to 99	176	45219
Number of service connections	Average cost per connection	45220
100 to 2,499	\$ 1.92	45221
2,500 to 4,999	1.48	45222
5,000 to 7,499	1.42	45223
7,500 to 9,999	1.34	45224
10,000 to 14,999	1.16	45225
15,000 to 24,999	1.10	45226
25,000 to 49,999	1.04	45227
50,000 to 99,999	.92	45228

100,000 to 149,999	.86	45230
150,000 to 199,999	.80	45231
200,000 or more	.76	45232

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2016~~ 2018, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	45247
150 to 299	176	45248
300 to 749	384	45249
750 to 1,499	628	45250
1,500 to 2,999	1,268	45251
3,000 to 7,499	2,816	45252
7,500 to 14,999	5,510	45253
15,000 to 22,499	9,048	45254
22,500 to 29,999	12,430	45255
30,000 or more	16,820	45256

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

three individuals per service connection. 45262

(3) For the initial license required under section 6109.21 of 45263  
the Revised Code for any public water system that is not a 45264  
community water system and serves a transient population, and for 45265  
each license renewal required for such a system prior to January 45266  
31, ~~2016~~ 2018, the fee is: 45267

Number of wells or sources, other 45268	Fee amount	
than surface water, supplying system		
1	\$112	45269
2	112	45270
3	176	45271
4	278	45272
5	568	45273
System designated as using a 45274		
surface water source	792	45275

As used in division (M)(3) of this section, "number of wells 45276  
or sources, other than surface water, supplying system" means 45277  
those wells or sources that are physically connected to the 45278  
plumbing system serving the public water system. 45279

(4) A public water system designated as using a surface water 45280  
source shall pay a fee of seven hundred ninety-two dollars or the 45281  
amount calculated under division (M)(1) or (2) of this section, 45282  
whichever is greater. 45283

(5) An applicant for an initial license who is proposing to 45284  
operate a new public water supply system shall submit a fee that 45285  
equals a prorated amount of the appropriate fee for the remainder 45286  
of the licensing year. 45287

(N)(1) A person applying for a plan approval for a public 45288  
water supply system under section 6109.07 of the Revised Code 45289  
shall pay a fee of one hundred fifty dollars plus thirty-five 45290  
hundredths of one per cent of the estimated project cost, except 45291

that the total fee shall not exceed twenty thousand dollars 45292  
through June 30, ~~2016~~ 2018, and fifteen thousand dollars on and 45293  
after July 1, ~~2016~~ 2018. The fee shall be paid at the time the 45294  
application is submitted. 45295

(2) A person who has entered into an agreement with the 45296  
director under division (A)(2) of section 6109.07 of the Revised 45297  
Code shall pay an administrative service fee for each plan 45298  
submitted under that section for approval that shall not exceed 45299  
the minimum amount necessary to pay administrative costs directly 45300  
attributable to processing plan approvals. The director annually 45301  
shall calculate the fee and shall notify all persons that have 45302  
entered into agreements under that division, or who have applied 45303  
for agreements, of the amount of the fee. 45304

(3) Through June 30, ~~2016~~ 2018, the following fee, on a per 45305  
survey basis, shall be charged any person for services rendered by 45306  
the state in the evaluation of laboratories and laboratory 45307  
personnel for compliance with accepted analytical techniques and 45308  
procedures established pursuant to Chapter 6109. of the Revised 45309  
Code for determining the qualitative characteristics of water: 45310

microbiological		45311
MMO-MUG	\$2,000	45312
MF	2,100	45313
MMO-MUG and MF	2,550	45314
organic chemical	5,400	45315
trace metals	5,400	45316
standard chemistry	2,800	45317
limited chemistry	1,550	45318

On and after July 1, ~~2016~~ 2018, the following fee, on a per 45319  
survey basis, shall be charged any such person: 45320

microbiological	\$ 1,650	45321
organic chemicals	3,500	45322
trace metals	3,500	45323

standard chemistry	1,800	45324
limited chemistry	1,000	45325

The fee for those services shall be paid at the time the request  
for the survey is made. Through June 30, ~~2016~~ 2018, an individual  
laboratory shall not be assessed a fee under this division more  
than once in any three-year period unless the person requests the  
addition of analytical methods or analysts, in which case the  
person shall pay eighteen hundred dollars for each additional  
survey requested.

As used in division (N)(3) of this section:

(a) "MF" means microfiltration.

(b) "MMO" means minimal medium ONPG.

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

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

(O) Any person applying to the director to take an  
examination for certification as an operator of a water supply  
system or wastewater system under Chapter 6109. or 6111. of the  
Revised Code that is administered by the director, at the time the  
application is submitted, shall pay a fee in accordance with the  
following schedule through November 30, ~~2016~~ 2018:

Class A operator	\$ 80	45348
Class I operator	105	45349
Class II operator	120	45350
Class III operator	130	45351
Class IV operator	145	45352

On and after December 1, ~~2016~~ 2018, the applicant shall pay a

fee in accordance with the following schedule:		45354
Class A operator	\$ 50	45355
Class I operator	70	45356
Class II operator	80	45357
Class III operator	90	45358
Class IV operator	100	45359

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	45368
Class I operator	35	45369
Class II operator	45	45370
Class III operator	55	45371
Class IV operator	65	45372

If a certification renewal fee is received by the director more than thirty days, but not more than one year after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	45378
Class I operator	55	45379
Class II operator	65	45380
Class III operator	75	45381
Class IV operator	85	45382

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.



Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of the fees that the provider assesses and collects for administering water supply system or wastewater treatment system certification examinations in this state for the calendar year. The fee shall be paid not later than forty-five days after the end of a calendar year.

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

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an

incineration facility, or a modification of such an existing 45417  
facility that includes an increase in the total disposal or 45418  
treatment capacity of the facility pursuant to Chapter 3734. of 45419  
the Revised Code shall pay a fee of ten dollars per thousand cubic 45420  
yards of disposal or treatment capacity, or one thousand dollars, 45421  
whichever is greater, except that the total fee for any such 45422  
permit shall not exceed eighty thousand dollars. A person issued a 45423  
modification of a permit for a solid waste disposal facility or an 45424  
infectious waste treatment facility that does not involve an 45425  
increase in the total disposal or treatment capacity of the 45426  
facility shall pay a fee of one thousand dollars. A person issued 45427  
a permit to install a new, or modify an existing, solid waste 45428  
transfer facility under that chapter shall pay a fee of two 45429  
thousand five hundred dollars. A person issued a permit to install 45430  
a new or to modify an existing solid waste incineration or 45431  
composting facility, or an existing infectious waste treatment 45432  
facility using incineration as its principal method of treatment, 45433  
under that chapter shall pay a fee of one thousand dollars. The 45434  
increases in the permit fees under this division resulting from 45435  
the amendments made by Amended Substitute House Bill 592 of the 45436  
117th general assembly do not apply to any person who submitted an 45437  
application for a permit to install a new, or modify an existing, 45438  
solid waste disposal facility under that chapter prior to 45439  
September 1, 1987; any such person shall pay the permit fee 45440  
established in this division as it existed prior to June 24, 1988. 45441  
In addition to the applicable permit fee under this division, a 45442  
person issued a permit to install or modify a solid waste facility 45443  
or an infectious waste treatment facility under that chapter who 45444  
fails to pay the permit fee to the director in compliance with 45445  
division (V) of this section shall pay an additional ten per cent 45446  
of the amount of the fee for each week that the permit fee is 45447  
late. 45448

Permit and late payment fees paid to the director under this 45449

division shall be credited to the general revenue fund. 45450

(R)(1) A person issued a registration certificate for a scrap 45451  
tire collection facility under section 3734.75 of the Revised Code 45452  
shall pay a fee of two hundred dollars, except that if the 45453  
facility is owned or operated by a motor vehicle salvage dealer 45454  
licensed under Chapter 4738. of the Revised Code, the person shall 45455  
pay a fee of twenty-five dollars. 45456

(2) A person issued a registration certificate for a new 45457  
scrap tire storage facility under section 3734.76 of the Revised 45458  
Code shall pay a fee of three hundred dollars, except that if the 45459  
facility is owned or operated by a motor vehicle salvage dealer 45460  
licensed under Chapter 4738. of the Revised Code, the person shall 45461  
pay a fee of twenty-five dollars. 45462

(3) A person issued a permit for a scrap tire storage 45463  
facility under section 3734.76 of the Revised Code shall pay a fee 45464  
of one thousand dollars, except that if the facility is owned or 45465  
operated by a motor vehicle salvage dealer licensed under Chapter 45466  
4738. of the Revised Code, the person shall pay a fee of fifty 45467  
dollars. 45468

(4) A person issued a permit for a scrap tire monocell or 45469  
monofill facility under section 3734.77 of the Revised Code shall 45470  
pay a fee of ten dollars per thousand cubic yards of disposal 45471  
capacity or one thousand dollars, whichever is greater, except 45472  
that the total fee for any such permit shall not exceed eighty 45473  
thousand dollars. 45474

(5) A person issued a registration certificate for a scrap 45475  
tire recovery facility under section 3734.78 of the Revised Code 45476  
shall pay a fee of one hundred dollars. 45477

(6) A person issued a permit for a scrap tire recovery 45478  
facility under section 3734.78 of the Revised Code shall pay a fee 45479  
of one thousand dollars. 45480

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

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

(S)(1) Except as provided by divisions (L), (M), (N), (O), (P), and (S)(2) of this section, division (A)(2) of section 3734.05 of the Revised Code, section 3734.79 of the Revised Code, and rules adopted under division (T)(1) of this section, any person applying for a registration certificate under section 3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, variance, or plan approval under Chapter 3734. of the Revised Code shall pay a nonrefundable fee of fifteen dollars at the time the application is submitted.

Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable fee of one hundred dollars at the time the application is submitted through June 30, ~~2016~~ 2018, and a nonrefundable fee of fifteen dollars at the time the application is submitted on and after July 1, ~~2016~~ 2018. Except as provided in division (S)(3) of this section, through June 30, ~~2016~~ 2018, any person applying for a national pollutant discharge elimination system permit under Chapter 6111. of the Revised Code shall pay a nonrefundable fee of two hundred dollars at the time of application for the permit. On and after July 1, ~~2016~~ 2018, such a person shall pay a nonrefundable fee of fifteen

dollars at the time of application. 45513

In addition to the application fee established under division 45514  
(S)(1) of this section, any person applying for a national 45515  
pollutant discharge elimination system general storm water 45516  
construction permit shall pay a nonrefundable fee of twenty 45517  
dollars per acre for each acre that is permitted above five acres 45518  
at the time the application is submitted. However, the per acreage 45519  
fee shall not exceed three hundred dollars. In addition, any 45520  
person applying for a national pollutant discharge elimination 45521  
system general storm water industrial permit shall pay a 45522  
nonrefundable fee of one hundred fifty dollars at the time the 45523  
application is submitted. 45524

The director shall transmit all moneys collected under 45525  
division (S)(1) of this section pursuant to Chapter 6109. of the 45526  
Revised Code to the treasurer of state for deposit into the 45527  
drinking water protection fund created in section 6109.30 of the 45528  
Revised Code. 45529

The director shall transmit all moneys collected under 45530  
division (S)(1) of this section pursuant to Chapter 6111. of the 45531  
Revised Code and under division (S)(3) of this section to the 45532  
treasurer of state for deposit into the surface water protection 45533  
fund created in section 6111.038 of the Revised Code. 45534

If a registration certificate is issued under section 45535  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 45536  
the application fee paid shall be deducted from the amount of the 45537  
registration certificate fee due under division (R)(1), (2), or 45538  
(5) of this section, as applicable. 45539

If a person submits an electronic application for a 45540  
registration certificate, permit, variance, or plan approval for 45541  
which an application fee is established under division (S)(1) of 45542  
this section, the person shall pay the applicable application fee 45543

as expeditiously as possible after the submission of the 45544  
electronic application. An application for a registration 45545  
certificate, permit, variance, or plan approval for which an 45546  
application fee is established under division (S)(1) of this 45547  
section shall not be reviewed or processed until the applicable 45548  
application fee, and any other fees established under this 45549  
division, are paid. 45550

(2) Division (S)(1) of this section does not apply to an 45551  
application for a registration certificate for a scrap tire 45552  
collection or storage facility submitted under section 3734.75 or 45553  
3734.76 of the Revised Code, as applicable, if the owner or 45554  
operator of the facility or proposed facility is a motor vehicle 45555  
salvage dealer licensed under Chapter 4738. of the Revised Code. 45556

(3) A person applying for coverage under a national pollutant 45557  
discharge elimination system general discharge permit for 45558  
household sewage treatment systems shall pay the following fees: 45559

(a) A nonrefundable fee of two hundred dollars at the time of 45560  
application for initial permit coverage; 45561

(b) A nonrefundable fee of one hundred dollars at the time of 45562  
application for a renewal of permit coverage. 45563

(T) The director may adopt, amend, and rescind rules in 45564  
accordance with Chapter 119. of the Revised Code that do all of 45565  
the following: 45566

(1) Prescribe fees to be paid by applicants for and holders 45567  
of any license, permit, variance, plan approval, or certification 45568  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 45569  
the Revised Code that are not specifically established in this 45570  
section. The fees shall be designed to defray the cost of 45571  
processing, issuing, revoking, modifying, denying, and enforcing 45572  
the licenses, permits, variances, plan approvals, and 45573  
certifications. 45574

The director shall transmit all moneys collected under rules 45575  
adopted under division (T)(1) of this section pursuant to Chapter 45576  
6109. of the Revised Code to the treasurer of state for deposit 45577  
into the drinking water protection fund created in section 6109.30 45578  
of the Revised Code. 45579

The director shall transmit all moneys collected under rules 45580  
adopted under division (T)(1) of this section pursuant to Chapter 45581  
6111. of the Revised Code to the treasurer of state for deposit 45582  
into the surface water protection fund created in section 6111.038 45583  
of the Revised Code. 45584

(2) Exempt the state and political subdivisions thereof, 45585  
including education facilities or medical facilities owned by the 45586  
state or a political subdivision, or any person exempted from 45587  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 45588  
any fee required by this section; 45589

(3) Provide for the waiver of any fee, or any part thereof, 45590  
otherwise required by this section whenever the director 45591  
determines that the imposition of the fee would constitute an 45592  
unreasonable cost of doing business for any applicant, class of 45593  
applicants, or other person subject to the fee; 45594

(4) Prescribe measures that the director considers necessary 45595  
to carry out this section. 45596

(U) When the director reasonably demonstrates that the direct 45597  
cost to the state associated with the issuance of a permit to 45598  
install, license, variance, plan approval, or certification 45599  
exceeds the fee for the issuance or review specified by this 45600  
section, the director may condition the issuance or review on the 45601  
payment by the person receiving the issuance or review of, in 45602  
addition to the fee specified by this section, the amount, or any 45603  
portion thereof, in excess of the fee specified under this 45604  
section. The director shall not so condition issuances for which a 45605

fee is prescribed in division (L)(1)(b) of this section. 45606

(V) Except as provided in divisions (L), (M), and (P) of this 45607  
section or unless otherwise prescribed by a rule of the director 45608  
adopted pursuant to Chapter 119. of the Revised Code, all fees 45609  
required by this section are payable within thirty days after the 45610  
issuance of an invoice for the fee by the director or the 45611  
effective date of the issuance of the license, permit, variance, 45612  
plan approval, or certification. If payment is late, the person 45613  
responsible for payment of the fee shall pay an additional ten per 45614  
cent of the amount due for each month that it is late. 45615

(W) As used in this section, "fuel-burning equipment," 45616  
"fuel-burning equipment input capacity," "incinerator," 45617  
"incinerator input capacity," "process," "process weight rate," 45618  
"storage tank," "gasoline dispensing facility," "dry cleaning 45619  
facility," "design flow discharge," and "new source treatment 45620  
works" have the meanings ascribed to those terms by applicable 45621  
rules or standards adopted by the director under Chapter 3704. or 45622  
6111. of the Revised Code. 45623

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 45624  
(J) of this section, and in any other provision of this section 45625  
pertaining to fees paid pursuant to Chapter 3704. of the Revised 45626  
Code: 45627

(1) "Facility," "federal Clean Air Act," "person," and "Title 45628  
V permit" have the same meanings as in section 3704.01 of the 45629  
Revised Code. 45630

(2) "Title V permit program" means the following activities 45631  
as necessary to meet the requirements of Title V of the federal 45632  
Clean Air Act and 40 C.F.R. part 70, including at least: 45633

(a) Preparing and adopting, if applicable, generally 45634  
applicable rules or guidance regarding the permit program or its 45635  
implementation or enforcement; 45636



(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal; 45637  
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(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry; 45641  
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(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions; 45644  
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(e) Emission and ambient monitoring; 45647

(f) Modeling, analyses, or demonstrations; 45648

(g) Preparing inventories and tracking emissions; 45649

(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code. 45650  
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(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate. 45657  
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(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage 45660  
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sludge facility shall be calculated using the first day of January 45667  
through the thirty-first day of December of the calendar year 45668  
preceding the date on which payment of the fee is due. 45669

(2)(a) Except as provided in division (Y)(2)(d) of this 45670  
section, each sewage sludge facility shall pay a minimum annual 45671  
sewage sludge fee of one hundred dollars. 45672

(b) The annual sludge fee required to be paid by a sewage 45673  
sludge facility that treats or disposes of exceptional quality 45674  
sludge in this state shall be thirty-five per cent less per dry 45675  
ton of exceptional quality sludge than the fee assessed under 45676  
division (Y)(1) of this section, subject to the following 45677  
exceptions: 45678

(i) Except as provided in division (Y)(2)(d) of this section, 45679  
a sewage sludge facility that treats or disposes of exceptional 45680  
quality sludge shall pay a minimum annual sewage sludge fee of one 45681  
hundred dollars. 45682

(ii) A sewage sludge facility that treats or disposes of 45683  
exceptional quality sludge shall not be required to pay the annual 45684  
sludge fee for treatment or disposal in this state of exceptional 45685  
quality sludge generated outside of this state and contained in 45686  
bags or other containers not greater than one hundred pounds in 45687  
capacity. 45688

A thirty-five per cent reduction for exceptional quality 45689  
sludge applies to the maximum annual fees established under 45690  
division (Y)(3) of this section. 45691

(c) A sewage sludge facility that transfers sewage sludge to 45692  
another sewage sludge facility in this state for further treatment 45693  
prior to disposal in this state shall not be required to pay the 45694  
annual sludge fee for the tons of sewage sludge that have been 45695  
transferred. In such a case, the sewage sludge facility that 45696  
disposes of the sewage sludge shall pay the annual sludge fee. 45697

However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

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

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

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

(a) Incineration: five thousand dollars;

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

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

(4)(a) In the case of an entity that generates sewage sludge or a sewage sludge facility that treats sewage sludge and transfers the sewage sludge to an incineration facility for disposal, the incineration facility, and not the entity generating the sewage sludge or the sewage sludge facility treating the sewage sludge, shall pay the annual sludge fee for the tons of

sewage sludge that are transferred. However, the entity or 45729  
facility generating or treating the sewage sludge shall pay the 45730  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 45731  
of this section. 45732

(b) In the case of an entity that generates sewage sludge and 45733  
transfers the sewage sludge to a landfill for disposal or to a 45734  
sewage sludge facility for land reclamation or surface disposal, 45735  
the entity generating the sewage sludge, and not the landfill or 45736  
sewage sludge facility, shall pay the annual sludge fee for the 45737  
tons of sewage sludge that are transferred. 45738

(5) Not later than the first day of April of the calendar 45739  
year following March 17, 2000, and each first day of April 45740  
thereafter, the director shall issue invoices to persons who are 45741  
required to pay the annual sludge fee. The invoice shall identify 45742  
the nature and amount of the annual sludge fee assessed and state 45743  
the first day of May as the deadline for receipt by the director 45744  
of objections regarding the amount of the fee and the first day of 45745  
July as the deadline for payment of the fee. 45746

Not later than the first day of May following receipt of an 45747  
invoice, a person required to pay the annual sludge fee may submit 45748  
objections to the director concerning the accuracy of information 45749  
regarding the number of dry tons of sewage sludge used to 45750  
calculate the amount of the annual sludge fee or regarding whether 45751  
the sewage sludge qualifies for the exceptional quality sludge 45752  
discount established in division (Y)(2)(b) of this section. The 45753  
director may consider the objections and adjust the amount of the 45754  
fee to ensure that it is accurate. 45755

If the director does not adjust the amount of the annual 45756  
sludge fee in response to a person's objections, the person may 45757  
appeal the director's determination in accordance with Chapter 45758  
119. of the Revised Code. 45759

Not later than the first day of June, the director shall 45760  
notify the objecting person regarding whether the director has 45761  
found the objections to be valid and the reasons for the finding. 45762  
If the director finds the objections to be valid and adjusts the 45763  
amount of the annual sludge fee accordingly, the director shall 45764  
issue with the notification a new invoice to the person 45765  
identifying the amount of the annual sludge fee assessed and 45766  
stating the first day of July as the deadline for payment. 45767

Not later than the first day of July, any person who is 45768  
required to do so shall pay the annual sludge fee. Any person who 45769  
is required to pay the fee, but who fails to do so on or before 45770  
that date shall pay an additional amount that equals ten per cent 45771  
of the required annual sludge fee. 45772

(6) The director shall transmit all moneys collected under 45773  
division (Y) of this section to the treasurer of state for deposit 45774  
into the surface water protection fund created in section 6111.038 45775  
of the Revised Code. The moneys shall be used to defray the costs 45776  
of administering and enforcing provisions in Chapter 6111. of the 45777  
Revised Code and rules adopted under it that govern the use, 45778  
storage, treatment, or disposal of sewage sludge. 45779

(7) Beginning in fiscal year 2001, and every two years 45780  
thereafter, the director shall review the total amount of moneys 45781  
generated by the annual sludge fees to determine if that amount 45782  
exceeded six hundred thousand dollars in either of the two 45783  
preceding fiscal years. If the total amount of moneys in the fund 45784  
exceeded six hundred thousand dollars in either fiscal year, the 45785  
director, after review of the fee structure and consultation with 45786  
affected persons, shall issue an order reducing the amount of the 45787  
fees levied under division (Y) of this section so that the 45788  
estimated amount of moneys resulting from the fees will not exceed 45789  
six hundred thousand dollars in any fiscal year. 45790

If, upon review of the fees under division (Y)(7) of this 45791

section and after the fees have been reduced, the director 45792  
determines that the total amount of moneys collected and 45793  
accumulated is less than six hundred thousand dollars, the 45794  
director, after review of the fee structure and consultation with 45795  
affected persons, may issue an order increasing the amount of the 45796  
fees levied under division (Y) of this section so that the 45797  
estimated amount of moneys resulting from the fees will be 45798  
approximately six hundred thousand dollars. Fees shall never be 45799  
increased to an amount exceeding the amount specified in division 45800  
(Y)(7) of this section. 45801

Notwithstanding section 119.06 of the Revised Code, the 45802  
director may issue an order under division (Y)(7) of this section 45803  
without the necessity to hold an adjudicatory hearing in 45804  
connection with the order. The issuance of an order under this 45805  
division is not an act or action for purposes of section 3745.04 45806  
of the Revised Code. 45807

(8) As used in division (Y) of this section: 45808

(a) "Sewage sludge facility" means an entity that performs 45809  
treatment on or is responsible for the disposal of sewage sludge. 45810

(b) "Sewage sludge" means a solid, semi-solid, or liquid 45811  
residue generated during the treatment of domestic sewage in a 45812  
treatment works as defined in section 6111.01 of the Revised Code. 45813  
"Sewage sludge" includes, but is not limited to, scum or solids 45814  
removed in primary, secondary, or advanced wastewater treatment 45815  
processes. "Sewage sludge" does not include ash generated during 45816  
the firing of sewage sludge in a sewage sludge incinerator, grit 45817  
and screenings generated during preliminary treatment of domestic 45818  
sewage in a treatment works, animal manure, residue generated 45819  
during treatment of animal manure, or domestic septage. 45820

(c) "Exceptional quality sludge" means sewage sludge that 45821  
meets all of the following qualifications: 45822

(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);	45823 45824
(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	45825 45826
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	45827 45828
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	45829 45830
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	45831 45832 45833
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	45834 45835 45836
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	45837 45838 45839 45840 45841
(g) "Land reclamation" means the returning of disturbed land to productive use.	45842 45843
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	45844 45845 45846 45847
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	45848 45849 45850 45851
(j) "Incineration facility" includes all incinerators owned	45852

or operated by the same entity and located on a contiguous tract 45853  
of land. Areas of land are considered to be contiguous even if 45854  
they are separated by a public road or highway. 45855

(k) "Annual sludge fee" means the fee assessed under division 45856  
(Y)(1) of this section. 45857

(l) "Landfill" means a sanitary landfill facility, as defined 45858  
in rules adopted under section 3734.02 of the Revised Code, that 45859  
is licensed under section 3734.05 of the Revised Code. 45860

(m) "Preexisting land reclamation project" means a 45861  
property-specific land reclamation project that has been in 45862  
continuous operation for not less than five years pursuant to 45863  
approval of the activity by the director and includes the 45864  
implementation of a community outreach program concerning the 45865  
activity. 45866

**Sec. 3750.081.** (A) Notwithstanding any provision in this 45867  
chapter to the contrary, an owner or operator of a facility that 45868  
is regulated under Chapter 1509. of the Revised Code ~~who has filed~~ 45869  
~~a log in accordance with section 1509.10 of the Revised Code and a~~ 45870  
~~production statement in accordance with section 1509.11 of the~~ 45871  
Revised Code shall be deemed to have satisfied all of the 45872  
inventory, notification, listing, and other submission and filing 45873  
requirements established under this chapter, except for the 45874  
release reporting requirements established under section 3750.06 45875  
of the Revised Code, by complying with the requirements 45876  
established in section 1509.231 of the Revised Code. 45877

(B) The emergency response commission and every local 45878  
emergency planning committee and fire department in this state 45879  
shall establish a means by which to access, view, and retrieve 45880  
information, ~~through the use of the internet or a computer disk,~~ 45881  
from the electronic database maintained by the division of oil and 45882  
gas resources management in the department of natural resources in 45883



accordance with section ~~1509.23~~ 1509.231 of the Revised Code. With 45884  
respect to facilities regulated under Chapter 1509. of the Revised 45885  
Code, the database shall be the means of providing and receiving 45886  
the information described in division (A) of this section. 45887

**Sec. 3750.13.** (A)(1) Except as provided in division (A)(3) or 45888  
(4) of this section, the owner or operator of a facility required 45889  
to annually file an emergency and hazardous chemical inventory 45890  
form under section 3750.08 of the Revised Code shall submit with 45891  
the inventory form a filing fee of one hundred fifty dollars. In 45892  
addition to the filing fee, the owner or operator shall submit 45893  
with the inventory form the following additional fees for 45894  
reporting inventories of the individual hazardous chemicals and 45895  
extremely hazardous substances produced, used, or stored at the 45896  
facility: 45897

(a) Except as provided in division (A)(1)(b) of this section, 45898  
an additional fee of twenty dollars per hazardous chemical 45899  
enumerated on the inventory form; 45900

(b) An additional fee of one hundred fifty dollars per 45901  
extremely hazardous substance enumerated on the inventory form. 45902  
The fee established in division (A)(1)(a) of this section does not 45903  
apply to the reporting of the inventory of a hazardous chemical 45904  
that is also an extremely hazardous substance to which the 45905  
inventory reporting fee established in division (A)(1)(b) of this 45906  
section applies. 45907

The total fees required to accompany any inventory form shall 45908  
not exceed twenty-five hundred dollars. 45909

(2) An owner or operator of a facility who fails to submit 45910  
such an inventory form within thirty days after the applicable 45911  
filing date prescribed in section 3750.08 of the Revised Code 45912  
shall submit with the inventory form a late filing fee in the 45913  
amount of ten per cent per year of the total fees due under 45914

division (A)(1) or (4) of this section, in addition to the fees 45915  
due under division (A)(1) or (4) of this section. 45916

(3) The owner or operator of a facility who, during the 45917  
preceding year, was required to pay a fee to a municipal 45918  
corporation pursuant to an ordinance, rule, or requirement that 45919  
was in effect on the effective date of this section for the 45920  
reporting or providing of the names or amounts of extremely 45921  
hazardous substances or hazardous chemicals produced, used, or 45922  
stored at the facility may claim a credit against the fees due 45923  
under division (A)(1) or (4) of this section for the fees paid to 45924  
the municipal corporation pursuant to its reporting requirement. 45925  
The amount of the credit claimed in any reporting year shall not 45926  
exceed the amount of the fees due under division (A)(1) or (4) of 45927  
this section during that reporting year, and no unused portion of 45928  
the credit shall be carried over to subsequent years. In order to 45929  
claim a credit under this division, the owner or operator shall 45930  
submit with the emergency and hazardous chemical inventory form a 45931  
receipt issued by the municipal corporation or other documentation 45932  
acceptable to the commission indicating the amount of the fee paid 45933  
to the municipal corporation and the date on which the fee was 45934  
paid. 45935

(4) An owner or operator who is regulated under Chapter 1509. 45936  
of the Revised Code and who submits information under section 45937  
~~1509.11~~ 1509.231 of the Revised Code for not more than twenty-five 45938  
facilities shall submit to the emergency response commission on or 45939  
before the first day of March a flat fee of fifty dollars if the 45940  
facilities meet all of the following conditions: 45941

(a) The facility exclusively stores crude oil or liquid 45942  
hydrocarbons or other fluids resulting, obtained, or produced in 45943  
connection with the production or storage of crude oil or natural 45944  
gas. 45945

(b) The crude oil, liquid hydrocarbons, or other fluids 45946

stored at the facility are conveyed directly to it through piping 45947  
or tubing. 45948

(c) The facility is located on the same site as, or on a site 45949  
adjacent to, the well from which the crude oil, liquid 45950  
hydrocarbons, or other fluids are produced or obtained. 45951

(d) The facility is used for the storage of the crude oil, 45952  
liquid hydrocarbons, or other fluids prior to their transportation 45953  
off the premises of the facility for sale, use, or disposal. 45954

An owner or operator who submits information for more than 45955  
twenty-five facilities that meet all of the conditions prescribed 45956  
in divisions (A)(4)(a) to (d) of this section shall submit to the 45957  
commission a base fee of fifty dollars and an additional filing 45958  
fee of ten dollars for each facility reported in excess of 45959  
twenty-five, but not exceeding a total fee of nine hundred 45960  
dollars. 45961

As used in division (A)(4) of this section, "owner or 45962  
operator" means the person who actually owns or operates any such 45963  
facility and any other person who controls, is controlled by, or 45964  
is under common control with the person who actually owns or 45965  
operates the facility. 45966

(B) The emergency response commission and the local emergency 45967  
planning committee of an emergency planning district may establish 45968  
fees to be paid by persons, other than public officers or 45969  
employees, obtaining copies of documents or information submitted 45970  
to the commission or a committee under this chapter. The fees 45971  
shall be established at a level calculated to defray the costs to 45972  
the commission or committee for copying the documents or 45973  
information, but shall not exceed the maximum fees established in 45974  
rules adopted under division (B)(8) of section 3750.02 of the 45975  
Revised Code. 45976

(C) Except as provided in this division and division (B) of 45977

this section, and except for fees authorized by section 3737.22 of 45978  
the Revised Code or rules adopted under sections 3737.82 to 45979  
3737.882 of the Revised Code and collected exclusively for either 45980  
of those purposes, no committee or political subdivision shall 45981  
levy any fee, tax, excise, or other charge to carry out the 45982  
purposes of this chapter. A committee may charge the actual costs 45983  
involved in accessing any computerized data base established by 45984  
the commission under this chapter or by the United States 45985  
environmental protection agency under the "Emergency Planning and 45986  
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 45987  
11001. 45988

(D) Moneys collected by the commission under this section 45989  
shall be credited to the emergency planning and community 45990  
right-to-know fund created in section 3750.14 of the Revised Code. 45991

**Sec. 3769.03.** The state racing commission shall prescribe the 45992  
rules and conditions under which horse racing may be conducted and 45993  
may issue, deny, suspend, diminish, or revoke permits to conduct 45994  
horse racing as authorized by sections 3769.01 to 3769.14 of the 45995  
Revised Code. The commission may impose, in addition to any other 45996  
penalty imposed by the commission, fines in an amount not to 45997  
exceed ten thousand dollars on any permit holder or any other 45998  
person who violates the rules or orders of the commission. The 45999  
commission may prescribe the forms of wagering that are 46000  
permissible, the number of races, the procedures on wagering, and 46001  
the wagering information to be provided to the public. 46002

The commission may require totalizator equipment to display 46003  
the amount of wagering in each wagering pool. The commission shall 46004  
initiate safeguards as necessary to account for the amount of 46005  
money wagered at each track in each wagering pool. It may require 46006  
permit holders to install equipment that will provide a complete 46007  
check and analysis of the functioning of any computers and require 46008

safeguards on their performance. The commission shall require all 46009  
permit holders, except those holding state fair, county fair, or 46010  
other fair permits, to provide a photographic recording, approved 46011  
by the commission, of the entire running of all races conducted by 46012  
the permit holder. 46013

The state racing commission may issue, deny, suspend, or 46014  
revoke licenses to those persons engaged in racing and to those 46015  
employees of permit holders as is in the public interest for the 46016  
purpose of maintaining a proper control over horse-racing 46017  
meetings. The commission, as is in the public interest for the 46018  
purpose of maintaining proper control over horse-racing meetings, 46019  
also may rule any person off a permit holder's premises. License 46020  
fees shall include registration fees and shall be set by the 46021  
commission. Each license issued by the commission, unless revoked 46022  
for cause, shall be for the period of one year from the first day 46023  
of January of the year in which it is issued, except as otherwise 46024  
provided in section 3769.07 of the Revised Code. Applicants for 46025  
licenses issued by the commission shall submit their fingerprints 46026  
to the commission, and the commission may forward the fingerprints 46027  
to the federal bureau of investigation or to any other agency, or 46028  
to both, for examination. 46029

There is hereby created in the state treasury the state 46030  
racing commission operating fund. All license fees established and 46031  
collected by the commission pursuant to this section, and the 46032  
amounts specified in divisions (B) and (C) of section 3769.08 and 46033  
division (A)~~(6)~~(5) of section 3769.087 of the Revised Code, shall 46034  
be paid into the state treasury to the credit of the fund. Moneys 46035  
in the fund shall be expended by the commission to defray its 46036  
operating costs, salaries and expenses, and the cost of 46037  
administering and enforcing this chapter. 46038

The commission may deny a permit to any permit holder that 46039  
has defaulted in payments to the public, employees, or the 46040

horsemen and may deny a permit to any successor purchaser of a 46041  
track for as long as any of those defaults have not been satisfied 46042  
by either the seller or purchaser. 46043

The commission shall deny a permit to any permit holder that 46044  
has defaulted in payments to the state or has defaulted in 46045  
payments required under section 3769.089 or 3769.0810 of the 46046  
Revised Code and shall deny a permit to any successor purchaser of 46047  
a track for as long as those defaults have not been satisfied by 46048  
either the seller or purchaser. 46049

Any violation of this chapter, of any rule of racing adopted 46050  
by the commission, or of any law or rule with respect to racing in 46051  
any jurisdiction shall be sufficient reason for a refusal to issue 46052  
a license, or a suspension or revocation of any license issued, 46053  
pursuant to this section. 46054

With respect to the issuance, denial, suspension, or 46055  
revocation of a license to a participant in horse racing, the 46056  
action of the commission shall be subject to Chapter 119. of the 46057  
Revised Code. 46058

The commission may sue and be sued in its own name. Any 46059  
action against the commission shall be brought in the court of 46060  
common pleas of Franklin county. Any appeal from a determination 46061  
or decision of the commission rendered in the exercise of its 46062  
powers and duties under this chapter shall be brought in the court 46063  
of common pleas of Franklin county. 46064

The commission, biennially, shall make a full report to the 46065  
governor of its proceedings for the two-year period ending with 46066  
the thirty-first day of December preceding the convening of the 46067  
general assembly and shall include its recommendations in the 46068  
report. The commission, semiannually, on the thirtieth day of June 46069  
and on the thirty-first day of December of each year, shall make a 46070  
report and accounting to the governor. 46071

Sec. 3769.08. (A) Any person holding a permit to conduct a horse-racing meeting may provide a place in the race meeting grounds or enclosure at which the permit holder may conduct and supervise the pari-mutuel system of wagering by patrons of legal age on the live racing programs and simulcast racing programs conducted by the permit holder.

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

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

(B) At the close of each racing day, each permit holder authorized to conduct thoroughbred racing, out of the amount retained on that day by the permit holder, shall pay in the manner prescribed under section 3769.103 of the Revised Code, as a tax, a sum equal to the following percentages of the total of all moneys wagered on live racing programs on that day and shall separately

compute and pay in the manner prescribed under section 3769.103 of 46103  
the Revised Code, as a tax, a sum equal to the following 46104  
percentages of the total of all money wagered on simulcast racing 46105  
programs on that day: 46106

(1) One per cent of the first two hundred thousand dollars 46107  
wagered, or any part of that amount; 46108

(2) Two per cent of the next one hundred thousand dollars 46109  
wagered, or any part of that amount; 46110

(3) Three per cent of the next one hundred thousand dollars 46111  
wagered, or any part of that amount; 46112

(4) Four per cent of all sums over four hundred thousand 46113  
dollars wagered. 46114

Except as otherwise provided in section 3769.089 of the 46115  
Revised Code, each permit holder authorized to conduct 46116  
thoroughbred racing shall use for purse money a sum equal to fifty 46117  
per cent of the pari-mutuel revenues retained by the permit holder 46118  
as a commission after payment of the state tax. This fifty per 46119  
cent payment shall be in addition to the purse distribution from 46120  
breakage specified in this section. 46121

Subject to division (M) of this section, from the moneys paid 46122  
to the tax commissioner by thoroughbred racing permit holders, 46123  
one-half of one per cent of the total of all moneys so wagered on 46124  
a racing day shall be paid into the Ohio fairs fund created by 46125  
section 3769.082 of the Revised Code, one and one-eighth per cent 46126  
of the total of all moneys so wagered on a racing day shall be 46127  
paid into the Ohio thoroughbred race fund created by section 46128  
3769.083 of the Revised Code, and one-quarter of one per cent of 46129  
the total of all moneys wagered on a racing day by each permit 46130  
holder shall be paid into the state racing commission operating 46131  
fund created by section 3769.03 of the Revised Code. The required 46132  
payment to the state racing commission operating fund does not 46133



apply to county and independent fairs and agricultural societies. 46134  
The remaining moneys may be retained by the permit holder, except 46135  
as provided in this section with respect to the odd cents 46136  
redistribution. Amounts paid into the nursing home franchise 46137  
permit fee fund pursuant to this section and section 3769.26 of 46138  
the Revised Code shall be used solely for the support of the 46139  
PASSPORT program as determined in appropriations made by the 46140  
general assembly. If the PASSPORT program is abolished, the amount 46141  
that would have been paid to the nursing home franchise permit fee 46142  
fund under this chapter shall be paid to the general revenue fund 46143  
of the state. As used in this chapter, "PASSPORT program" has the 46144  
same meaning as in section 173.51 of the Revised Code. 46145

The total amount paid to the Ohio thoroughbred race fund 46146  
under this section and division (A) of section 3769.087 of the 46147  
Revised Code shall not exceed by more than six per cent the total 46148  
amount paid to this fund under this section and division (A) of 46149  
that section during the immediately preceding calendar year. 46150

Each year, the total amount calculated for payment into the 46151  
Ohio fairs fund under this division, division (C) of this section, 46152  
and division (A) of section 3769.087 of the Revised Code shall be 46153  
an amount calculated using the percentages specified in this 46154  
division, division (C) of this section, and division (A) of 46155  
section 3769.087 of the Revised Code. 46156

A permit holder may contract with a thoroughbred horsemen's 46157  
organization for the organization to act as a representative of 46158  
all thoroughbred owners and trainers participating in a 46159  
horse-racing meeting conducted by the permit holder. A 46160  
"thoroughbred horsemen's organization" is any corporation or 46161  
association that represents, through membership or otherwise, more 46162  
than one-half of the aggregate of all thoroughbred owners and 46163  
trainers who were licensed and actively participated in racing 46164  
within this state during the preceding calendar year. Except as 46165

otherwise provided in this paragraph, any moneys received by a  
thoroughbred horsemen's organization shall be used exclusively for  
the benefit of thoroughbred owners and trainers racing in this  
state through the administrative purposes of the organization,  
benevolent activities on behalf of the horsemen, promotion of the  
horsemen's rights and interests, and promotion of equine research.  
A thoroughbred horsemen's organization may expend not more than an  
aggregate of five per cent of its annual gross receipts, or a  
larger amount as approved by the organization, for dues,  
assessments, and other payments to all other local, national, or  
international organizations having as their primary purposes the  
promotion of thoroughbred horse racing, thoroughbred horsemen's  
rights, and equine research.

(C) Except as otherwise provided in division (B) of this  
section, at the close of each racing day, each permit holder  
authorized to conduct harness or quarter horse racing, out of the  
amount retained that day by the permit holder, shall pay in the  
manner prescribed under section 3769.103 of the Revised Code, as a  
tax, a sum equal to the following percentages of the total of all  
moneys wagered on live racing programs and shall separately  
compute and pay in the manner prescribed under section 3769.103 of  
the Revised Code, as a tax, a sum equal to the following  
percentages of the total of all money wagered on simulcast racing  
programs on that day:

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

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

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

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

dollars wagered. 46197

Except as otherwise provided in division (B) and subject to 46198  
division (M) of this section, from the moneys paid to the tax 46199  
commissioner by permit holders authorized to conduct harness or 46200  
quarter horse racing, one-half of one per cent of all moneys 46201  
wagered on that racing day shall be paid into the Ohio fairs fund; 46202  
from the moneys paid to the tax commissioner by permit holders 46203  
authorized to conduct harness racing, five-eighths of one per cent 46204  
of all moneys wagered on that racing day shall be paid into the 46205  
Ohio standardbred development fund; and from the moneys paid to 46206  
the tax commissioner by permit holders authorized to conduct 46207  
quarter horse racing, five-eighths of one per cent of all moneys 46208  
wagered on that racing day shall be paid into the Ohio 46209  
thoroughbred race fund to support quarter horse development ~~fund~~ 46210  
and purses. 46211

(D) In addition, subject to division (M) of this section, 46212  
beginning on January 1, 1996, from the money paid to the tax 46213  
commissioner as a tax under this section and division (A) of 46214  
section 3769.087 of the Revised Code by harness horse permit 46215  
holders, one-half of one per cent of the amount wagered on a 46216  
racing day shall be paid into the Ohio standardbred development 46217  
fund. Beginning January 1, 1998, the payment to the Ohio 46218  
standardbred development fund required under this division does 46219  
not apply to county agricultural societies or independent 46220  
agricultural societies. 46221

The total amount paid to the Ohio standardbred development 46222  
fund under this division, division (C) of this section, and 46223  
division (A) of section 3769.087 of the Revised Code and the total 46224  
amount paid to the Ohio thoroughbred race fund to support quarter 46225  
horse development ~~fund~~ and purses under this division and division 46226  
(A) of that section shall not exceed by more than six per cent the 46227  
total amount paid into the fund under this division, division (C) 46228

of this section, and division (A) of section 3769.087 of the Revised Code in the immediately preceding calendar year.

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

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

(G) In addition, each permit holder authorized to conduct harness racing shall be allowed to retain the odd cents of all redistribution to be made on all mutual contributions exceeding a sum equal to the next lowest multiple of ten.

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

commissioner's agent in the county seat of the county in which the 46261  
permit holder operates race meetings. The remaining thirty-five 46262  
per cent of that portion of that total sum of odd cents shall be 46263  
retained by the permit holder. 46264

(H) In addition, each permit holder authorized to conduct 46265  
thoroughbred racing shall be allowed to retain the odd cents of 46266  
all redistribution to be made on all mutuel contributions 46267  
exceeding a sum equal to the next lowest multiple of ten. Twenty 46268  
per cent of that portion of that total sum of such odd cents shall 46269  
be used by the permit holder for increased purse money for horse 46270  
races. Upon the formation of the corporation described in section 46271  
3769.21 of the Revised Code to establish a thoroughbred horsemen's 46272  
health and retirement fund, forty-five per cent of that portion of 46273  
that total sum of odd cents shall be paid at the close of each 46274  
racing day by the permit holder to that corporation to establish 46275  
and fund the health and retirement fund. Until that corporation is 46276  
formed, that forty-five per cent shall be paid by the permit 46277  
holder to the tax commissioner or the tax commissioner's agent in 46278  
the county seat of the county in which the permit holder operates 46279  
race meetings, at the close of each racing day. The remaining 46280  
thirty-five per cent of that portion of that total sum of odd 46281  
cents shall be retained by the permit holder. 46282

(I) In addition, each permit holder authorized to conduct 46283  
quarter horse racing shall be allowed to retain the odd cents of 46284  
all redistribution to be made on all mutuel contributions 46285  
exceeding a sum equal to the next lowest multiple of ten, subject 46286  
to a tax of twenty-five per cent on that portion of the total sum 46287  
of such odd cents that is in excess of two thousand dollars during 46288  
a calendar year, which tax shall be paid at the close of each 46289  
racing day by the permit holder to the tax commissioner or the tax 46290  
commissioner's agent in the county seat of the county within which 46291  
the permit holder operates race meetings. Forty per cent of that 46292

portion of that total sum of such odd cents shall be used by the 46293  
permit holder for increased purse money for horse races. The 46294  
remaining thirty-five per cent of that portion of that total sum 46295  
of odd cents shall be retained by the permit holder. 46296

(J)(1) To encourage the improvement of racing facilities for 46297  
the benefit of the public, breeders, and horse owners, and to 46298  
increase the revenue to the state from the increase in pari-mutuel 46299  
wagering resulting from those improvements, the taxes paid by a 46300  
permit holder to the state as provided for in this chapter shall 46301  
be reduced by three-fourths of one per cent of the total amount 46302  
wagered for those permit holders who make capital improvements to 46303  
existing race tracks or construct new race tracks. The percentage 46304  
of the reduction that may be taken each racing day shall equal 46305  
seventy-five per cent of the taxes levied under divisions (B) and 46306  
(C) of this section and section 3769.087 of the Revised Code, and 46307  
division (F)(2) of section 3769.26 of the Revised Code, as 46308  
applicable, divided by the calculated amount each fund should 46309  
receive under divisions (B) and (C) of this section and section 46310  
3769.087 of the Revised Code, and division (F)(2) of section 46311  
3769.26 of the Revised Code and the reduction provided for in this 46312  
division. If the resulting percentage is less than one, that 46313  
percentage shall be multiplied by the amount of the reduction 46314  
provided for in this division. Otherwise, the permit holder shall 46315  
receive the full reduction provided for in this division. The 46316  
amount of the allowable reduction not received shall be carried 46317  
forward and applied against future tax liability. After any 46318  
reductions expire, any reduction carried forward shall be treated 46319  
as a reduction as provided for in this division. 46320

If more than one permit holder is authorized to conduct 46321  
racing at the facility that is being built or improved, the cost 46322  
of the new race track or capital improvement shall be allocated 46323  
between or among all the permit holders in the ratio that the 46324

permit holders' number of racing days bears to the total number of 46325  
racing days conducted at the facility. 46326

A reduction for a new race track or a capital improvement 46327  
shall start from the day racing is first conducted following the 46328  
date actual construction of the new race track or each capital 46329  
improvement is completed and the construction cost has been 46330  
approved by the racing commission, unless otherwise provided in 46331  
this section. A reduction for a new race track or a capital 46332  
improvement shall continue for a period of twenty-five years for 46333  
new race tracks and for fifteen years for capital improvements if 46334  
the construction of the capital improvement or new race track 46335  
commenced prior to March 29, 1988, and for a period of ten years 46336  
for new race tracks or capital improvements if the construction of 46337  
the capital improvement or new race track commenced on or after 46338  
March 29, 1988, but before June 6, 2001, or until the total tax 46339  
reduction reaches seventy per cent of the approved cost of the new 46340  
race track or capital improvement, as allocated to each permit 46341  
holder, whichever occurs first. A reduction for a new race track 46342  
or a capital improvement approved after June 6, 2001, shall 46343  
continue until the total tax reduction reaches one hundred per 46344  
cent of the approved cost of the new race track or capital 46345  
improvement, as allocated to each permit holder. 46346

A reduction granted for a new race track or a capital 46347  
improvement, the application for which was approved by the racing 46348  
commission after March 29, 1988, but before June 6, 2001, shall 46349  
not commence nor shall the ten-year period begin to run until all 46350  
prior tax reductions with respect to the same race track have 46351  
ended. The total tax reduction because of capital improvements 46352  
shall not during any one year exceed for all permit holders using 46353  
any one track three-fourths of one per cent of the total amount 46354  
wagered, regardless of the number of capital improvements made. 46355  
Several capital improvements to a race track may be consolidated 46356

in an application if the racing commission approved the 46357  
application prior to March 29, 1988. No permit holder may receive 46358  
a tax reduction for a capital improvement approved by the racing 46359  
commission on or after March 29, 1988, at a race track until all 46360  
tax reductions have ended for all prior capital improvements 46361  
approved by the racing commission under this section or section 46362  
3769.20 of the Revised Code at that race track. If there are two 46363  
or more permit holders operating meetings at the same track, they 46364  
may consolidate their applications. The racing commission shall 46365  
notify the tax commissioner when the reduction of tax begins and 46366  
when it ends. 46367

Each fiscal year the racing commission shall submit a report 46368  
to the tax commissioner, the office of budget and management, and 46369  
the legislative service commission. The report shall identify each 46370  
capital improvement project undertaken under this division and in 46371  
progress at each race track, indicate the total cost of each 46372  
project, state the tax reduction that resulted from each project 46373  
during the immediately preceding fiscal year, estimate the tax 46374  
reduction that will result from each project during the current 46375  
fiscal year, state the total tax reduction that resulted from all 46376  
such projects at all race tracks during the immediately preceding 46377  
fiscal year, and estimate the total tax reduction that will result 46378  
from all such projects at all race tracks during the current 46379  
fiscal year. 46380

(2) In order to qualify for the reduction in tax, a permit 46381  
holder shall apply to the racing commission in such form as the 46382  
commission may require and shall provide full details of the new 46383  
race track or capital improvement, including a schedule for its 46384  
construction and completion, and set forth the costs and expenses 46385  
incurred in connection with it. The racing commission shall not 46386  
approve an application unless the permit holder shows that a 46387  
contract for the new race track or capital improvement has been 46388



let under an unrestricted competitive bidding procedure, unless 46389  
the contract is exempted by the controlling board because of its 46390  
unusual nature. In determining whether to approve an application, 46391  
the racing commission shall consider whether the new race track or 46392  
capital improvement will promote the safety, convenience, and 46393  
comfort of the racing public and horse owners and generally tend 46394  
towards the improvement of racing in this state. 46395

(3) If a new race track or capital improvement is approved by 46396  
the racing commission and construction has started, the tax 46397  
reduction may be authorized by the commission upon presentation of 46398  
copies of paid bills in excess of one hundred thousand dollars or 46399  
ten per cent of the approved cost, whichever is greater. After the 46400  
initial authorization, the permit holder shall present copies of 46401  
paid bills. If the permit holder is in substantial compliance with 46402  
the schedule for construction and completion of the new race track 46403  
or capital improvement, the racing commission may authorize the 46404  
continuation of the tax reduction upon the presentation of the 46405  
additional paid bills. The total amount of the tax reduction 46406  
authorized shall not exceed the percentage of the approved cost of 46407  
the new race track or capital improvement specified in division 46408  
(J)(1) of this section. The racing commission may terminate any 46409  
tax reduction immediately if a permit holder fails to complete the 46410  
new race track or capital improvement, or to substantially comply 46411  
with the schedule for construction and completion of the new race 46412  
track or capital improvement. If a permit holder fails to complete 46413  
a new race track or capital improvement, the racing commission 46414  
shall order the permit holder to repay to the state the total 46415  
amount of tax reduced. The normal tax paid by the permit holder 46416  
shall be increased by three-fourths of one per cent of the total 46417  
amount wagered until the total amount of the additional tax 46418  
collected equals the total amount of tax reduced. 46419

(4) As used in this section: 46420

(a) "Capital improvement" means an addition, replacement, or remodeling of a structural unit of a race track facility costing at least one hundred thousand dollars, including, but not limited to, the construction of barns used exclusively for the race track facility, backstretch facilities for horsemen, paddock facilities, new pari-mutuel and totalizator equipment and appurtenances to that equipment purchased by the track, new access roads, new parking areas, the complete reconstruction, reshaping, and leveling of the racing surface and appurtenances, the installation of permanent new heating or air conditioning, roof replacement or restoration, installations of a permanent nature forming a part of the track structure, and construction of buildings that are located on a permit holder's premises. "Capital improvement" does not include the cost of replacement of equipment that is not permanently installed, ordinary repairs, painting, and maintenance required to keep a race track facility in ordinary operating condition.

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

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

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

suffered by a track, prior to approving an application for a tax reduction. 46453  
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(6) The approved cost to which a tax reduction applies shall be determined by generally accepted accounting principles and verified by an audit of the permit holder's records upon completion of the project by the racing commission, or by an independent certified public accountant selected by the permit holder and approved by the commission. 46455  
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(K) No other license or excise tax or fee, except as provided in sections 3769.01 to 3769.14 of the Revised Code, shall be assessed or collected from such licensee by any county, township, district, municipal corporation, or other body having power to assess or collect a tax or fee. That portion of the tax paid under this section by permit holders for racing conducted at and during the course of an agricultural exposition or fair, and that portion of the tax that would have been paid by eligible permit holders into the nursing home franchise permit fee fund as a result of racing conducted at and during the course of an agricultural exposition or fair, shall be deposited into the state treasury to the credit of the horse racing tax fund, which is hereby created for the use of the agricultural societies of the several counties in which the taxes originate. The state racing commission shall determine eligible permit holders for purposes of the preceding sentence, taking into account the breed of horse, the racing dates, the geographic proximity to the fair, and the best interests of Ohio racing. On the first day of any month on which there is money in the fund, the tax commissioner shall provide for payment to the treasurer of each agricultural society the amount of the taxes collected under this section upon racing conducted at and during the course of any exposition or fair conducted by the society. 46461  
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(L) From the tax paid under this section by harness track 46484

permit holders, the tax commissioner shall pay into the Ohio  
thoroughbred race fund a sum equal to a percentage of the amount  
wagered upon which the tax is paid. The percentage shall be  
determined by the tax commissioner and shall be rounded to the  
nearest one-hundredth. The percentage shall be such that, when  
multiplied by the amount wagered upon which tax was paid by the  
harness track permit holders in the most recent year for which  
final figures are available, it results in a sum that  
substantially equals the same amount of tax paid by the tax  
commissioner during that year into the Ohio fairs fund from taxes  
paid by thoroughbred permit holders. This division does not apply  
to county and independent fairs and agricultural societies.

(M) Twenty-five per cent of the taxes levied on thoroughbred  
racing permit holders, harness racing permit holders, and quarter  
horse racing permit holders under this section, division (A) of  
section 3769.087 of the Revised Code, and division (F)(2) of  
section 3769.26 of the Revised Code shall be paid into the nursing  
home franchise permit fee fund. The tax commissioner shall pay any  
money remaining, after the payment into the nursing home franchise  
permit fee fund and the reductions provided for in division (J) of  
this section and in section 3769.20 of the Revised Code, into the  
Ohio fairs fund, Ohio thoroughbred race fund, Ohio standardbred  
development fund, ~~Ohio quarter horse fund~~, and state racing  
commission operating fund as prescribed in this section and  
division (A) of section 3769.087 of the Revised Code. The tax  
commissioner shall thereafter use and apply the balance of the  
money paid as a tax by any permit holder to cover any shortage in  
the accounts of such funds resulting from an insufficient payment  
as a tax by any other permit holder. Subject to section 3769.101  
of the Revised Code, the moneys received by the tax commissioner  
shall be deposited monthly and paid by the tax commissioner into  
the funds to cover the total aggregate amount due from all permit  
holders to the funds, as calculated under this section and

division (A) of section 3769.087 of the Revised Code, as 46518  
applicable. If, after the payment into the nursing home franchise 46519  
permit fee fund, sufficient funds are not available from the tax 46520  
deposited by the tax commissioner to pay the required amounts into 46521  
the Ohio fairs fund, Ohio standardbred development fund, Ohio 46522  
thoroughbred race fund, ~~Ohio quarter horse fund~~, and the state 46523  
racing commission operating fund, the tax commissioner shall 46524  
prorate on a proportional basis the amount paid to each of the 46525  
funds. Any shortage to the funds as a result of a proration shall 46526  
be applied against future deposits for the same calendar year when 46527  
funds are available. After this application, the tax commissioner 46528  
shall pay any remaining money paid as a tax by all permit holders 46529  
into the nursing home franchise permit fee fund. This division 46530  
does not apply to permit holders conducting racing at the course 46531  
of an agricultural exposition or fair as described in division (K) 46532  
of this section. 46533

**Sec. 3769.083.** (A) As used in this section: 46534

(1) An "accredited Ohio thoroughbred horse" means a horse 46535  
conceived in this state and born in this state which is both of 46536  
the following: 46537

(a) Born of a mare that is domiciled in this state at the 46538  
time of the horse's conception, that remains continuously in the 46539  
state through the date on which the horse is born, and that is 46540  
registered as required by the rules of the state racing 46541  
commission; 46542

(b) By a stallion that stands for breeding purposes only in 46543  
this state in the year in which the horse is conceived, and that 46544  
is registered as required by the rules of the commission. 46545

(2) An "Ohio foaled horse" means a horse registered as 46546  
required by the rules of the state racing commission which is 46547  
either of the following: 46548

(a) A horse born of a mare that enters this state before foaling and remains continuously in this state until the horse is born;

(b) A thoroughbred foal produced within the state by any broodmare shipped into the state to foal and be bred to a registered Ohio stallion. To qualify this foal as an Ohio foaled horse, the broodmare shall remain in this state one year continuously after foaling or continuously through foaling to the cover of the Ohio stallion, whichever is sooner. All horses previously registered as Ohio conceived and foaled shall be considered as Ohio foaled horses effective January 1, 1976.

Any thoroughbred mare may leave this state for periods of time for purposes of activities such as veterinary treatment or surgery, sales purposes, breeding purposes, racing purposes, and similar activities if permission is granted by the state racing commission and the mare is returned to this state immediately upon the conclusion of the requested activity.

(3) "Horse," "stallion," "mare," or "foal" means a horse of the thoroughbred breed as distinguished from a horse of the standard breed or any other breed, and "race" means a race for thoroughbred horses conducted by a permit holder of the state racing commission.

(4) "Horse" includes animals of all ages and of both sexes.

(B) There is hereby created in the state treasury the Ohio thoroughbred race fund, to consist of moneys paid into it pursuant to sections 3769.08 and 3769.087 of the Revised Code. All investment earnings on the cash balances in the fund shall be credited to it. Moneys to the credit of the fund shall be distributed on order of the state racing commission. The commission, with the advice and assistance of the Ohio thoroughbred racing advisory committee, shall use the fund, except

as provided in divisions (C)(2) and (3) and (D) of this section, 46580  
to promote races and provide purses for races for horses in the 46581  
following classes: 46582

(1) Accredited Ohio thoroughbred horses; 46583

(2) Ohio foaled horses. 46584

Not less than ten nor more than twenty-five per cent of the 46585  
total money to be paid from the fund for all types of races shall 46586  
be allocated to races restricted to accredited Ohio thoroughbred 46587  
horses. The commission may combine the classes of horses described 46588  
in divisions (B)(1) and (2) of this section in one race, except in 46589  
stakes races. 46590

(C)(1) Each permit holder conducting thoroughbred races shall 46591  
schedule races each week for horses in the classes named in 46592  
division (B) of this section; the number of the races shall be 46593  
prescribed by the state racing commission. The commission, 46594  
pursuant to division (B) of this section, shall prescribe the 46595  
class or classes of the races to be held by each permit holder 46596  
and, with the advice of the Ohio thoroughbred racing advisory 46597  
committee, shall fix the dates and conditions of the races and the 46598  
amount of moneys to be paid from the Ohio thoroughbred race fund 46599  
to be added in each race to the minimum purse established by the 46600  
permit holder for the class of race held. 46601

(2) The commission, with the advice of the Ohio thoroughbred 46602  
racing advisory committee, may provide for stakes races to be run 46603  
each year, and fix the number of stakes races and the time, place, 46604  
and conditions under which each shall be run. The commission shall 46605  
fix the amount of moneys to be paid from the Ohio thoroughbred 46606  
race fund to be added to the purse provided for each stakes race 46607  
by the permit holder, except that, in at least four stakes races 46608  
each year, the commission shall require, if four stakes races can 46609  
be arranged, that the permit holder conducting the stakes race 46610

provide no less than fifteen thousand dollars for the purse for 46611  
the stakes race, and the commission shall provide moneys from the 46612  
fund to be added to the purse in an amount equal to or greater 46613  
than the amount provided by the permit holder. The commission may 46614  
require a nominating, sustaining, and entry fee not to exceed one 46615  
per cent of the money added from the fund for each horse in any 46616  
stakes race, which fee shall be added to the purse for the race. 46617

Stakes races where money is added from the Ohio thoroughbred 46618  
race fund shall be open only to accredited Ohio thoroughbred 46619  
horses and Ohio foaled horses. Twenty-five per cent of the total 46620  
moneys to be paid from the fund for stakes races shall be 46621  
allocated to races for only accredited Ohio thoroughbred horses. 46622  
The commission may require a nominating, sustaining, and entry 46623  
fee, not to exceed one per cent of the money added from the fund, 46624  
for each horse in any of these stakes races. These fees shall be 46625  
accumulated by the commission and shall be paid out by the 46626  
commission at its discretion as part of the purse money for 46627  
additional races. 46628

(3) The commission may pay from the Ohio thoroughbred race 46629  
fund to the breeder of a horse of class (1) or (2) of division (B) 46630  
of this section winning first, second, or third prize money of a 46631  
purse for a thoroughbred race an amount not to exceed fifteen per 46632  
cent of the first, second, or third prize money of the purse. For 46633  
the purposes of this division, the term "breeder" shall be defined 46634  
by rule of the commission. 46635

The commission also may provide for stallion owners' awards 46636  
in an amount equal to not less than three nor more than ten per 46637  
cent of the first, second, or third place share of the purse. The 46638  
award shall be paid to the owner of the stallion, provided that 46639  
the stallion was standing in this state as provided in division 46640  
(A)(1)(b) of this section at the time the horse placing first, 46641  
second, or third was conceived. 46642



(D) The state racing commission may provide for the 46643  
expenditure of moneys from the Ohio thoroughbred race fund in an 46644  
amount not to exceed in any one calendar year ten per cent of the 46645  
total amount received in the account that year to provide for 46646  
research projects directed toward improving the breeding, raising, 46647  
racing, and health and soundness of thoroughbred horses in the 46648  
state and toward education or promotion of the industry. Research 46649  
for which the moneys from the fund may be used may include, but 46650  
shall not be limited to, studies of pre-race blood testing, 46651  
post-race testing, improvement of the breed, and nutrition. 46652

(E) The state racing commission shall appoint qualified 46653  
personnel as may be required to supervise registration of horses 46654  
under the terms of this section, to determine the eligibility of 46655  
horses for accredited Ohio thoroughbred races, Ohio foaled races, 46656  
and the stakes races authorized by division (C)(2) of this 46657  
section, and to assist the Ohio thoroughbred racing advisory 46658  
committee and the commission in determining the conditions, class, 46659  
and quality of the race program to be established under this 46660  
section so as to carry out the purposes of this section. The 46661  
personnel shall serve at the pleasure of the commission, and 46662  
compensation shall be fixed by the commission. The compensation of 46663  
the personnel and necessary expenses shall be paid out of the Ohio 46664  
thoroughbred race fund. 46665

The commission shall adopt rules as are necessary to carry 46666  
out this section and shall administer the stakes race program and 46667  
other races supported by the Ohio thoroughbred race fund in a 46668  
manner best designed to aid in the development of the thoroughbred 46669  
horse industry in the state, to upgrade the quality of horse 46670  
racing in the state, and to improve the quality of horses 46671  
conceived and foaled in the state. 46672

(F) The state racing commission shall adopt rules regarding 46673  
the maintenance and use of money collected for quarter horse 46674

development and purses under division (C) of section 3769.08 and 46675  
division (A) of section 3769.087 of the Revised Code. 46676

**Sec. 3769.087.** (A) In addition to the commission of eighteen 46677  
per cent retained by each permit holder as provided in section 46678  
3769.08 of the Revised Code, each permit holder shall retain an 46679  
additional amount equal to four per cent of the total of all 46680  
moneys wagered on each racing day on all wagering pools other than 46681  
win, place, and show, of which amount retained an amount equal to 46682  
three per cent of the total of all moneys wagered on each racing 46683  
day on those pools shall be paid in the manner prescribed under 46684  
section 3769.103 of the Revised Code, as a tax. Subject to the 46685  
restrictions contained in divisions (B), (C), and (M) of section 46686  
3769.08 of the Revised Code, from such additional moneys paid to 46687  
the tax commissioner: 46688

(1) Four-sixths shall be allocated to fund distribution as 46689  
provided in division (M) of section 3769.08 of the Revised Code. 46690

(2) One-twelfth shall be paid into the Ohio fairs fund 46691  
created by section 3769.082 of the Revised Code. 46692

(3) ~~One-twelfth~~ One-sixth of the additional moneys paid to 46693  
the tax commissioner by thoroughbred racing permit holders shall 46694  
be paid into the Ohio thoroughbred race fund created by section 46695  
3769.083 of the Revised Code. 46696

(4) One-twelfth of the additional moneys paid to the tax 46697  
commissioner by harness horse racing permit holders shall be paid 46698  
to the Ohio standardbred development fund created by section 46699  
3769.085 of the Revised Code. 46700

(5) ~~One-twelfth of the additional moneys paid to the tax~~ 46701  
~~commissioner by quarter horse racing permit holders shall be paid~~ 46702  
~~to the Ohio quarter horse development fund created by section~~ 46703  
~~3769.086 of the Revised Code.~~ 46704

~~(6)~~ One-sixth shall be paid into the state racing commission 46705  
operating fund created by section 3769.03 of the Revised Code. 46706

The remaining one per cent that is retained of the total of 46707  
all moneys wagered on each racing day on all pools other than win, 46708  
place, and show, shall be retained by racing permit holders, and, 46709  
except as otherwise provided in section 3769.089 of the Revised 46710  
Code, racing permit holders shall use one-half for purse money and 46711  
retain one-half. 46712

(B) In addition to the commission of eighteen per cent 46713  
retained by each permit holder as provided in section 3769.08 of 46714  
the Revised Code and the additional amount retained by each permit 46715  
holder as provided in division (A) of this section, each permit 46716  
holder shall retain an additional amount equal to one-half of one 46717  
per cent of the total of all moneys wagered on each racing day on 46718  
all wagering pools other than win, place, and show. The additional 46719  
amount retained under this division shall be paid in the manner 46720  
prescribed under section 3769.103 of the Revised Code, as a tax. 46721  
The tax commissioner shall pay the amount of the tax received 46722  
under this division to the state racing commission operating fund 46723  
created by section 3769.03 of the Revised Code. 46724

(C) Unless otherwise agreed to by the video lottery sales 46725  
agent and the applicable horsemen's association recognized by the 46726  
state racing commission to represent such persons, within ninety 46727  
days after ~~the effective date of this amendment~~ September 29, 46728  
2013, for video lottery sales agents operating as such on ~~the~~ 46729  
~~effective date of this amendment~~ September 29, 2013, or within six 46730  
months after the date a video lottery sales agent begins operating 46731  
as such for video lottery sales agents not operating as such on 46732  
~~the effective date of this amendment~~ September 29, 2013, the state 46733  
racing commission shall direct through rule that a percentage of 46734  
the lottery sales agent's commission as determined by the state 46735  
lottery commission for conducting video lottery terminal gaming on 46736

behalf of the state be paid to the state racing commission for the 46737  
benefit of breeding and racing in this state. The percentage so 46738  
determined shall not be less than nine per cent or more than 46739  
eleven per cent of the video lottery terminal income, and shall be 46740  
a sliding scale based upon capital expenditures necessary to build 46741  
the video lottery sales agent's facility. The aggregate of one 46742  
hundred per cent of video lottery terminal income minus the 46743  
lottery sales agent's commission percentage as determined by the 46744  
state lottery commission plus the percentage of the lottery sale 46745  
agent's commission, as determined by the state racing commission 46746  
or otherwise agreed to by the video lottery sales agent and the 46747  
applicable horsemen's association recognized by the state racing 46748  
commission to represent such persons, for the benefit of breeding 46749  
and racing in this state shall not exceed forty-five per cent of 46750  
the video lottery terminal income. In addition, beginning July 1, 46751  
2013, the state lottery commission shall adopt a rule to require 46752  
the lottery sales agent conducting video lottery terminal gaming 46753  
on behalf of the state to disperse to the state lottery commission 46754  
one-half of one per cent of such a lottery sales agent's 46755  
commission for the purpose of providing funding support to 46756  
appropriate state agencies for programs that provide for gambling 46757  
addiction and other related addiction services. The state lottery 46758  
commission's rule also may require the lottery sales agent 46759  
conducting video lottery terminal gaming on behalf of the state to 46760  
disperse to the state lottery commission an additional amount up 46761  
to one-half of one per cent of such a lottery sales agent's 46762  
commission for that purpose. 46763

**Sec. 3769.101.** (A) For the purposes of receiving, 46764  
distributing, and accounting for revenue received from the taxes 46765  
levied by sections 3769.08, 3769.087, and 3769.26 of the Revised 46766  
Code, there is hereby created in the state treasury the 46767  
horse-racing tax revenue fund. 46768

(B) All moneys collected from the taxes imposed by sections 46769  
3769.08, 3769.087, and 3769.26 of the Revised Code shall be 46770  
deposited into the horse-racing tax revenue fund. 46771

(C) On or before the fifteenth day of each month, the tax 46772  
commissioner shall pay into the nursing home franchise permit fee 46773  
fund, Ohio fairs fund, Ohio thoroughbred race fund, Ohio 46774  
standardbred development fund, ~~Ohio quarter horse fund~~, and state 46775  
racing commission operating fund created under this chapter the 46776  
amounts required by sections 3769.08, 3769.087, and 3769.26 of the 46777  
Revised Code based on amounts received in the preceding month. 46778

**Sec. 3769.21.** (A) A corporation may be formed pursuant to 46779  
Chapter 1702. of the Revised Code to establish a thoroughbred 46780  
horsemen's health and retirement fund and a corporation may be 46781  
formed pursuant to Chapter 1702. of the Revised Code to establish 46782  
a harness horsemen's health and retirement fund to be administered 46783  
for the benefit of horsemen. As used in this section, "horsemen" 46784  
includes any person involved in the owning, breeding, training, 46785  
grooming, or racing of horses which race in Ohio, except for the 46786  
owners or managers of race tracks. For purposes of the 46787  
thoroughbred horsemen's health and retirement fund, "horsemen" 46788  
also does not include trainers and grooms who are not members of 46789  
the thoroughbred horsemen's organization in this state. No more 46790  
than one corporation to establish a thoroughbred horsemen's health 46791  
and retirement fund and no more than one corporation to establish 46792  
a harness horsemen's health and retirement fund may be established 46793  
in Ohio pursuant to this section. The trustees of the corporation 46794  
formed to establish a thoroughbred horsemen's health and 46795  
retirement fund shall have the discretion to determine which 46796  
horsemen shall benefit from such fund. 46797

(B) The articles of incorporation of both of the corporations 46798  
described in division (A) of this section shall provide for at 46799

least the following: 46800

(1) The corporation shall be governed by, and the health and 46801  
retirement fund shall be administered by, a board of three 46802  
trustees appointed pursuant to division (C) of this section for 46803  
staggered three-year terms. 46804

(2) The board of trustees shall adopt and administer a plan 46805  
to provide health benefits, retirement benefits, or both to either 46806  
thoroughbred or harness horsemen. 46807

(3) The sum paid to the corporation pursuant to division (G) 46808  
or (H) of section 3769.08 of the Revised Code and the video 46809  
lottery terminal revenue paid to the corporation pursuant to 46810  
section 3769.087 of the Revised Code shall be used exclusively to 46811  
establish and administer the health and retirement fund, and to 46812  
finance benefits paid to horsemen pursuant to the plan adopted 46813  
under division (B)(2) of this section. 46814

(4) The articles of incorporation and code of regulations of 46815  
the corporation may be amended at any time by the board of 46816  
trustees pursuant to the method set forth in the articles of 46817  
incorporation and code of regulations, except that no amendment 46818  
shall be adopted which is inconsistent with this section. 46819

(C) Within sixty days after the formation of each of the 46820  
corporations described in division (A) of this section, the state 46821  
racing commission shall appoint the members of the board of 46822  
trustees of that corporation. Vacancies shall be filled by the 46823  
state racing commission in the same manner as initial 46824  
appointments. Each trustee of the thoroughbred horsemen's health 46825  
and retirement fund appointed by the commission shall be active as 46826  
a thoroughbred horseman while serving a term as a trustee and 46827  
shall have been active as a thoroughbred horseman for at least 46828  
five years immediately prior to the commencement of any such term. 46829  
Each trustee of the harness horsemen's health and retirement fund 46830

appointed by the commission shall be active as a harness horseman 46831  
while serving a term as a trustee and shall have been active as a 46832  
harness horseman for at least five years immediately prior to the 46833  
commencement of any such term. The incorporators of either such 46834  
corporation may serve as initial trustees until the state racing 46835  
commission acts pursuant to this section to make these 46836  
appointments. 46837

(D) The intent of the general assembly in enacting this 46838  
section pursuant to Amended House Bill No. 639 of the 115th 46839  
general assembly was to fulfill a legitimate government 46840  
responsibility in a manner that would be more cost efficient and 46841  
effective than direct state agency administration by permitting 46842  
nonprofit corporations to be formed to establish health and 46843  
retirement funds for the benefit of harness and thoroughbred 46844  
horsemen, as it was determined that such persons were in need of 46845  
such benefits. 46846

**Sec. 3770.01.** (A) There is hereby created the state lottery 46847  
commission consisting of nine members appointed by the governor 46848  
with the advice and consent of the senate. No more than five 46849  
members of the commission shall be members of the same political 46850  
party. Of the additional and new appointments made to the 46851  
commission pursuant to the amendment of August 1, 1980, three 46852  
shall be for terms ending August 1, 1981, three shall be for terms 46853  
ending August 1, 1982, and three shall be for terms ending August 46854  
1, 1983. Thereafter, terms of office shall be for three years, 46855  
each term ending on the same day of the same month of the year as 46856  
did the term which it succeeds. 46857

(B) Each member shall hold office from the date of 46858  
appointment until the end of the term for which the member was 46859  
appointed. Any member appointed to fill a vacancy occurring prior 46860  
to the expiration of the term for which the member's predecessor 46861

was appointed shall hold office for the remainder of that term. 46862  
Any member shall continue in office subsequent to the expiration 46863  
date of the member's term until the member's successor takes 46864  
office, or until a period of sixty days has elapsed, whichever 46865  
occurs first. 46866

(C) All members of the commission shall be citizens of the 46867  
United States and residents of this state. The members of the 46868  
commission shall represent the various geographic regions of the 46869  
state. No member of the commission shall have any pecuniary 46870  
interest in any contract or license awarded by the commission. One 46871  
person appointed as a member of the commission shall ~~represent an~~ 46872  
~~organization that deals with~~ have experience or training in the 46873  
area of problem gambling and assists or other addictions and in 46874  
assistance to recovering gambling or other addicts. Each person 46875  
appointed as a member of the commission, except the member 46876  
appointed as a ~~representative of an organization that deals with~~ 46877  
having experience or training in the area of problem gambling ~~and~~ 46878  
~~assists recovering gambling addicts~~ or other addictions and in 46879  
assistance to recovering gambling or other addicts, shall have 46880  
prior experience or education in business administration, 46881  
management, sales, marketing, or advertising. 46882

(D) The commission shall elect annually one of its members to 46883  
serve as chairperson for a term of one year. Election as 46884  
chairperson shall not extend a member's appointive term. Each 46885  
member of the commission shall receive an annual salary of five 46886  
thousand dollars, payable in monthly installments. Each member of 46887  
the commission also shall receive the member's actual and 46888  
necessary expenses incurred in the discharge of the member's 46889  
official duties. 46890

(E) Each member of the commission, before entering upon the 46891  
discharge of the member's official duties, shall give a bond, 46892  
payable to the treasurer of state, in the sum of ten thousand 46893



dollars with sufficient sureties to be approved by the treasurer 46894  
of state, which bond shall be filed with the secretary of state. 46895

(F) The governor may remove any member of the commission for 46896  
malfeasance, misfeasance, or nonfeasance in office, giving the 46897  
member a copy of the charges against the member and affording the 46898  
member an opportunity to be publicly heard in person or by counsel 46899  
in the member's own defense upon not less than ten days' notice. 46900  
If the member is removed, the governor shall file in the office of 46901  
the secretary of state a complete statement of all charges made 46902  
against the member and the governor's finding on the charges, 46903  
together with a complete report of the proceedings, and the 46904  
governor's decision on the charges is final. 46905

(G) The commission shall maintain offices at locations in the 46906  
state as it may consider necessary for the efficient performance 46907  
of its functions. The director shall maintain an office in 46908  
Columbus to coordinate the activities of the state lottery 46909  
commission with other state departments. 46910

**Sec. 3770.05.** (A) As used in this section, "person" means any 46911  
~~person~~ individual, association, corporation, limited liability 46912  
company, partnership, club, trust, estate, society, receiver, 46913  
trustee, person acting in a fiduciary or representative capacity, 46914  
instrumentality of the state or any of its political subdivisions, 46915  
or any other business entity or combination of individuals meeting 46916  
the requirements set forth in this section or established by rule 46917  
or order of the state lottery commission. 46918

(B) The director of the state lottery commission may license 46919  
any person as a lottery sales agent. ~~No license shall be issued to~~ 46920  
~~any person or group of persons to engage in the sale of lottery~~ 46921  
~~tickets as the person's or group's sole occupation or business.~~ 46922

Before issuing any license to a lottery sales agent, the 46923  
director shall consider all of the following: 46924

(1) The financial responsibility and security of the applicant and the applicant's business or activity;	46925 46926
(2) The accessibility of the applicant's place of business or activity to the public;	46927 46928
(3) The sufficiency of existing licensed agents to serve the public interest;	46929 46930
(4) The volume of expected sales by the applicant;	46931
(5) Any other factors pertaining to the public interest, convenience, or trust.	46932 46933
(C) Except as otherwise provided in division (F) of this section, the director of the state lottery commission <del>shall</del> <u>may</u> refuse to grant, or <del>shall</del> <u>may</u> suspend or revoke, a license if the applicant or licensee:	46934 46935 46936 46937
(1) Has been convicted of a felony or has been convicted of a crime involving moral turpitude;	46938 46939
(2) Has been convicted of an offense that involves illegal gambling;	46940 46941
(3) Has been found guilty of fraud or misrepresentation in any connection;	46942 46943
(4) Has been found to have violated any rule or order of the commission; or	46944 46945
(5) Has been convicted of illegal trafficking in supplemental nutrition assistance program benefits.	46946 46947
(D) Except as otherwise provided in division (F) of this section, the director of the state lottery commission <del>shall</del> <u>may</u> refuse to grant, or <del>shall</del> <u>may</u> suspend or revoke, a license if the applicant or licensee is a corporation <u>or other business entity</u> , and any of the following applies:	46948 46949 46950 46951 46952
(1) Any of the <del>corporation's</del> directors, officers, <u>managers</u> ,	46953

or controlling shareholders has been found guilty of any of the 46954  
activities specified in divisions (C)(1) to (5) of this section; 46955

(2) It appears to the director of the state lottery 46956  
commission that, due to the experience, character, or general 46957  
fitness of any director, officer, manager, or controlling 46958  
shareholder ~~of the corporation~~, the granting of a license as a 46959  
lottery sales agent would be inconsistent with the public 46960  
interest, convenience, or trust; 46961

(3) The corporation or other business entity is not the owner 46962  
or lessee of the business at which it would conduct a lottery 46963  
sales agency pursuant to the license applied for; 46964

(4) Any person, firm, association, or corporation other than 46965  
the applicant or licensee shares or will share in the profits of 46966  
the applicant or licensee, other than receiving dividends or 46967  
distributions as a shareholder, or participates or will 46968  
participate in the management of the affairs of the applicant or 46969  
licensee. 46970

(E)(1) The director of the state lottery commission shall 46971  
refuse to grant a license to an applicant for a lottery sales 46972  
agent license and shall revoke a lottery sales agent license if 46973  
the applicant or licensee is or has been convicted of a violation 46974  
of division (A) or (C)(1) of section 2913.46 of the Revised Code. 46975

(2) The director shall refuse to grant a license to an 46976  
applicant for a lottery sales agent license that is a corporation 46977  
and shall revoke the lottery sales agent license of a corporation 46978  
if the corporation is or has been convicted of a violation of 46979  
division (A) or (C)(1) of section 2913.46 of the Revised Code. 46980

(F) The director of the state lottery commission shall 46981  
request the bureau of criminal identification and investigation, 46982  
the department of public safety, or any other state, local, or 46983  
federal agency to supply the director with the criminal records of 46984

any applicant for a lottery sales agent license, and may 46985  
periodically request the criminal records of any person to whom a 46986  
lottery sales agent license has been issued. At or prior to the 46987  
time of making such a request, the director shall require an 46988  
applicant or licensee to obtain fingerprint impressions on 46989  
fingerprint cards prescribed by the superintendent of the bureau 46990  
of criminal identification and investigation at a qualified law 46991  
enforcement agency, and the director shall cause those fingerprint 46992  
cards to be forwarded to the bureau of criminal identification and 46993  
investigation, to the federal bureau of investigation, or to both 46994  
bureaus. The commission shall assume the cost of obtaining the 46995  
fingerprint cards. 46996

The director shall pay to each agency supplying criminal 46997  
records for each investigation a reasonable fee, as determined by 46998  
the agency. 46999

The commission may adopt uniform rules specifying time 47000  
periods after which the persons described in divisions (C)(1) to 47001  
(5) and (D)(1) to (4) of this section may be issued a license and 47002  
establishing requirements for those persons to seek a court order 47003  
to have records sealed in accordance with law. 47004

(G)(1) Each applicant for a lottery sales agent license shall 47005  
do both of the following: 47006

(a) Pay fees to the state lottery commission, if required by 47007  
rule adopted by the director under Chapter 119. of the Revised 47008  
Code and the controlling board approves the fees; 47009

(b) Prior to approval of the application, obtain a surety 47010  
bond in an amount the director determines by rule adopted under 47011  
Chapter 119. of the Revised Code or, alternatively, with the 47012  
director's approval, deposit the same amount into a dedicated 47013  
account for the benefit of the state lottery. The director also 47014  
may approve the obtaining of a surety bond to cover part of the 47015

amount required, together with a dedicated account deposit to 47016  
cover the remainder of the amount required. The director also may 47017  
establish an alternative program or policy, with the approval of 47018  
the commission by rule adopted under Chapter 119. of the Revised 47019  
Code, that otherwise ensures the lottery's financial interests are 47020  
adequately protected. If such an alternative program or policy is 47021  
established, an applicant or lottery sales agent, subject to the 47022  
director's approval, may be permitted to participate in the 47023  
program or proceed under that policy in lieu of providing a surety 47024  
bond or dedicated amount. 47025

A surety bond may be with any company that complies with the 47026  
bonding and surety laws of this state and the requirements 47027  
established by rules of the commission pursuant to this chapter. A 47028  
dedicated account deposit shall be conducted in accordance with 47029  
policies and procedures the director establishes. 47030

A surety bond, dedicated account, other established program 47031  
or policy, or any combination of these resources, as applicable, 47032  
may be used to pay for the lottery sales agent's failure to make 47033  
prompt and accurate payments for lottery ticket sales, for missing 47034  
or stolen lottery tickets, for damage to equipment or materials 47035  
issued to the lottery sales agent, or to pay for expenses the 47036  
commission incurs in connection with the lottery sales agent's 47037  
license. 47038

(2) A lottery sales agent license is effective for at least 47039  
one year, but not more than three years. 47040

A licensed lottery sales agent, on or before the date 47041  
established by the director, shall renew the agent's license and 47042  
provide at that time evidence to the director that the surety 47043  
bond, dedicated account deposit, or both, required under division 47044  
(G)(1)(b) of this section has been renewed or is active, whichever 47045  
applies. 47046

Before the commission renews a lottery sales agent license, 47047  
the lottery sales agent shall submit a renewal fee to the 47048  
commission, if one is required by rule adopted by the director 47049  
under Chapter 119. of the Revised Code and the controlling board 47050  
approves the renewal fee. The renewal fee shall not exceed the 47051  
actual cost of administering the license renewal and processing 47052  
changes reflected in the renewal application. The renewal of the 47053  
license is effective for at least one year, but not more than 47054  
three years. 47055

(3) A lottery sales agent license shall be complete, 47056  
accurate, and current at all times during the term of the license. 47057  
Any changes to an original license application or a renewal 47058  
application may subject the applicant or lottery sales agent, as 47059  
applicable, to paying an administrative fee that shall be in an 47060  
amount that the director determines by rule adopted under Chapter 47061  
119. of the Revised Code, and that the controlling board approves, 47062  
and that shall not exceed the actual cost of administering and 47063  
processing the changes to an application. 47064

(4) The relationship between the commission and a lottery 47065  
sales agent is one of trust. A lottery sales agent collects funds 47066  
on behalf of the commission through the sale of lottery tickets 47067  
for which the agent receives a compensation. 47068

(H) Pending a final resolution of any question arising under 47069  
this section, the director of the state lottery commission may 47070  
issue a temporary lottery sales agent license, subject to the 47071  
terms and conditions the director considers appropriate. 47072

(I) If a lottery sales agent's rental payments for the 47073  
lottery sales agent's premises are determined, in whole or in 47074  
part, by the amount of retail sales the lottery sales agent makes, 47075  
and if the rental agreement does not expressly provide that the 47076  
amount of those retail sales includes the amounts the lottery 47077  
sales agent receives from lottery ticket sales, only the amounts 47078

the lottery sales agent receives as compensation from the state 47079  
lottery commission for selling lottery tickets shall be considered 47080  
to be amounts the lottery sales agent receives from the retail 47081  
sales the lottery sales agent makes, for the purpose of computing 47082  
the lottery sales agent's rental payments. 47083

**Sec. 3770.07.** (A)(1) Except as provided in division (A)(2) of 47084  
this section, lottery prize awards shall be claimed by the holder 47085  
of the winning lottery product, or by the executor or 47086  
administrator, or the trustee of a trust, of the estate of a 47087  
deceased holder of a winning lottery product, in a manner to be 47088  
determined by the state lottery commission, within one hundred 47089  
eighty days after the date on which the prize award was announced 47090  
if the lottery game is an online game, and within one hundred 47091  
eighty days after the close of the game if the lottery game is an 47092  
instant game. 47093

Any lottery prize award with a value that meets or exceeds 47094  
the reportable winnings amounts set by 26 U.S.C. 6041, or a 47095  
subsequent analogous section of the Internal Revenue Code, shall 47096  
not be claimed by or paid to any person, as defined in section 47097  
1.59 of the Revised Code or as defined by rule or order of the 47098  
state lottery commission, until the name, address, and social 47099  
security number of each beneficial owner of the prize award are 47100  
documented for the commission. Except when a beneficial owner 47101  
otherwise consents in writing, in the case of a claim for a 47102  
lottery prize award made by one or more beneficial owners using a 47103  
trust, the name, address, and social security number of each such 47104  
beneficial owner in the commission's records as a result of such a 47105  
disclosure are confidential and shall not be subject to inspection 47106  
or copying under section 149.43 of the Revised Code as a public 47107  
record. 47108

Except as otherwise provided in division (A)(1) of this 47109

section or as otherwise provided by law, the name and address of 47110  
any individual claiming a lottery prize award are subject to 47111  
inspection or copying under section 149.43 of the Revised Code as 47112  
a public record. 47113

(2) An eligible person serving on active military duty in any 47114  
branch of the United States armed forces during a war or national 47115  
emergency declared in accordance with federal law may submit a 47116  
delayed claim for a lottery prize award. The eligible person shall 47117  
do so by notifying the state lottery commission about the claim 47118  
not later than the five hundred fortieth day after the date on 47119  
which the prize award was announced if the lottery game is an 47120  
online game or after the date on which the lottery game closed if 47121  
the lottery game is an instant game. 47122

(3) If no valid claim to a lottery prize award is made within 47123  
the prescribed period, the prize money, the cost of goods and 47124  
services awarded as prizes, or, if goods or services awarded as 47125  
prizes are resold by the state lottery commission, the proceeds 47126  
from their sale shall be returned to the state lottery fund and 47127  
distributed in accordance with section 3770.06 of the Revised 47128  
Code. 47129

(4) The state lottery commission may share with other 47130  
governmental agencies the name, address, and social security 47131  
number of a beneficial owner disclosed to the commission under 47132  
division (A)(1) of this section, as authorized under sections 47133  
3770.071 and 3770.073 of the Revised Code. Any shared information 47134  
as disclosed pursuant to those sections that is made confidential 47135  
by division (A)(1) of this section remains confidential and shall 47136  
not be subject to inspection or copying under section 149.43 of 47137  
the Revised Code as a public record unless the applicable 47138  
beneficial owner otherwise provides written consent. 47139

(5) As used in this division: 47140



(a) "Eligible person" means a person who is entitled to a lottery prize award and who falls into either of the following categories:

(i) While on active military duty in this state, the person, as the result of a war or national emergency declared in accordance with federal law, is transferred out of this state before the one hundred eightieth day after the date on which the winner of the lottery prize award is selected.

(ii) While serving in the reserve forces in this state, the person, as the result of a war or national emergency declared in accordance with federal law, is placed on active military duty and is transferred out of this state before the expiration of the one hundred eightieth day after the date on which the prize drawing occurs for an online game or before the expiration of the one hundred eightieth day following the close of an instant game as determined by the commission.

(b) "Active military duty" means that a person is covered by the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 U.S.C. 501 et seq., as amended, or the "Uniformed Services Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 38 U.S.C. 4301 et seq., as amended.

(c) "Each beneficial owner" means the ultimate recipient or, if there is more than one, each ultimate recipient of a lottery prize award.

(B) If a prize winner, as defined in section 3770.10 of the Revised Code, is under eighteen years of age, or is under some other legal disability, and the prize money or the cost of goods or services awarded as a prize exceeds one thousand dollars, the director of the state lottery commission shall order that payment be made to the order of the legal guardian of that prize winner. If the amount of the prize money or the cost of goods or services

awarded as a prize is one thousand dollars or less, the director 47172  
may order that payment be made to the order of the adult member, 47173  
if any, of that prize winner's family legally responsible for the 47174  
care of that prize winner. 47175

(C) No right of any prize winner, as defined in section 47176  
3770.10 of the Revised Code, to a prize award shall be the subject 47177  
of a security interest or used as collateral. 47178

(D)(1) No right of any prize winner, as defined in section 47179  
3770.10 of the Revised Code, to a prize award shall be assignable 47180  
except as follows: when the payment is to be made to the executor 47181  
or administrator, or the trustee of a trust, of the estate of a 47182  
prize winner; when the award of a prize is disputed, any person 47183  
may be awarded a prize award to which another has claimed title, 47184  
pursuant to the order of a court of competent jurisdiction; when a 47185  
person is awarded a prize award to which another has claimed 47186  
title, pursuant to the order of a federal bankruptcy court under 47187  
Title 11 of the United States Code; or as provided in sections 47188  
3770.10 to 3770.14 of the Revised Code. 47189

(2)(a) No right of any prize winner, as defined in section 47190  
3770.10 of the Revised Code, to a prize award with a remaining 47191  
unpaid balance of less than one hundred thousand dollars shall be 47192  
subject to garnishment, attachment, execution, withholding, or 47193  
deduction except as provided in sections 3119.80, 3119.81, 47194  
3121.02, 3121.03, and 3123.06 of the Revised Code or when the 47195  
director is to make a payment pursuant to section 3770.071 or 47196  
3770.073 of the Revised Code. 47197

(b) No right of any prize winner, as defined in section 47198  
3770.10 of the Revised Code, to a prize award with an unpaid 47199  
balance of one hundred thousand dollars or more shall be subject 47200  
to garnishment, attachment, execution, withholding, or deduction 47201  
except as follows: as provided in sections 3119.80, 3119.81, 47202  
3121.02, 3121.03, and 3123.06 of the Revised Code; when the 47203

director is to make a payment pursuant to section 3770.071 or 47204  
3770.073 of the Revised Code; or pursuant to the order of a court 47205  
of competent jurisdiction located in this state in a proceeding in 47206  
which the state lottery commission is a named party, in which case 47207  
the garnishment, attachment, execution, withholding, or deduction 47208  
pursuant to the order shall be subordinate to any payments to be 47209  
made pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 47210  
3123.06, 3770.071, or 3770.073 of the Revised Code. 47211

(3) The state lottery commission may adopt and amend rules 47212  
pursuant to Chapter 119. of the Revised Code as necessary to 47213  
implement division (D) of this section, to provide for payments 47214  
from prize awards subject to garnishment, attachment, execution, 47215  
withholding, or deduction, and to comply with any applicable 47216  
requirements of federal law. 47217

(4) Upon making payments from a prize award as required by 47218  
division (D) of this section, the director and the state lottery 47219  
commission are discharged from all further liability for those 47220  
payments, whether they are made to an executor, administrator, 47221  
trustee, judgment creditor, or another person, or to the prize 47222  
winner, as defined in section 3770.10 of the Revised Code. 47223

(5) The state lottery commission shall adopt rules pursuant 47224  
to section 3770.03 of the Revised Code concerning the payment of 47225  
prize awards upon the death of a prize winner, as defined in 47226  
section 3770.10 of the Revised Code. Upon the death of a prize 47227  
winner, the remainder of the prize winner's prize award, to the 47228  
extent it is not subject to a transfer agreement under sections 47229  
3770.10 to 3770.14 of the Revised Code, may be paid to the 47230  
executor, administrator, or trustee in the form of a discounted 47231  
lump sum cash settlement. 47232

(E) No lottery prize award shall be awarded to or for any 47233  
officer or employee of the state lottery commission, any officer 47234  
or employee of the auditor of state actively auditing, 47235

coordinating, or ~~certifying~~ observing commission drawings, or any blood relative or spouse of such an officer or employee of the commission or auditor of state living as a member of the officer's or employee's household, nor shall any such officer, employee, blood relative, or spouse attempt to claim a lottery prize award.

(F) The director may prohibit vendors to the state lottery commission and their employees from being awarded a lottery prize award.

(G) Upon the payment of prize awards pursuant to a provision of this section, other than a provision of division (D) of this section, the director and the state lottery commission are discharged from all further liability for their payment. Installment payments of lottery prize awards shall be paid by official check or warrant, and they shall be sent by mail delivery to the prize winner's address within the United States or by electronic funds transfer to an established bank account located within the United States, or the prize winner may pick them up at an office of the commission.

**Sec. 3772.02.** (A) There is hereby created the Ohio casino control commission described in Section 6(C)(1) of Article XV, Ohio Constitution.

(B) The commission shall consist of seven members appointed within one month of September 10, 2010, by the governor with the advice and consent of the senate. The governor shall forward all appointments to the senate within twenty-four hours.

(1) Each commission member is eligible for reappointment at the discretion of the governor. No commission member shall be appointed for more than three terms in total.

(2) Each commission member shall be a resident of Ohio.

(3) At least one commission member shall be experienced in

law enforcement and criminal investigation.	47266
(4) At least one commission member shall be a certified public accountant experienced in accounting and auditing.	47267 47268
(5) At least one commission member shall be an attorney admitted to the practice of law in Ohio.	47269 47270
(6) At least one commission member shall be a resident of a county where one of the casino facilities is located.	47271 47272
(7) Not more than four commission members shall be of the same political party.	47273 47274
(8) No commission member shall have any affiliation with an Ohio casino operator or facility.	47275 47276
(C) Commission members shall serve four-year terms, except that when the governor makes initial appointments to the commission under this chapter, the governor shall appoint three members to serve four-year terms with not more than two such members from the same political party, two members to serve three-year terms with such members not being from the same political party, and two members to serve two-year terms with such members not being from the same political party.	47277 47278 47279 47280 47281 47282 47283 47284
(D) Each commission member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the unexpired term. Any member shall continue in office after the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. A vacancy in the commission membership shall be filled in the same manner as the original appointment.	47285 47286 47287 47288 47289 47290 47291 47292 47293 47294
(E) The governor shall select one member to serve as	47295

chairperson and the commission members shall select one member 47296  
from a different party than the chairperson to serve as 47297  
vice-chairperson. The governor may remove and replace the 47298  
chairperson at any time. No such member shall serve as chairperson 47299  
for more than six successive years. The vice-chairperson shall 47300  
assume the duties of the chairperson in the absence of the 47301  
chairperson. The chairperson and vice-chairperson shall perform 47302  
but shall not be limited to additional duties as are prescribed by 47303  
commission rule. 47304

(F) A commission member is not required to devote the 47305  
member's full time to membership on the commission. ~~Each Beginning~~ 47306  
~~on the effective date of this amendment, each~~ member of the 47307  
commission shall receive compensation of ~~thirty~~ fifty thousand 47308  
dollars per year, ~~payable in monthly installments.~~ Beginning July 47309  
1, 2016, each member of the commission shall receive compensation 47310  
of forty thousand dollars per year. Beginning July 1, 2017, each 47311  
member of the commission shall receive compensation of thirty 47312  
thousand dollars per year. Each member shall receive the member's 47313  
actual and necessary expenses incurred in the discharge of the 47314  
member's official duties. 47315

(G) The governor shall not appoint an individual to the 47316  
commission, and an individual shall not serve on the commission, 47317  
if the individual has been convicted of or pleaded guilty or no 47318  
contest to a disqualifying offense as defined in section 3772.07 47319  
of the Revised Code. Members coming under indictment or bill of 47320  
information of a disqualifying offense shall resign from the 47321  
commission immediately upon indictment. 47322

(H) At least five commission members shall be present for the 47323  
commission to meet. The concurrence of four members is necessary 47324  
for the commission to take any action. All members shall vote on 47325  
the adoption of rules, and the approval of, and the suspension or 47326  
revocation of, the licenses of casino operators or management 47327

companies, unless a member has a written leave of absence filed 47328  
with and approved by the chairperson. 47329

(I) A commission member may be removed or suspended from 47330  
office in accordance with section 3.04 of the Revised Code. 47331

(J) Each commission member, before entering upon the 47332  
discharge of the member's official duties, shall make an oath to 47333  
uphold the Ohio Constitution and laws of the state of Ohio and 47334  
shall give a bond, payable by the commission, to the treasurer of 47335  
state, in the sum of ten thousand dollars with sufficient sureties 47336  
to be approved by the treasurer of state, which bond shall be 47337  
filed with the secretary of state. 47338

(K) The commission shall hold one regular meeting each month 47339  
and shall convene other meetings at the request of the chairperson 47340  
or a majority of the members. A member who fails to attend at 47341  
least three-fifths of the regular and special meetings of the 47342  
commission during any two-year period forfeits membership on the 47343  
commission. All meetings of the commission shall be open meetings 47344  
under section 121.22 of the Revised Code except as otherwise 47345  
allowed by law. 47346

**Sec. 3772.03.** (A) To ensure the integrity of casino gaming, 47347  
the commission shall have authority to complete the functions of 47348  
licensing, regulating, investigating, and penalizing casino 47349  
operators, management companies, holding companies, key employees, 47350  
casino gaming employees, and gaming-related vendors. The 47351  
commission also shall have jurisdiction over all persons 47352  
participating in casino gaming authorized by Section 6(C) of 47353  
Article XV, Ohio Constitution, and this chapter. 47354

(B) All rules adopted by the commission under this chapter 47355  
shall be adopted under procedures established in Chapter 119. of 47356  
the Revised Code. The commission may contract for the services of 47357  
experts and consultants to assist the commission in carrying out 47358

its duties under this section. 47359

(C) ~~Within six months of September 10, 2010, the~~ The 47360  
commission shall adopt ~~initial~~ rules as are necessary for 47361  
completing the functions stated in division (A) of this section 47362  
and for addressing the subjects enumerated in division (D) of this 47363  
section. 47364

(D) The commission shall adopt, and as advisable and 47365  
necessary shall amend or repeal, rules that include all of the 47366  
following: 47367

(1) The prevention of practices detrimental to the public 47368  
interest; 47369

(2) Prescribing the method of applying, and the form of 47370  
application, that an applicant for a license under this chapter 47371  
must follow as otherwise described in this chapter; 47372

(3) Prescribing the information to be furnished by an 47373  
applicant or licensee as described in section 3772.11 of the 47374  
Revised Code; 47375

(4) Describing the certification standards and duties of an 47376  
independent testing laboratory certified under section 3772.31 of 47377  
the Revised Code and the relationship between the commission, the 47378  
laboratory, the gaming-related vendor, and the casino operator; 47379

(5) The minimum amount of insurance that must be maintained 47380  
by a casino operator, management company, holding company, or 47381  
gaming-related vendor; 47382

(6) The approval process for a significant change in 47383  
ownership or transfer of control of a licensee as provided in 47384  
section 3772.091 of the Revised Code; 47385

(7) The design of gaming supplies, devices, and equipment to 47386  
be distributed by gaming-related vendors; 47387

(8) Identifying the casino gaming that is permitted, 47388



identifying the gaming supplies, devices, and equipment, that are 47389  
permitted, defining the area in which the permitted casino gaming 47390  
may be conducted, and specifying the method of operation according 47391  
to which the permitted casino gaming is to be conducted as 47392  
provided in section 3772.20 of the Revised Code, and requiring 47393  
gaming devices and equipment to meet the standards of this state; 47394

(9) Tournament play in any casino facility; 47395

(10) Establishing and implementing a voluntary exclusion 47396  
program that provides all of the following: 47397

(a) Except as provided by commission rule, a person who 47398  
participates in the program shall agree to refrain from entering a 47399  
casino facility. 47400

(b) The name of a person participating in the program shall 47401  
be included on a list of persons excluded from all casino 47402  
facilities. 47403

(c) Except as provided by commission rule, no person who 47404  
participates in the program shall petition the commission for 47405  
admittance into a casino facility. 47406

(d) The list of persons participating in the program and the 47407  
personal information of those persons shall be confidential and 47408  
shall only be disseminated by the commission to a casino operator 47409  
and the agents and employees of the casino operator for purposes 47410  
of enforcement and to other entities, upon request of the 47411  
participant and agreement by the commission. 47412

(e) A casino operator shall make all reasonable attempts as 47413  
determined by the commission to cease all direct marketing efforts 47414  
to a person participating in the program. 47415

(f) A casino operator shall not cash the check of a person 47416  
participating in the program or extend credit to the person in any 47417  
manner. However, the program shall not exclude a casino operator 47418

from seeking the payment of a debt accrued by a person before 47419  
participating in the program. 47420

(g) Any and all locations at which a person may register as a 47421  
participant in the program shall be published. 47422

(11) Requiring the commission to adopt standards regarding 47423  
the marketing materials of a licensed casino operator, including 47424  
allowing the commission to prohibit marketing materials that are 47425  
contrary to the adopted standards; 47426

(12) Requiring that the records, including financial 47427  
statements, of any casino operator, management company, holding 47428  
company, and gaming-related vendor be maintained in the manner 47429  
prescribed by the commission and made available for inspection 47430  
upon demand by the commission, but shall be subject to section 47431  
3772.16 of the Revised Code; 47432

(13) Permitting a licensed casino operator, management 47433  
company, key employee, or casino gaming employee to question a 47434  
person suspected of violating this chapter; 47435

(14) The chips, tokens, tickets, electronic cards, or similar 47436  
objects that may be purchased by means of an agreement under which 47437  
credit is extended to a wagerer by a casino operator; 47438

(15) Establishing standards for provisional key employee 47439  
licenses for a person who is required to be licensed as a key 47440  
employee and is in exigent circumstances and standards for 47441  
provisional licenses for casino gaming employees who submit 47442  
complete applications and are compliant under an instant 47443  
background check. A provisional license shall be valid not longer 47444  
than three months. A provisional license may be renewed one time, 47445  
at the commission's discretion, for an additional three months. In 47446  
establishing standards with regard to instant background checks 47447  
the commission shall take notice of criminal records checks as 47448  
they are conducted under section 311.41 of the Revised Code using 47449

electronic fingerprint reading devices.	47450
(16) Establishing approval procedures for third-party engineering or accounting firms, as described in section 3772.09 of the Revised Code;	47451 47452 47453
(17) Prescribing the manner in which winnings, compensation from casino gaming, and gross revenue must be computed and reported by a licensee as described in Chapter 5753. of the Revised Code;	47454 47455 47456 47457
(18) Prescribing conditions under which a licensee's license may be suspended or revoked as described in section 3772.04 of the Revised Code;	47458 47459 47460
(19) Prescribing the manner and procedure of all hearings to be conducted by the commission or by any hearing examiner;	47461 47462
(20) Prescribing technical standards and requirements that are to be met by security and surveillance equipment that is used at and standards and requirements to be met by personnel who are employed at casino facilities, and standards and requirements for the provision of security at and surveillance of casino facilities;	47463 47464 47465 47466 47467 47468
(21) Prescribing requirements for a casino operator to provide unarmed security services at a casino facility by licensed casino employees, and the training that shall be completed by these employees;	47469 47470 47471 47472
(22) Prescribing standards according to which casino operators shall keep accounts and standards according to which casino accounts shall be audited, and establish means of assisting the tax commissioner in levying and collecting the gross casino revenue tax levied under section 5753.02 of the Revised Code;	47473 47474 47475 47476 47477
(23) Defining penalties for violation of commission rules and a process for imposing such penalties subject to the review of the	47478 47479

joint committee on gaming and wagering;	47480
(24) Establishing standards for decertifying contractors that violate statutes or rules of this state or the federal government;	47481 47482
(25) Establishing standards for the repair of casino gaming equipment;	47483 47484
(26) Establishing procedures to ensure that casino operators, management companies, and holding companies are compliant with the compulsive and problem gambling plan submitted under section 3772.18 of the Revised Code;	47485 47486 47487 47488
(27) Prescribing, for institutional investors in or holding companies of a casino operator, management company, holding company, or gaming-related vendor that fall below the threshold needed to be considered an institutional investor or a holding company, standards regarding what any employees, members, or owners of those investors or holding companies may do and shall not do in relation to casino facilities and casino gaming in this state, which standards shall rationally relate to the need to proscribe conduct that is inconsistent with passive institutional investment status;	47489 47490 47491 47492 47493 47494 47495 47496 47497 47498
(28) Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under this chapter.	47499 47500 47501
(E) The commission shall employ and assign gaming agents as necessary to assist the commission in carrying out the duties of this chapter <u>and Chapter 2915. of the Revised Code</u> . In order to maintain employment as a gaming agent, the gaming agent shall successfully complete all continuing training programs required by the commission and shall not have been convicted of or pleaded guilty or no contest to a disqualifying offense as defined in section 3772.07 of the Revised Code.	47502 47503 47504 47505 47506 47507 47508 47509
(F) The commission, as a law enforcement agency, and its	47510

gaming agents, as law enforcement officers as defined in section 47511  
2901.01 of the Revised Code, shall have authority with regard to 47512  
the detection and investigation of, the seizure of evidence 47513  
allegedly relating to, and the apprehension and arrest of persons 47514  
allegedly committing ~~gaming~~ violations of this chapter or gambling 47515  
offenses as defined in section 2915.01 of the Revised Code or 47516  
violations of any other law of this state that may affect the 47517  
integrity of casino gaming or the operation of skill-based 47518  
amusement machines, and shall have access to casino facilities and 47519  
skill-based amusement machine facilities to carry out the 47520  
requirements of this chapter. 47521

(G) The commission may eject or exclude or authorize the 47522  
ejection or exclusion of and a gaming agent may eject a person 47523  
from a casino facility for any of the following reasons: 47524

(1) The person's name is on the list of persons voluntarily 47525  
excluding themselves from all casinos in a program established 47526  
according to rules adopted by the commission; 47527

(2) The person violates or conspires to violate this chapter 47528  
or a rule adopted thereunder; or 47529

(3) The commission determines that the person's conduct or 47530  
reputation is such that the person's presence within a casino 47531  
facility may call into question the honesty and integrity of the 47532  
casino gaming operations or interfere with the orderly conduct of 47533  
the casino gaming operations. 47534

(H) A person, other than a person participating in a 47535  
voluntary exclusion program, may petition the commission for a 47536  
public hearing on the person's ejection or exclusion under this 47537  
chapter. 47538

(I) A casino operator or management company shall have the 47539  
same authority to eject or exclude a person from the management 47540  
company's casino facilities as authorized in division (G) of this 47541

section. The licensee shall immediately notify the commission of 47542  
an ejection or exclusion. 47543

(J) The commission shall submit a written annual report with 47544  
the governor, president and minority leader of the senate, speaker 47545  
and minority leader of the house of representatives, and joint 47546  
committee on gaming and wagering before the first day of September 47547  
each year. The annual report shall cover the previous fiscal year 47548  
and shall include all of the following: 47549

(1) A statement describing the receipts and disbursements of 47550  
the commission; 47551

(2) Relevant financial data regarding casino gaming, 47552  
including gross revenues and disbursements made under this 47553  
chapter; 47554

(3) Actions taken by the commission; 47555

(4) An update on casino operators', management companies', 47556  
and holding companies' compulsive and problem gambling plans and 47557  
the voluntary exclusion program and list; 47558

(5) Information regarding prosecutions for conduct described 47559  
in division (H) of section 3772.99 of the Revised Code, including, 47560  
but not limited to, the total number of prosecutions commenced and 47561  
the name of each person prosecuted; 47562

(6) Any additional information that the commission considers 47563  
useful or that the governor, president or minority leader of the 47564  
senate, speaker or minority leader of the house of 47565  
representatives, or joint committee on gaming and wagering 47566  
requests. 47567

(K) ~~Notwithstanding any law to the contrary, beginning on~~ 47568  
~~July 1, 2011, the~~ To ensure the integrity of skill-based amusement 47569  
machine operations, the commission shall ~~assume~~ have jurisdiction 47570  
over ~~and oversee the regulation of~~ all persons conducting or 47571

participating in the conduct of skill-based amusement machines as 47572  
is provided in the law of this state machine operations authorized 47573  
by this chapter and Chapter 2915. of the Revised Code, including 47574  
the authority to complete the functions of licensing, regulating, 47575  
investigating, and penalizing those persons in a manner that is 47576  
consistent with the commission's authority to do the same with 47577  
respect to casino gaming. To carry out this division, the 47578  
commission may adopt rules under Chapter 119. of the Revised Code, 47579  
including rules establishing fees and penalties related to the 47580  
operation of skill-based amusement machines. 47581

**Sec. 3772.99.** (A) The commission shall levy and collect 47582  
penalties for noncriminal violations of this chapter. Noncriminal 47583  
violations include using the term "casino" in any advertisement in 47584  
regard to a facility operating video lottery terminals, as defined 47585  
in section 3770.21 of the Revised Code, in this state. Moneys 47586  
collected from such penalty levies shall be credited to the 47587  
general revenue fund. 47588

(B) If a licensed casino operator, management company, 47589  
holding company, gaming-related vendor, or key employee violates 47590  
this chapter or engages in a fraudulent act, the commission may 47591  
suspend or revoke the license and may do either or both of the 47592  
following: 47593

(1) Suspend, revoke, or restrict the casino gaming operations 47594  
of a casino operator; 47595

(2) Require the removal of a management company, key 47596  
employee, or discontinuance of services from a gaming-related 47597  
vendor. 47598

(C) The commission shall impose civil penalties against a 47599  
person who violates this chapter under the penalties adopted by 47600  
commission rule and reviewed by the joint committee on gaming and 47601  
wagering. 47602

(D) A person who purposely or knowingly ~~or intentionally~~ does 47603  
any of the following commits a misdemeanor of the first degree on 47604  
the first offense and a felony of the fifth degree for a 47605  
subsequent offense: 47606

(1) Makes a false statement on an application submitted under 47607  
this chapter; 47608

(2) Permits a person less than twenty-one years of age to 47609  
make a wager at a casino facility; 47610

(3) Aids, induces, or causes a person less than twenty-one 47611  
years of age who is not an employee of the casino gaming operation 47612  
to enter or attempt to enter a casino facility; 47613

(4) Enters or attempts to enter a casino facility while under 47614  
twenty-one years of age, unless the person enters a designated 47615  
area as described in section 3772.24 of the Revised Code; 47616

(5) Is a casino operator or employee and participates in 47617  
casino gaming other than as part of operation or employment. 47618

(E) A person who purposely or knowingly ~~or intentionally~~ does 47619  
any of the following commits a felony of the fifth degree on a 47620  
first offense and a felony of the fourth degree for a subsequent 47621  
offense. If the person is a licensee under this chapter, the 47622  
commission shall revoke the person's license after the first 47623  
offense. 47624

(1) Uses or possesses with the intent to use a device to 47625  
assist in projecting the outcome of the casino game, keeping track 47626  
of the cards played, analyzing the probability of the occurrence 47627  
of an event relating to the casino game, or analyzing the strategy 47628  
for playing or betting to be used in the casino game, except as 47629  
permitted by the commission; 47630

(2) Cheats at a casino game; 47631

(3) Manufactures, sells, or distributes any cards, chips, 47632



dice, game, or device that is intended to be used to violate this 47633  
chapter; 47634

(4) Alters or misrepresents the outcome of a casino game on 47635  
which wagers have been made after the outcome is made sure but 47636  
before the outcome is revealed to the players; 47637

(5) Places, increases, or decreases a wager on the outcome of 47638  
a casino game after acquiring knowledge that is not available to 47639  
all players and concerns the outcome of the casino game that is 47640  
the subject of the wager; 47641

(6) Aids a person in acquiring the knowledge described in 47642  
division (E)(5) of this section for the purpose of placing, 47643  
increasing, or decreasing a wager contingent on the outcome of a 47644  
casino game; 47645

(7) Claims, collects, takes, or attempts to claim, collect, 47646  
or take money or anything of value in or from a casino game with 47647  
the intent to defraud or without having made a wager contingent on 47648  
winning a casino game; 47649

(8) Claims, collects, or takes an amount of money or thing of 47650  
value of greater value than the amount won in a casino game; 47651

(9) Uses or possesses counterfeit chips, tokens, or cashless 47652  
wagering instruments in or for use in a casino game; 47653

(10) Possesses a key or device designed for opening, 47654  
entering, or affecting the operation of a casino game, drop box, 47655  
or an electronic or a mechanical device connected with the casino 47656  
game or removing coins, tokens, chips, or other contents of a 47657  
casino game. This division does not apply to a casino operator, 47658  
management company, or gaming-related vendor or their agents and 47659  
employees in the course of agency or employment. 47660

(11) Possesses materials used to manufacture a device 47661  
intended to be used in a manner that violates this chapter; 47662

(12) Operates a casino gaming operation in which wagering is 47663  
conducted or is to be conducted in a manner other than the manner 47664  
required under this chapter or a skill-based amusement machine 47665  
operation in a manner other than the manner required under Chapter 47666  
2915. of the Revised Code. 47667

(F) The possession of more than one of the devices described 47668  
in division (E)(9), (10), or (11) of this section creates a 47669  
rebuttable presumption that the possessor intended to use the 47670  
devices for cheating. 47671

(G) A person who purposely or knowingly ~~or intentionally~~ does 47672  
any of the following commits a felony of the third degree. If the 47673  
person is a licensee under this chapter, the commission shall 47674  
revoke the person's license after the first offense. A public 47675  
servant or party official who is convicted under this division is 47676  
forever disqualified from holding any public office, employment, 47677  
or position of trust in this state. 47678

(1) Offers, promises, or gives anything of value or benefit 47679  
to a person who is connected with the casino operator, management 47680  
company, holding company, or gaming-related vendor, including 47681  
their officers and employees, under an agreement to influence or 47682  
with the intent to influence the actions of the person to whom the 47683  
offer, promise, or gift was made in order to affect or attempt to 47684  
affect the outcome of a casino game or an official action of a 47685  
commission member, agent, or employee; 47686

(2) Solicits, accepts, or receives a promise of anything of 47687  
value or benefit while the person is connected with a casino, 47688  
including an officer or employee of a casino operator, management 47689  
company, or gaming-related vendor, under an agreement to influence 47690  
or with the intent to influence the actions of the person to 47691  
affect or attempt to affect the outcome of a casino game or an 47692  
official action of a commission member, agent, or employee; 47693

(H) A person who knowingly or intentionally does any of the following while participating in casino gaming or otherwise transacting with a casino facility as permitted by Chapter 3772. of the Revised Code commits a felony of the fifth degree on a first offense and a felony of the fourth degree for a subsequent offense:

(1) Causes or attempts to cause a casino facility to fail to file a report required under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, or to fail to file a report or maintain a record required by an order issued under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508;

(2) Causes or attempts to cause a casino facility to file a report required under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, to file a report or to maintain a record required by any order issued under 31 U.S.C. 5326, or to maintain a record required under any regulation prescribed under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508 that contains a material omission or misstatement of fact;

(3) With one or more casino facilities, structures a transaction, is complicit in structuring a transaction, attempts to structure a transaction, or is complicit in an attempt to structure a transaction.

(I) A person who is convicted of a felony described in this chapter may be barred for life from entering a casino facility by the commission.

(J) As used in division (H) of this section:

(1) To be "complicit" means to engage in any conduct of a type described in divisions (A)(1) to (4) of section 2923.03 of the Revised Code.

(2) "Structure a transaction" has the same meaning as in 47725  
section 1315.51 of the Revised Code. 47726

(K) Premises used or occupied in violation of division 47727  
(E)(12) of this section constitute a nuisance subject to abatement 47728  
under Chapter 3767. of the Revised Code. 47729

**Sec. 3794.06. Posting of signs; prohibition of ashtrays; 47730**  
**responsibilities of proprietors. 47731**

In addition to the prohibitions contained in section 3794.02 47732  
of ~~this chapter~~ the Revised Code, the proprietor of a public place 47733  
or place of employment shall comply with the following 47734  
requirements: 47735

(A) "No Smoking" signs or the international "No Smoking" 47736  
symbol (consisting of a pictorial representation of a burning 47737  
cigarette enclosed in a red circle with a red bar across it) shall 47738  
be conspicuously posted in every public place and place of 47739  
employment where smoking is prohibited by this chapter, including 47740  
at each entrance to the public place or place of employment. Signs 47741  
shall be of sufficient size to be clearly legible to a person of 47742  
normal vision throughout the areas they are intended to mark. All 47743  
signs shall contain a telephone number for reporting violations. 47744

(B) All ashtrays and other receptacles used for disposing of 47745  
smoking materials shall be removed from any area where smoking is 47746  
prohibited by this chapter. 47747

(C) A proprietor shall permit prompt entry of an officer or 47748  
employee of the department of health or its designee to 47749  
investigate complaints made under section 3794.07 of the Revised 47750  
Code. Refusal to permit prompt entry is a violation of this 47751  
chapter. 47752

**Sec. 3794.07. Duties of the Department of Health. 47753**

This chapter shall be enforced by the department of health 47754  
and its designees. The director of health shall within six months 47755  
of ~~the effective date of this section~~ December 7, 2006: 47756

(A) Promulgate rules in accordance with Chapter 119. of the 47757  
Revised Code to implement and enforce all provisions of this 47758  
chapter; 47759

(B) Promulgate rules in accordance with Chapter 119. of the 47760  
Revised Code to prescribe a schedule of fines for violations of 47761  
this chapter designed to foster compliance with the provisions of 47762  
this chapter. The amount of a fine for a violation of divisions 47763  
(A) and (B) of section 3794.02 ~~(A) and (B)~~ and divisions (A) and 47764  
(B) of section 3794.06 of the Revised Code shall not be less than 47765  
one hundred dollars and the maximum for a violation shall be 47766  
twenty five hundred dollars. The amount of a fine for a violation 47767  
of division (D) of section 3794.02 ~~(D)~~ of the Revised Code shall 47768  
be up to a maximum of one hundred dollars per violation. Each day 47769  
of a violation shall constitute a separate violation. The schedule 47770  
of fines that apply to a proprietor shall be progressive based on 47771  
the number of prior violations by the proprietor. Violations which 47772  
occurred more than two years prior to a subsequent violation shall 47773  
not be considered if there has been no finding of a violation in 47774  
the intervening time period. The fine schedule shall set forth 47775  
specific factors that may be considered to decrease or waive the 47776  
amount of a fine that otherwise would apply. Fines shall be 47777  
doubled for intentional violations~~±.~~ 47778

(C) Promulgate rules in accordance with Chapter 119. of the 47779  
Revised Code to prescribe a procedure for providing a proprietor 47780  
or individual written notice of a report of a violation and the 47781  
opportunity to present in writing any statement or evidence to 47782  
contest the report, and prescribing procedures for making findings 47783  
whether a proprietor or individual violated a provision of this 47784  
chapter and for imposing fines for violations; 47785

(D) Establish a system for receiving reports of violations of 47786  
the provisions of this chapter from any member of the public, 47787  
including, but not limited to, by mail and one or more e-mail 47788  
addresses and toll-free telephone numbers exclusively for such 47789  
purpose. A person shall not be required to disclose his or her 47790  
identity in order to report a violation; 47791

(E) Inform proprietors of public places and places of 47792  
employment of the requirements of this chapter and how to comply 47793  
with its provisions, including, but not limited to, by providing 47794  
printed and other materials and a toll-free telephone number and 47795  
e-mail address exclusively for such purposes; and 47796

(F) Design and implement a program to educate the public 47797  
regarding the provisions of this chapter, including, but not 47798  
limited to, through the establishment of an internet ~~website~~ web 47799  
site and how a violation may be reported. 47800

(G) Adopt rules to prescribe fines for a violation of 47801  
division (E) of section 3794.03 of the Revised Code. Division (B) 47802  
of this section does not apply to a fine for a violation of 47803  
division (E) of section 3794.03 of the Revised Code. 47804

**Sec. 3901.241.** (A) As used in this section: 47805

(1) "Exchange" has the same meaning as in section 3905.01 of 47806  
the Revised Code. 47807

(2) "Enrollee's expected contribution" means any portion of 47808  
the cost of a health service covered by a health benefit plan 47809  
offered through an exchange that a person enrolled under such a 47810  
plan would be expected to pay, including any copayments or cost 47811  
sharing. 47812

(B)(1) An insurer offering a health benefit plan through an 47813  
exchange shall make available to individuals seeking information 47814  
on the plan a list of the top twenty per cent of services, 47815

according to utilization of health services by individuals insured 47816  
by the insurer, and an enrollee's expected contribution for each 47817  
service. 47818

(2) The enrollee's expected contribution for each service 47819  
shall be provided both for situations in which the enrollee has 47820  
and has not met any associated deductibles. 47821

(C) A violation of division (B) of this section shall be 47822  
considered an unfair and deceptive practice in the business of 47823  
insurance under section 3901.21 of the Revised Code. 47824

**Sec. 3903.81.** As used in sections 3903.81 to 3903.93 of the 47825  
Revised Code: 47826

(A) "Adjusted RBC report" means an RBC report that has been 47827  
adjusted by the superintendent of insurance in accordance with 47828  
division (C) of section 3903.82 of the Revised Code. 47829

(B) "Authorized control level RBC" means the number 47830  
determined under the risk-based capital formula in accordance with 47831  
the RBC instructions. 47832

(C) "Company action level RBC" means the product of 2.0 and 47833  
an insurer's authorized control level RBC. 47834

(D) "Corrective order" means an order issued by the 47835  
superintendent of insurance in accordance with division (B)(3) of 47836  
section 3903.84 of the Revised Code specifying corrective actions 47837  
that the superintendent has determined are required. 47838

(E) "Domestic insurer" means any insurance company organized 47839  
under Chapter 3907. or 3925. of the Revised Code. 47840

(F) "Foreign insurer" means any insurance company licensed 47841  
under section 3909.01 or 3927.01 of the Revised Code. 47842

(G) "Life or health insurer" means any insurance company 47843  
licensed under section 3907.08 or 3909.01 of the Revised Code, a 47844

company possessing a certificate of authority pursuant to section 47845  
3929.01 of the Revised Code that writes only accident and health 47846  
insurance, ~~or~~ a fraternal benefit society licensed under Chapter 47847  
3921. of the Revised Code, or a multiple employer welfare 47848  
arrangement issued a certificate of authority under Chapter 1739. 47849  
of the Revised Code. 47850

(H) "Mandatory control level RBC" means the product of .70 47851  
and an insurer's authorized control level RBC. 47852

(I) "NAIC" means the national association of insurance 47853  
commissioners. 47854

(J) "Negative trend" means a negative trend over a period of 47855  
time for a life or health insurer as determined in accordance with 47856  
the trend test calculation included in the RBC instructions. 47857

(K) "Property and casualty insurer" means any insurance 47858  
company that has a certificate of authority pursuant to section 47859  
3929.01 of the Revised Code. "Property and casualty insurer" does 47860  
not include monoline mortgage guarantee insurers, financial 47861  
guarantee insurers, or title insurers. 47862

(L) "RBC" means risk-based capital. 47863

(M) "RBC instructions" means the RBC report, including 47864  
risk-based capital instructions, as adopted by the NAIC and as 47865  
amended by the NAIC from time to time in accordance with the 47866  
procedures adopted by the NAIC. "RBC instructions" shall also 47867  
include any modifications adopted by the superintendent, as the 47868  
superintendent considers to be necessary. 47869

(N) "RBC level" means an insurer's company action level RBC, 47870  
regulatory action level RBC, authorized control level RBC, or 47871  
mandatory control level RBC. 47872

(O) "RBC plan" means a comprehensive financial plan 47873  
containing the elements specified in division (B) of section 47874



3903.83 of the Revised Code. 47875

(P) "Revised RBC plan" means an RBC plan rejected by the 47876  
superintendent of insurance and then revised by an insurer with or 47877  
without incorporating the superintendent of insurance's 47878  
recommendation. 47879

(Q) "RBC report" means the report required by section 3903.82 47880  
of the Revised Code. 47881

(R) "Regulatory action level RBC" means the product of 1.5 47882  
and an insurer's authorized control level RBC. 47883

(S) "Total adjusted capital" means the sum of both of the 47884  
following: 47885

(1) An insurer's statutory capital and surplus as determined 47886  
in accordance with the statutory accounting applicable to the 47887  
annual statements prepared on a form adopted under section 3901.77 47888  
of the Revised Code, as required to be filed by sections 3907.19, 47889  
3909.06, and 3929.30 of the Revised Code; 47890

(2) Such other items, if any, as the RBC instructions may 47891  
provide. 47892

**Sec. 3905.33.** (A) No person licensed under section 3905.30 of 47893  
the Revised Code shall solicit, procure an application for, bind, 47894  
issue, renew, or deliver a policy with any insurer that is not 47895  
eligible to write insurance on an unauthorized basis in this 47896  
state. 47897

Pursuant to the "Nonadmitted and Reinsurance Reform Act of 47898  
2010," 15 U.S.C. 8201 et seq., 124 Stat. 1589, or any successor or 47899  
replacement law, where this state is the home state of the 47900  
insured, an insurer shall be considered eligible to write 47901  
insurance on an unauthorized basis in this state if either of the 47902  
following are true: 47903

(1) The insurer meets the requirements and criteria in 47904

sections 5A(2) and 5C(2)(a) of the ~~non-admitted~~ nonadmitted 47905  
insurance model act adopted by the national association of 47906  
insurance commissioners, or alternative nationwide uniform 47907  
eligibility requirements adopted by this state through 47908  
participation in a compact or other nationwide system pursuant to 47909  
15 U.S.C. 8201 et seq., 124 Stat. 1589. 47910

(2) For unauthorized insurance placed with, or procured from 47911  
an unauthorized insurer domiciled outside the United States, the 47912  
insurer is listed on the quarterly listing of alien insurers 47913  
maintained by the international insurers department of the 47914  
national association of insurance commissioners. 47915

(B)(1) No surplus lines broker shall solicit, procure, place, 47916  
or renew any insurance with an unauthorized insurer unless an 47917  
agent or the surplus lines broker has complied with the due 47918  
diligence requirements of this section and is unable to procure 47919  
the requested insurance from an authorized insurer. 47920

Due diligence requires an agent to contact at least five of 47921  
the authorized insurers the agent represents, or as many insurers 47922  
as the agent represents, that customarily write the kind of 47923  
insurance required by the insured. Due diligence is presumed if 47924  
declinations are received from each authorized insurer contacted. 47925  
If any authorized insurer fails to respond within ten days after 47926  
the initial contact, the agent may assume the insurer has declined 47927  
to accept the risk. 47928

(2) Due diligence shall only be performed by an agent 47929  
licensed in this state that holds an active property and casualty 47930  
insurance agent license. 47931

(3) An insurance agent or surplus lines broker is exempt from 47932  
the due diligence requirements of this section if the agent or 47933  
surplus lines broker is procuring insurance from a risk purchasing 47934  
group or risk retention group as provided in Chapter 3960. of the 47935

Revised Code. 47936

(4) An insurance agent or surplus lines broker is exempt from 47937  
the due diligence requirements of this section if the agent or 47938  
surplus lines broker is seeking to procure or place unauthorized 47939  
insurance for a person that qualifies as an exempt commercial 47940  
purchaser under section 3905.331 of the Revised Code and both of 47941  
the following are true: 47942

(a) The surplus lines broker procuring or placing the surplus 47943  
lines insurance has disclosed to the exempt commercial purchaser 47944  
that the insurance may or may not be available from the authorized 47945  
market that may provide greater protection with more regulatory 47946  
oversight. 47947

(b) After receipt of the disclosure required under division 47948  
(B)(4)(a) of this section, the exempt commercial purchaser has 47949  
requested in writing that the insurance agent or broker procure or 47950  
place the insurance from an unauthorized insurer. 47951

(C) Except when exempt from due diligence requirements under 47952  
division (B) of this section, an insurance agent who procures or 47953  
places insurance through a surplus lines broker shall obtain ~~an~~ 47954  
~~affidavit~~ a signed statement from the insured acknowledging that 47955  
the insurance policy is to be placed with a company or insurer not 47956  
authorized to do business in this state and acknowledging that, in 47957  
the event of the insolvency of the insurer, the insured is not 47958  
entitled to any benefits or proceeds from the Ohio insurance 47959  
guaranty association. The ~~affidavit~~ statement must be on a form 47960  
prescribed by the superintendent and need not be notarized. The 47961  
agent shall submit the ~~originally executed affidavit~~ original 47962  
signed statement to the surplus lines broker within thirty days 47963  
after the effective date of the policy. If no other agent is 47964  
involved, the surplus lines broker shall obtain the ~~affidavit~~ 47965  
statement from the insured. 47966

The surplus lines broker shall maintain the ~~originally~~ 47967  
~~executed affidavit~~ original signed statement or a copy of the 47968  
~~affidavit~~ statement, and the originating agent shall keep a copy 47969  
of the ~~affidavit~~ statement, for at least five years after the 47970  
effective date of the policy to which the ~~affidavit~~ statement 47971  
pertains. A copy of the ~~affidavit~~ signed statement shall be given 47972  
to the insured at the time the insurance is bound or a policy is 47973  
delivered. 47974

(D) For the purpose of carrying out the "Nonadmitted and 47975  
Reinsurance Reform Act of 2010," 124 Stat. 1589, 15 U.S.C. 8201 et 47976  
seq., or any successor or replacement law, the superintendent 47977  
shall conduct a fiscal analysis of the impact of entering into a 47978  
~~multi-state~~ multistate agreement or compact for determining 47979  
eligibility for placement of unauthorized insurance and for 47980  
payment, reporting, collection, and allocation of the tax on 47981  
unauthorized insurance. If the fiscal analysis indicates that 47982  
entering into a ~~multi-state~~ multistate agreement or compact is 47983  
advantageous to this state, the superintendent may enter into the 47984  
surplus lines insurance ~~multi-state~~ multistate compliance compact 47985  
adopted by the national conference of insurance legislators and 47986  
known as "SLIMPACT," as amended on December 21, 2010, and 47987  
including any subsequent amendment; or, if it is in this state's 47988  
financial best interest, the superintendent shall request that the 47989  
general assembly authorize the superintendent to enter into a 47990  
different ~~multi-state~~ multistate agreement or compact. 47991

(E) The superintendent may adopt rules in accordance with 47992  
Chapter 119. of the Revised Code to carry out the purposes of 47993  
sections 3905.30 to 3905.38 of the Revised Code. 47994

**Sec. 3923.66.** (A) As used in this section, "genetic screening 47995  
or testing" has the same meaning as in section 1751.65 of the 47996  
Revised Code. 47997

(B) No sickness and accident insurer issuing policies in this state and no public employee benefit plan shall do either of the following: 47998  
47999  
48000

(1) Consider any information obtained from genetic screening or testing in processing an application for coverage for health care services under a policy or plan or in determining insurability under such a policy or plan; 48001  
48002  
48003  
48004

(2) Inquire, directly or indirectly, into the results of genetic screening or testing or use such information, in whole or in part, to cancel, refuse to issue or renew, limit benefits under, or set premiums for, a policy or plan. 48005  
48006  
48007  
48008

(C) Any sickness and accident insurer that has engaged in, is engaged in, or is about to engage in a violation of division (B) of this section is subject to the jurisdiction of the superintendent of insurance under section 3901.04 of the Revised Code. 48009  
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48011  
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**Sec. 3959.01.** (A) "Administration fees" means any amount charged a covered person for services rendered. "Administration fees" includes commissions earned or paid by any person relative to services performed by an administrator. 48014  
48015  
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48017

(B) "Administrator" means any person who adjusts or settles claims on, residents of this state in connection with life, dental, health, prescription drugs, or disability insurance or self-insurance programs. "Administrator" includes a pharmacy benefit manager. "Administrator" does not include any of the following: 48018  
48019  
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(1) An insurance agent or solicitor licensed in this state whose activities are limited exclusively to the sale of insurance and who does not provide any administrative services; 48024  
48025  
48026

(2) Any person who administers or operates the workers' 48027

compensation program of a self-insuring employer under Chapter 4123. of the Revised Code; 48028  
48029

(3) Any person who administers pension plans for the benefit of the person's own members or employees or administers pension plans for the benefit of the members or employees of any other person; 48030  
48031  
48032  
48033

(4) Any person that administers an insured plan or a self-insured plan that provides life, dental, health, or disability benefits exclusively for the person's own members or employees; 48034  
48035  
48036  
48037

(5) Any health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code or an insurance company that is authorized to write life or sickness and accident insurance in this state. 48038  
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(C) "Aggregate excess insurance" means that type of coverage whereby the insurer agrees to reimburse the insured employer or trust for all benefits or claims paid during an agreement period on behalf of all covered persons under the plan or trust which exceed a stated deductible amount and subject to a stated maximum. 48042  
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(D) "Contracted pharmacy" or "pharmacy" means a pharmacy located in this state participating in either the network of a pharmacy benefit manager or in a health care or pharmacy benefit plan through a direct contract or through a contract with a pharmacy services administration organization, group purchasing organization, or another contracting agent. 48047  
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(E) "Contributions" means any amount collected from a covered person to fund the self-insured portion of any plan in accordance with the plan's provisions, summary plan descriptions, and contracts of insurance. 48053  
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~~(E)~~(F) "Drug product reimbursement" means the amount paid by a pharmacy benefit manager to a contracted pharmacy for the cost 48057  
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of the drug dispensed to a patient and does not include a 48059  
dispensing or professional fee. 48060

(G) "Fiduciary" has the meaning set forth in section 48061  
1002(21)(A) of the "Employee Retirement Income Security Act of 48062  
1974," 88 Stat. 829, 29 U.S.C. 1001, as amended. 48063

~~(F)~~(H) "Fiscal year" means the twelve-month accounting period 48064  
commencing on the date the plan is established and ending twelve 48065  
months following that date, and each corresponding twelve-month 48066  
accounting period thereafter as provided for in the summary plan 48067  
description. 48068

~~(G)~~(I) "Insurer" means an entity authorized to do the 48069  
business of insurance in this state or, for the purposes of this 48070  
section, a health insuring corporation authorized to issue health 48071  
care plans in this state. 48072

(J) "Managed care organization" means an entity that provides 48073  
medical management and cost containment services and includes a 48074  
medicaid managed care organization, as defined in section 5167.01 48075  
of the Revised Code. 48076

(K) "Maximum allowable cost" means a maximum drug product 48077  
reimbursement for an individual drug or for a group of 48078  
therapeutically and pharmaceutically equivalent multiple source 48079  
drugs that are listed in the United States food and drug 48080  
administration's approved drug products with therapeutic 48081  
equivalence evaluations, commonly referred to as the orange book. 48082

(L) "Maximum allowable cost list" means a list of the drugs 48083  
for which a pharmacy benefit manager imposes a maximum allowable 48084  
cost. 48085

(M) "Multiple employer welfare arrangement" has the same 48086  
meaning as in section 1739.01 of the Revised Code. 48087

(N) "Pharmacy benefit manager" means an entity that contracts 48088

with pharmacies on behalf of an employer, a multiple employer welfare arrangement, public employee benefit plan, state agency, insurer, managed care organization, or other third-party payer to provide pharmacy health benefit services or administration. 48089  
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(O) "Plan" means any arrangement in written form for the payment of life, dental, health, or disability benefits to covered persons defined by the summary plan description. 48093  
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~~(H)~~(P) "Plan sponsor" means the person who establishes the plan. "Plan sponsor" includes, with regard to a prescription drug plan, an employer, a multiple employer welfare arrangement, public employee benefit plan, state agency, insurer, managed care organization, or other third-party payer that facilitates a health benefit plan that provides a drug benefit that is administered by a pharmacy benefit manager. 48096  
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~~(I)~~(O) "Self-insurance program" means a program whereby an employer provides a plan of benefits for its employees without involving an intermediate insurance carrier to assume risk or pay claims. "Self-insurance program" includes but is not limited to employer programs that pay claims up to a prearranged limit beyond which they purchase insurance coverage to protect against unpredictable or catastrophic losses. 48103  
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~~(J)~~(R) "Specific excess insurance" means that type of coverage whereby the insurer agrees to reimburse the insured employer or trust for all benefits or claims paid during an agreement period on behalf of a covered person in excess of a stated deductible amount and subject to a stated maximum. 48110  
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~~(K)~~(S) "Summary plan description" means the written document adopted by the plan sponsor which outlines the plan of benefits, conditions, limitations, exclusions, and other pertinent details relative to the benefits provided to covered persons thereunder. 48115  
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(T) "Third-party payer" has the same meaning as in section 48119



3901.38 of the Revised Code. 48120

Sec. 3959.111. (A)(1)(a) In each contract between a pharmacy benefit manager and a pharmacy, the pharmacy shall be given the right to obtain from the pharmacy benefit manager, within ten days after any request, a current list of the sources used to determine maximum allowable cost pricing. In each contract between a pharmacy benefit manager and a pharmacy, the pharmacy benefit manager shall be obligated to update and implement the pricing information at least every seven days and provide a means by which contracted pharmacies may promptly review pricing updates in a format that is readily available and accessible. 48121  
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(b) A pharmacy benefit manager shall maintain a written procedure to eliminate products from the list of drugs subject to maximum allowable cost pricing in a timely manner in order to remain consistent with pricing changes in the marketplace. 48131  
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(2) In each contract between a pharmacy benefit manager and a pharmacy, a pharmacy benefit manager shall be obligated to ensure that all of the following conditions are met prior to placing a prescription drug on a maximum allowable cost list: 48135  
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(a) The drug is listed as "A" or "B" rated in the most recent version of the United States food and drug administration's approved drug products with therapeutic equivalence evaluations, or has an "NR" or "NA" rating or similar rating by nationally recognized reference. 48139  
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(b) The drug is generally available for purchase by pharmacies in this state from a national or regional wholesaler and is not obsolete. 48144  
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(3) Each contract between a pharmacy benefit manager and a pharmacy shall include a process to appeal, investigate, and resolve disputes regarding maximum allowable cost pricing that 48147  
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<u>includes all of the following:</u>	48150
<u>(a) A twenty-one-day limit on the right to appeal following the initial claim;</u>	48151
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<u>(b) A requirement that the appeal be investigated and resolved within twenty-one days after the appeal;</u>	48153
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<u>(c) A telephone number at which the pharmacy may contact the pharmacy benefit manager to speak to a person responsible for processing appeals;</u>	48155
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<u>(d) A requirement that a pharmacy benefit manager provide a reason for any appeal denial and the identification of the national drug code of a drug that may be purchased in this state by the pharmacy in this state from a national or regional wholesaler at a price at or below the benchmark price determined by the pharmacy benefit manager;</u>	48158
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<u>(e) A requirement that a pharmacy benefit manager make an adjustment to a date related to a claim not later than one day after the date related to a claim and not later than one day after the date of determination of the appeal. The adjustment shall be retroactive to the date the appeal was made and shall apply to all situated pharmacies as determined by the pharmacy benefit manager. This requirement does not prohibit a pharmacy benefit manager from retroactively adjusting a claim for the appealing pharmacy or for any other similarly situated pharmacies.</u>	48164
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<u>(B)(1)(a) A pharmacy benefit manager shall disclose to the plan sponsor whether or not the pharmacy benefit manager uses the same maximum allowable cost list when billing a plan sponsor as it does when reimbursing a pharmacy.</u>	48173
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<u>(b) If a pharmacy benefit manager uses multiple maximum allowable cost lists, the pharmacy benefit manager shall disclose to a plan sponsor any differences between the amount paid to a pharmacy and the amount charged to a plan sponsor.</u>	48177
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(2) The disclosures required under division (B)(1) of this section shall be made within ten days of a pharmacy benefit manager and a plan sponsor signing a contract or within ten days of any applicable update to a maximum allowable cost list or lists. 48181  
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(C) Notwithstanding division (B)(5) of section 3959.01 of the Revised Code, a health insuring corporation or a sickness and accident insurer shall comply with the requirements of this section if the corporation or insurer is a pharmacy benefit manager, as defined in section 3959.01 of the Revised Code. 48186  
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**Sec. 4116.01.** As used in ~~sections 4116.01 to 4116.04 of the Revised Code~~ this chapter: 48191  
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(A) "~~Public authority~~ State agency" means any officer, board, or commission of the state, ~~or any political subdivision of the state, or any institution supported in whole or in part by public funds,~~ authorized to enter into a contract for the construction of a public improvement or to construct a public improvement by the direct employment of labor, and includes a state institution of higher education. "~~Public authority~~" shall not mean any municipal corporation that has adopted a charter under sections three and seven of article XVIII of the Ohio Constitution, unless the specific contract for a public improvement includes state funds appropriated for the purposes of that public improvement. 48193  
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(B) "Construction" means all of the following: 48204

(1) Any new construction of any public improvement performed by other than full-time employees who have completed their probationary periods in the classified service of a ~~public authority~~ state agency or political subdivision; 48205  
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(2) Any reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting of any public improvement 48209  
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performed by other than full-time employees who have completed 48211  
their probationary period in the classified civil service of a 48212  
~~public authority~~ state agency or political subdivision; 48213

(3) Construction on any project, facility, or project 48214  
facility to which section 122.80, 166.02, or 1728.07 of the 48215  
Revised Code applies; 48216

(4) Construction on any project as defined in section 122.39 48217  
of the Revised Code, any project as defined in section 165.01 of 48218  
the Revised Code, any energy resource development facility as 48219  
defined in section 1551.01 of the Revised Code, or any project as 48220  
defined in section 3706.01 of the Revised Code. 48221

(C) "Public improvement" means all buildings, roads, streets, 48222  
alleys, sewers, ditches, sewage disposal plants, water works, and 48223  
other structures or works constructed by a ~~public authority~~ state 48224  
agency or political subdivision or by any person who, pursuant to 48225  
a contract with a ~~public authority~~ state agency or political 48226  
subdivision, constructs any structure or work for a ~~public~~ 48227  
~~authority~~ state agency or political subdivision. When a ~~public~~ 48228  
~~authority~~ state agency or political subdivision rents or leases a 48229  
newly constructed structure within six months after completion of 48230  
its construction, all work performed on that structure to suit it 48231  
for occupancy by a ~~public authority~~ state agency or political 48232  
subdivision is a "public improvement." 48233

(D) "Interested party," with respect to a particular public 48234  
improvement, means all of the following: 48235

(1) Any person who submits a bid for the purpose of securing 48236  
the award of a contract for the public improvement; 48237

(2) Any person acting as a subcontractor of a person 48238  
mentioned in division (D)(1) of this section; 48239

(3) Any association having as members any of the persons 48240  
mentioned in division (D)(1) or (2) of this section; 48241

(4) Any employee of a person mentioned in division (D)(1),	48242
(2), or (3) of this section;	48243
(5) Any individual who is a resident of the jurisdiction of	48244
the <del>public authority</del> <u>state agency or political subdivision</u> for	48245
whom products or services for a public improvement are being	48246
procured or for whom work on a public improvement is being	48247
performed.	48248
<u>(E) "Political subdivision" has the same meaning as in</u>	48249
<u>section 9.23 of the Revised Code.</u>	48250
<u>(F) "State institution of higher education" has the same</u>	48251
<u>meaning as in section 3345.011 of the Revised Code.</u>	48252
<b>Sec. 4116.02.</b> A <del>public authority</del> <u>state agency</u> , when engaged	48253
in procuring products or services, awarding contracts, or	48254
overseeing procurement or construction for public improvements	48255
<u>undertaken by or on behalf of the state agency</u> , shall ensure that	48256
bid specifications issued by the <del>public authority</del> <u>state agency</u> for	48257
the proposed public improvement, and any subsequent contract or	48258
other agreement for the public improvement to which the <del>public</del>	48259
<del>authority</del> <u>state agency</u> and a contractor or subcontractor are	48260
direct parties, do not require <u>or prohibit that</u> a contractor or	48261
subcontractor <del>to</del> do any of the following:	48262
(A) Enter into agreements with any labor organization on the	48263
public improvement;	48264
(B) Enter into any agreement that requires the employees of	48265
that contractor or subcontractor to do either of the following as	48266
a condition of employment or continued employment:	48267
(1) Become members of or affiliated with a labor	48268
organization;	48269
(2) Pay dues or fees to a labor organization.	48270

Sec. 4116.03. No ~~public authority~~ state agency shall do any 48271  
of the following: 48272

(A) Award a contract for a public improvement undertaken by 48273  
or on behalf of the state agency in violation of section 4116.02 48274  
of the Revised Code; 48275

(B) Discriminate against any bidder, contractor, or 48276  
subcontractor for refusing or electing to become a party to any 48277  
agreement with any labor organization on the public improvement 48278  
undertaken by or on behalf of the state agency that currently is 48279  
under bid or on projects related to that improvement; 48280

(C) Otherwise violate section 4116.02 of the Revised Code. 48281

Sec. 4116.031. No state funds shall be distributed for the 48282  
purpose of the construction of a public improvement by or on 48283  
behalf of a political subdivision, if the political subdivision, 48284  
in procuring products or services, awarding contracts, or 48285  
overseeing procurement or construction for public improvements 48286  
undertaken by or on behalf of the political subdivision, requires 48287  
in the bid specifications a contractor or subcontractor to enter 48288  
into, or prohibits in the bid specifications a contractor or 48289  
subcontractor from entering into, an agreement described in 48290  
division (A) or (B) of section 4116.02 of the Revised Code. 48291

Sec. 4116.04. (A) An interested party may file a complaint 48292  
against a ~~contracting public authority~~ state agency or political 48293  
subdivision alleging a violation of section 4116.02 ~~or~~ 4116.03, 48294  
or 4116.031 of the Revised Code within two years after the date on 48295  
which the contract is signed for the public improvement in the 48296  
court of common pleas of the county in which the public 48297  
improvement is performed. The performance of the contract forms 48298  
the basis of the allegation of a violation. The court in which the 48299  
complaint is filed shall hear and decide the case and, upon a 48300

finding that a violation has occurred, shall void the contract and 48301  
make any orders that will prevent further violations. 48302

The Rules of Civil Procedure govern all actions under this 48303  
section. Any determination of a court under this section is 48304  
subject to appellate review. 48305

(B) If, pursuant to this section, a court finds a violation 48306  
of section 4116.02 ~~or~~, 4116.03, or 4116.031 of the Revised Code, 48307  
the court may award reasonable attorney's fees, court costs, and 48308  
any other fees incurred in the course of the civil action to the 48309  
prevailing plaintiff. 48310

**Sec. 4117.01.** As used in this chapter: 48311

(A) "Person," in addition to those included in division (C) 48312  
of section 1.59 of the Revised Code, includes employee 48313  
organizations, public employees, and public employers. 48314

(B) "Public employer" means the state or any political 48315  
subdivision of the state located entirely within the state, 48316  
including, without limitation, any municipal corporation with a 48317  
population of at least five thousand according to the most recent 48318  
federal decennial census; county; township with a population of at 48319  
least five thousand in the unincorporated area of the township 48320  
according to the most recent federal decennial census; school 48321  
district; governing authority of a community school established 48322  
under Chapter 3314. of the Revised Code; college preparatory 48323  
boarding school established under Chapter 3328. of the Revised 48324  
Code or its operator; state institution of higher learning; public 48325  
or special district; state agency, authority, commission, or 48326  
board; or other branch of public employment. "Public employer" 48327  
does not include the nonprofit corporation formed under section 48328  
187.01 of the Revised Code. 48329

(C) "Public employee" means any person holding a position by 48330

appointment or employment in the service of a public employer, 48331  
including any person working pursuant to a contract between a 48332  
public employer and a private employer and over whom the national 48333  
labor relations board has declined jurisdiction on the basis that 48334  
the involved employees are employees of a public employer, except: 48335

(1) Persons holding elective office; 48336

(2) Employees of the general assembly and employees of any 48337  
other legislative body of the public employer whose principal 48338  
duties are directly related to the legislative functions of the 48339  
body; 48340

(3) Employees on the staff of the governor or the chief 48341  
executive of the public employer whose principal duties are 48342  
directly related to the performance of the executive functions of 48343  
the governor or the chief executive; 48344

(4) Persons who are members of the Ohio organized militia, 48345  
while training or performing duty under section 5919.29 or 5923.12 48346  
of the Revised Code; 48347

(5) Employees of the state employment relations board, 48348  
including those employees of the state employment relations board 48349  
utilized by the state personnel board of review in the exercise of 48350  
the powers and the performance of the duties and functions of the 48351  
state personnel board of review; 48352

(6) Confidential employees; 48353

(7) Management level employees; 48354

(8) Employees and officers of the courts, assistants to the 48355  
attorney general, assistant prosecuting attorneys, and employees 48356  
of the clerks of courts who perform a judicial function; 48357

(9) Employees of a public official who act in a fiduciary 48358  
capacity, appointed pursuant to section 124.11 of the Revised 48359  
Code; 48360



(10) Supervisors;	48361
(11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining unit;	48362 48363 48364 48365 48366
(12) Employees of county boards of election;	48367
(13) Seasonal and casual employees as determined by the state employment relations board;	48368 48369
(14) Part-time faculty members of an institution of higher education;	48370 48371
(15) Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;	48372 48373 48374 48375 48376 48377
(16) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	48378 48379 48380
(17) Employees of community-based correctional facilities and district community-based correctional facilities created under sections 2301.51 to 2301.58 of the Revised Code <del>who are not subject to a collective bargaining agreement on June 1, 2005.</del>	48381 48382 48383 48384
(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.	48385 48386 48387 48388 48389
(E) "Exclusive representative" means the employee	48390

organization certified or recognized as an exclusive 48391  
representative under section 4117.05 of the Revised Code. 48392

(F) "Supervisor" means any individual who has authority, in 48393  
the interest of the public employer, to hire, transfer, suspend, 48394  
lay off, recall, promote, discharge, assign, reward, or discipline 48395  
other public employees; to responsibly direct them; to adjust 48396  
their grievances; or to effectively recommend such action, if the 48397  
exercise of that authority is not of a merely routine or clerical 48398  
nature, but requires the use of independent judgment, provided 48399  
that: 48400

(1) Employees of school districts who are department 48401  
chairpersons or consulting teachers shall not be deemed 48402  
supervisors. 48403

(2) With respect to members of a police or fire department, 48404  
no person shall be deemed a supervisor except the chief of the 48405  
department or those individuals who, in the absence of the chief, 48406  
are authorized to exercise the authority and perform the duties of 48407  
the chief of the department. Where prior to June 1, 1982, a public 48408  
employer pursuant to a judicial decision, rendered in litigation 48409  
to which the public employer was a party, has declined to engage 48410  
in collective bargaining with members of a police or fire 48411  
department on the basis that those members are supervisors, those 48412  
members of a police or fire department do not have the rights 48413  
specified in this chapter for the purposes of future collective 48414  
bargaining. The state employment relations board shall decide all 48415  
disputes concerning the application of division (F)(2) of this 48416  
section. 48417

(3) With respect to faculty members of a state institution of 48418  
higher education, heads of departments or divisions are 48419  
supervisors; however, no other faculty member or group of faculty 48420  
members is a supervisor solely because the faculty member or group 48421  
of faculty members participate in decisions with respect to 48422

courses, curriculum, personnel, or other matters of academic 48423  
policy+ 48424

(4) No teacher as defined in section 3319.09 of the Revised 48425  
Code shall be designated as a supervisor or a management level 48426  
employee unless the teacher is employed under a contract governed 48427  
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 48428  
is assigned to a position for which a license deemed to be for 48429  
administrators under state board rules is required pursuant to 48430  
section 3319.22 of the Revised Code. 48431

(G) "To bargain collectively" means to perform the mutual 48432  
obligation of the public employer, by its representatives, and the 48433  
representatives of its employees to negotiate in good faith at 48434  
reasonable times and places with respect to wages, hours, terms, 48435  
and other conditions of employment and the continuation, 48436  
modification, or deletion of an existing provision of a collective 48437  
bargaining agreement, with the intention of reaching an agreement, 48438  
or to resolve questions arising under the agreement. "To bargain 48439  
collectively" includes executing a written contract incorporating 48440  
the terms of any agreement reached. The obligation to bargain 48441  
collectively does not mean that either party is compelled to agree 48442  
to a proposal nor does it require the making of a concession. 48443

(H) "Strike" means continuous concerted action in failing to 48444  
report to duty; willful absence from one's position; or stoppage 48445  
of work in whole from the full, faithful, and proper performance 48446  
of the duties of employment, for the purpose of inducing, 48447  
influencing, or coercing a change in wages, hours, terms, and 48448  
other conditions of employment. "Strike" does not include a 48449  
stoppage of work by employees in good faith because of dangerous 48450  
or unhealthful working conditions at the place of employment that 48451  
are abnormal to the place of employment. 48452

(I) "Unauthorized strike" includes, but is not limited to, 48453  
concerted action during the term or extended term of a collective 48454

bargaining agreement or during the pendency of the settlement 48455  
procedures set forth in section 4117.14 of the Revised Code in 48456  
failing to report to duty; willful absence from one's position; 48457  
stoppage of work; slowdown, or abstinence in whole or in part from 48458  
the full, faithful, and proper performance of the duties of 48459  
employment for the purpose of inducing, influencing, or coercing a 48460  
change in wages, hours, terms, and other conditions of employment. 48461  
"Unauthorized strike" includes any such action, absence, stoppage, 48462  
slowdown, or abstinence when done partially or intermittently, 48463  
whether during or after the expiration of the term or extended 48464  
term of a collective bargaining agreement or during or after the 48465  
pendency of the settlement procedures set forth in section 4117.14 48466  
of the Revised Code. 48467

(J) "Professional employee" means any employee engaged in 48468  
work that is predominantly intellectual, involving the consistent 48469  
exercise of discretion and judgment in its performance and 48470  
requiring knowledge of an advanced type in a field of science or 48471  
learning customarily acquired by a prolonged course in an 48472  
institution of higher learning or a hospital, as distinguished 48473  
from a general academic education or from an apprenticeship; or an 48474  
employee who has completed the courses of specialized intellectual 48475  
instruction and is performing related work under the supervision 48476  
of a professional person to become qualified as a professional 48477  
employee. 48478

(K) "Confidential employee" means any employee who works in 48479  
the personnel offices of a public employer and deals with 48480  
information to be used by the public employer in collective 48481  
bargaining; or any employee who works in a close continuing 48482  
relationship with public officers or representatives directly 48483  
participating in collective bargaining on behalf of the employer. 48484

(L) "Management level employee" means an individual who 48485  
formulates policy on behalf of the public employer, who 48486

responsibly directs the implementation of policy, or who may 48487  
reasonably be required on behalf of the public employer to assist 48488  
in the preparation for the conduct of collective negotiations, 48489  
administer collectively negotiated agreements, or have a major 48490  
role in personnel administration. Assistant superintendents, 48491  
principals, and assistant principals whose employment is governed 48492  
by section 3319.02 of the Revised Code are management level 48493  
employees. With respect to members of a faculty of a state 48494  
institution of higher education, no person is a management level 48495  
employee because of the person's involvement in the formulation or 48496  
implementation of academic or institution policy. 48497

(M) "Wages" means hourly rates of pay, salaries, or other 48498  
forms of compensation for services rendered. 48499

(N) "Member of a police department" means a person who is in 48500  
the employ of a police department of a municipal corporation as a 48501  
full-time regular police officer as the result of an appointment 48502  
from a duly established civil service eligibility list or under 48503  
section 737.15 or 737.16 of the Revised Code, a full-time deputy 48504  
sheriff appointed under section 311.04 of the Revised Code, a 48505  
township constable appointed under section 509.01 of the Revised 48506  
Code, or a member of a township or joint police district police 48507  
department appointed under section 505.49 of the Revised Code. 48508

(O) "Members of the state highway patrol" means highway 48509  
patrol troopers and radio operators appointed under section 48510  
5503.01 of the Revised Code. 48511

(P) "Member of a fire department" means a person who is in 48512  
the employ of a fire department of a municipal corporation or a 48513  
township as a fire cadet, full-time regular firefighter, or 48514  
promoted rank as the result of an appointment from a duly 48515  
established civil service eligibility list or under section 48516  
505.38, 709.012, or 737.22 of the Revised Code. 48517

(Q) "Day" means calendar day. 48518

**Sec. 4121.03.** (A) The governor shall appoint from among the 48519  
members of the industrial commission the chairperson of the 48520  
industrial commission. The chairperson shall serve as chairperson 48521  
at the pleasure of the governor. The chairperson is the head of 48522  
the commission and its chief executive officer. 48523

(B) The chairperson shall appoint, after consultation with 48524  
other commission members and obtaining the approval of at least 48525  
one other commission member, an executive director of the 48526  
commission. The executive director shall serve at the pleasure of 48527  
the chairperson. The executive director, under the direction of 48528  
the chairperson, shall perform all of the following duties: 48529

(1) Act as chief administrative officer for the commission; 48530

(2) Ensure that all commission personnel follow the rules of 48531  
the commission; 48532

(3) Ensure that all orders, awards, and determinations are 48533  
properly heard and signed, prior to attesting to the documents; 48534

(4) Coordinate, to the fullest extent possible, commission 48535  
activities with the bureau of workers' compensation activities; 48536

(5) Do all things necessary for the efficient and effective 48537  
implementation of the duties of the commission. 48538

The responsibilities assigned to the executive director of 48539  
the commission do not relieve the chairperson from final 48540  
responsibility for the proper performance of the acts specified in 48541  
this division. 48542

(C) The chairperson shall do all of the following: 48543

(1) Except as otherwise provided in this division, employ, 48544  
promote, supervise, remove, and establish the compensation of all 48545  
employees as needed in connection with the performance of the 48546

commission's duties under this chapter and Chapters 4123., 4127., 48547  
and 4131. of the Revised Code and may assign to them their duties 48548  
to the extent necessary to achieve the most efficient performance 48549  
of its functions, and to that end may establish, change, or 48550  
abolish positions, and assign and reassign duties and 48551  
responsibilities of every employee of the commission. The civil 48552  
service status of any person employed by the commission prior to 48553  
November 3, 1989, is not affected by this section. Personnel 48554  
employed by the bureau or the commission who are subject to 48555  
Chapter 4117. of the Revised Code shall retain all of their rights 48556  
and benefits conferred pursuant to that chapter as it presently 48557  
exists or is hereafter amended and nothing in this chapter or 48558  
Chapter 4123. of the Revised Code shall be construed as 48559  
eliminating or interfering with Chapter 4117. of the Revised Code 48560  
or the rights and benefits conferred under that chapter to public 48561  
employees or to any bargaining unit. 48562

(2) Hire district and staff hearing officers after 48563  
consultation with other commission members and obtaining the 48564  
approval of at least one other commission member; 48565

(3) Fire staff and district hearing officers when the 48566  
chairperson finds appropriate after obtaining the approval of at 48567  
least one other commission member; 48568

(4) Maintain the office for the commission in Columbus; 48569

(5) To the maximum extent possible, use electronic data 48570  
processing equipment for the issuance of orders immediately 48571  
following a hearing, scheduling of hearings and medical 48572  
examinations, tracking of claims, retrieval of information, and 48573  
any other matter within the commission's jurisdiction, and shall 48574  
provide and input information into the electronic data processing 48575  
equipment as necessary to effect the success of the claims 48576  
tracking system established pursuant to division (B)~~(15)~~(14) of 48577  
section 4121.121 of the Revised Code; 48578

(6) Exercise all administrative and nonadjudicatory powers 48579  
and duties conferred upon the commission by Chapters 4121., 4123., 48580  
4127., and 4131. of the Revised Code; 48581

(7) Approve all contracts for special services. 48582

(D) The chairperson is responsible for all administrative 48583  
matters and may secure for the commission facilities, equipment, 48584  
and supplies necessary to house the commission, any employees, and 48585  
files and records under the commission's control and to discharge 48586  
any duty imposed upon the commission by law, the expense thereof 48587  
to be audited and paid in the same manner as other state expenses. 48588  
For that purpose, the chairperson, separately from the budget 48589  
prepared by the administrator of workers' compensation, shall 48590  
prepare and submit to the office of budget and management a budget 48591  
for each biennium according to sections 101.532 and 107.03 of the 48592  
Revised Code. The budget submitted shall cover the costs of the 48593  
commission and staff and district hearing officers in the 48594  
discharge of any duty imposed upon the chairperson, the 48595  
commission, and hearing officers by law. 48596

(E) A majority of the commission constitutes a quorum to 48597  
transact business. No vacancy impairs the rights of the remaining 48598  
members to exercise all of the powers of the commission, so long 48599  
as a majority remains. Any investigation, inquiry, or hearing that 48600  
the commission may hold or undertake may be held or undertaken by 48601  
or before any one member of the commission, or before one of the 48602  
deputies of the commission, except as otherwise provided in this 48603  
chapter and Chapters 4123., 4127., and 4131. of the Revised Code. 48604  
Every order made by a member, or by a deputy, when approved and 48605  
confirmed by a majority of the members, and so shown on its record 48606  
of proceedings, is the order of the commission. The commission may 48607  
hold sessions at any place within the state. The commission is 48608  
responsible for all of the following: 48609

(1) Establishing the overall adjudicatory policy and 48610



management of the commission under this chapter and Chapters 48611  
4123., 4127., and 4131. of the Revised Code, except for those 48612  
administrative matters within the jurisdiction of the chairperson, 48613  
bureau of workers' compensation, and the administrator of workers' 48614  
compensation under those chapters; 48615

(2) Hearing appeals and reconsiderations under this chapter 48616  
and Chapters 4123., 4127., and 4131. of the Revised Code; 48617

(3) Engaging in rulemaking where required by this chapter or 48618  
Chapter 4123., 4127., or 4131. of the Revised Code. 48619

**Sec. 4121.121.** (A) There is hereby created the bureau of 48620  
workers' compensation, which shall be administered by the 48621  
administrator of workers' compensation. A person appointed to the 48622  
position of administrator shall possess significant management 48623  
experience in effectively managing an organization or 48624  
organizations of substantial size and complexity. A person 48625  
appointed to the position of administrator also shall possess a 48626  
minimum of five years of experience in the field of workers' 48627  
compensation insurance or in another insurance industry, except as 48628  
otherwise provided when the conditions specified in division (C) 48629  
of this section are satisfied. The governor shall appoint the 48630  
administrator as provided in section 121.03 of the Revised Code, 48631  
and the administrator shall serve at the pleasure of the governor. 48632  
The governor shall fix the administrator's salary on the basis of 48633  
the administrator's experience and the administrator's 48634  
responsibilities and duties under this chapter and Chapters 4123., 48635  
4125., 4127., 4131., and 4167. of the Revised Code. The governor 48636  
shall not appoint to the position of administrator any person who 48637  
has, or whose spouse has, given a contribution to the campaign 48638  
committee of the governor in an amount greater than one thousand 48639  
dollars during the two-year period immediately preceding the date 48640  
of the appointment of the administrator. 48641

The administrator shall hold no other public office and shall devote full time to the duties of administrator. Before entering upon the duties of the office, the administrator shall take an oath of office as required by sections 3.22 and 3.23 of the Revised Code, and shall file in the office of the secretary of state, a bond signed by the administrator and by surety approved by the governor, for the sum of fifty thousand dollars payable to the state, conditioned upon the faithful performance of the administrator's duties.

(B) The administrator is responsible for the management of the bureau and for the discharge of all administrative duties imposed upon the administrator in this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised Code, and in the discharge thereof shall do all of the following:

(1) Perform all acts and exercise all authorities and powers, discretionary and otherwise that are required of or vested in the bureau or any of its employees in this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised Code, except the acts and the exercise of authority and power that is required of and vested in the bureau of workers' compensation board of directors or the industrial commission pursuant to those chapters. The treasurer of state shall honor all warrants signed by the administrator, or by one or more of the administrator's employees, authorized by the administrator in writing, or bearing the facsimile signature of the administrator or such employee under sections 4123.42 and 4123.44 of the Revised Code.

(2) Employ, direct, and supervise all employees required in connection with the performance of the duties assigned to the bureau by this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised Code, including an actuary, and may establish job classification plans and compensation for all employees of the bureau provided that this grant of authority

shall not be construed as affecting any employee for whom the 48674  
state employment relations board has established an appropriate 48675  
bargaining unit under section 4117.06 of the Revised Code. All 48676  
positions of employment in the bureau are in the classified civil 48677  
service except those employees the administrator may appoint to 48678  
serve at the administrator's pleasure in the unclassified civil 48679  
service pursuant to section 124.11 of the Revised Code. The 48680  
administrator shall fix the salaries of employees the 48681  
administrator appoints to serve at the administrator's pleasure, 48682  
including the chief operating officer, staff physicians, and other 48683  
senior management personnel of the bureau and shall establish the 48684  
compensation of staff attorneys of the bureau's legal section and 48685  
their immediate supervisors, and take whatever steps are necessary 48686  
to provide adequate compensation for other staff attorneys. 48687

The administrator may appoint a person who holds a certified 48688  
position in the classified service within the bureau to a position 48689  
in the unclassified service within the bureau. A person appointed 48690  
pursuant to this division to a position in the unclassified 48691  
service shall retain the right to resume the position and status 48692  
held by the person in the classified service immediately prior to 48693  
the person's appointment in the unclassified service, regardless 48694  
of the number of positions the person held in the unclassified 48695  
service. An employee's right to resume a position in the 48696  
classified service may only be exercised when the administrator 48697  
demotes the employee to a pay range lower than the employee's 48698  
current pay range or revokes the employee's appointment to the 48699  
unclassified service. An employee forfeits the right to resume a 48700  
position in the classified service when the employee is removed 48701  
from the position in the unclassified service due to incompetence, 48702  
inefficiency, dishonesty, drunkenness, immoral conduct, 48703  
insubordination, discourteous treatment of the public, neglect of 48704  
duty, violation of this chapter or Chapter 124., 4123., 4125., 48705  
4127., 4131., or 4167. of the Revised Code, violation of the rules 48706

of the director of administrative services or the administrator, 48707  
any other failure of good behavior, any other acts of misfeasance, 48708  
malfeasance, or nonfeasance in office, or conviction of a felony. 48709  
An employee also forfeits the right to resume a position in the 48710  
classified service upon transfer to a different agency. 48711

Reinstatement to a position in the classified service shall 48712  
be to a position substantially equal to that position in the 48713  
classified service held previously, as certified by the department 48714  
of administrative services. If the position the person previously 48715  
held in the classified service has been placed in the unclassified 48716  
service or is otherwise unavailable, the person shall be appointed 48717  
to a position in the classified service within the bureau that the 48718  
director of administrative services certifies is comparable in 48719  
compensation to the position the person previously held in the 48720  
classified service. Service in the position in the unclassified 48721  
service shall be counted as service in the position in the 48722  
classified service held by the person immediately prior to the 48723  
person's appointment in the unclassified service. When a person is 48724  
reinstated to a position in the classified service as provided in 48725  
this division, the person is entitled to all rights, status, and 48726  
benefits accruing to the position during the person's time of 48727  
service in the position in the unclassified service. 48728

(3) Reorganize the work of the bureau, its sections, 48729  
departments, and offices to the extent necessary to achieve the 48730  
most efficient performance of its functions and to that end may 48731  
establish, change, or abolish positions and assign and reassign 48732  
duties and responsibilities of every employee of the bureau. All 48733  
persons employed by the commission in positions that, after 48734  
November 3, 1989, are supervised and directed by the administrator 48735  
under this section are transferred to the bureau in their 48736  
respective classifications but subject to reassignment and 48737  
reclassification of position and compensation as the administrator 48738

determines to be in the interest of efficient administration. The 48739  
civil service status of any person employed by the commission is 48740  
not affected by this section. Personnel employed by the bureau or 48741  
the commission who are subject to Chapter 4117. of the Revised 48742  
Code shall retain all of their rights and benefits conferred 48743  
pursuant to that chapter as it presently exists or is hereafter 48744  
amended and nothing in this chapter or Chapter 4123. of the 48745  
Revised Code shall be construed as eliminating or interfering with 48746  
Chapter 4117. of the Revised Code or the rights and benefits 48747  
conferred under that chapter to public employees or to any 48748  
bargaining unit. 48749

(4) Provide offices, equipment, supplies, and other 48750  
facilities for the bureau. 48751

(5) Prepare and submit to the board information the 48752  
administrator considers pertinent or the board requires, together 48753  
with the administrator's recommendations, in the form of 48754  
administrative rules, for the advice and consent of the board, for 48755  
classifications of occupations or industries, for premium rates 48756  
and contributions, for the amount to be credited to the surplus 48757  
fund, for rules and systems of rating, rate revisions, and merit 48758  
rating. The administrator shall obtain, prepare, and submit any 48759  
other information the board requires for the prompt and efficient 48760  
discharge of its duties. 48761

(6) Keep the accounts required by division (A) of section 48762  
4123.34 of the Revised Code and all other accounts and records 48763  
necessary to the collection, administration, and distribution of 48764  
the workers' compensation funds and shall obtain the statistical 48765  
and other information required by section 4123.19 of the Revised 48766  
Code. 48767

(7) Exercise the investment powers vested in the 48768  
administrator by section 4123.44 of the Revised Code in accordance 48769  
with the investment policy approved by the board pursuant to 48770

section 4121.12 of the Revised Code and in consultation with the 48771  
chief investment officer of the bureau of workers' compensation. 48772  
The administrator shall not engage in any prohibited investment 48773  
activity specified by the board pursuant to division (F)(9) of 48774  
section 4121.12 of the Revised Code and shall not invest in any 48775  
type of investment specified in divisions (B)(1) to (10) of 48776  
section 4123.442 of the Revised Code. All business shall be 48777  
transacted, all funds invested, all warrants for money drawn and 48778  
payments made, and all cash and securities and other property 48779  
held, in the name of the bureau, or in the name of its nominee, 48780  
provided that nominees are authorized by the administrator solely 48781  
for the purpose of facilitating the transfer of securities, and 48782  
restricted to the administrator and designated employees. 48783

~~(8) Make contracts for and supervise the construction of any 48784  
project or improvement or the construction or repair of buildings 48785  
under the control of the bureau. 48786~~

~~(9) In accordance with Chapter 125. of the Revised 48787  
Code, purchase supplies, materials, equipment, and services; ~~make~~ 48788  
~~contracts for, operate, and superintend the telephone, other~~ 48789  
~~telecommunication, and computer services for the use of the~~ 48790  
~~bureau; and make contracts in connection with office reproduction,~~ 48791  
~~forms management, printing, and other services. Notwithstanding~~ 48792  
~~sections 125.12 to 125.14 of the Revised Code, the administrator~~ 48793  
~~may transfer surplus computers and computer equipment directly to~~ 48794  
~~an accredited public school within the state. The computers and~~ 48795  
~~computer equipment may be repaired or refurbished prior to the~~ 48796  
~~transfer. 48797~~~~

~~(10)~~(9) Prepare and submit to the board an annual budget for 48798  
internal operating purposes for the board's approval. The 48799  
administrator also shall, separately from the budget the 48800  
industrial commission submits, prepare and submit to the director 48801  
of budget and management a budget for each biennium. The budgets 48802

submitted to the board and the director shall include estimates of 48803  
the costs and necessary expenditures of the bureau in the 48804  
discharge of any duty imposed by law. 48805

~~(11)~~(10) As promptly as possible in the course of efficient 48806  
administration, decentralize and relocate such of the personnel 48807  
and activities of the bureau as is appropriate to the end that the 48808  
receipt, investigation, determination, and payment of claims may 48809  
be undertaken at or near the place of injury or the residence of 48810  
the claimant and for that purpose establish regional offices, in 48811  
such places as the administrator considers proper, capable of 48812  
discharging as many of the functions of the bureau as is 48813  
practicable so as to promote prompt and efficient administration 48814  
in the processing of claims. All active and inactive lost-time 48815  
claims files shall be held at the service office responsible for 48816  
the claim. A claimant, at the claimant's request, shall be 48817  
provided with information by telephone as to the location of the 48818  
file pertaining to the claimant's claim. The administrator shall 48819  
ensure that all service office employees report directly to the 48820  
director for their service office. 48821

~~(12)~~(11) Provide a written binder on new coverage where the 48822  
administrator considers it to be in the best interest of the risk. 48823  
The administrator, or any other person authorized by the 48824  
administrator, shall grant the binder upon submission of a request 48825  
for coverage by the employer. A binder is effective for a period 48826  
of thirty days from date of issuance and is nonrenewable. Payroll 48827  
reports and premium charges shall coincide with the effective date 48828  
of the binder. 48829

~~(13)~~(12) Set standards for the reasonable and maximum 48830  
handling time of claims payment functions, ensure, by rules, the 48831  
impartial and prompt treatment of all claims and employer risk 48832  
accounts, and establish a secure, accurate method of time stamping 48833  
all incoming mail and documents hand delivered to bureau 48834

employees. 48835

~~(14)~~(13) Ensure that all employees of the bureau follow the 48836  
orders and rules of the commission as such orders and rules relate 48837  
to the commission's overall adjudicatory policy-making and 48838  
management duties under this chapter and Chapters 4123., 4127., 48839  
and 4131. of the Revised Code. 48840

~~(15)~~(14) Manage and operate a data processing system with a 48841  
common data base for the use of both the bureau and the commission 48842  
and, in consultation with the commission, using electronic data 48843  
processing equipment, shall develop a claims tracking system that 48844  
is sufficient to monitor the status of a claim at any time and 48845  
that lists appeals that have been filed and orders or 48846  
determinations that have been issued pursuant to section 4123.511 48847  
or 4123.512 of the Revised Code, including the dates of such 48848  
filings and issuances. 48849

~~(16)~~(15) Establish and maintain a medical section within the 48850  
bureau. The medical section shall do all of the following: 48851

(a) Assist the administrator in establishing standard medical 48852  
fees, approving medical procedures, and determining eligibility 48853  
and reasonableness of the compensation payments for medical, 48854  
hospital, and nursing services, and in establishing guidelines for 48855  
payment policies which recognize usual, customary, and reasonable 48856  
methods of payment for covered services; 48857

(b) Provide a resource to respond to questions from claims 48858  
examiners for employees of the bureau; 48859

(c) Audit fee bill payments; 48860

(d) Implement a program to utilize, to the maximum extent 48861  
possible, electronic data processing equipment for storage of 48862  
information to facilitate authorizations of compensation payments 48863  
for medical, hospital, drug, and nursing services; 48864



(e) Perform other duties assigned to it by the administrator. 48865

~~(17)~~(16) Appoint, as the administrator determines necessary, 48866  
panels to review and advise the administrator on disputes arising 48867  
over a determination that a health care service or supply provided 48868  
to a claimant is not covered under this chapter or Chapter 4123., 48869  
4127., or 4131. of the Revised Code or is medically unnecessary. 48870  
If an individual health care provider is involved in the dispute, 48871  
the panel shall consist of individuals licensed pursuant to the 48872  
same section of the Revised Code as such health care provider. 48873

~~(18)~~(17) Pursuant to section 4123.65 of the Revised Code, 48874  
approve applications for the final settlement of claims for 48875  
compensation or benefits under this chapter and Chapters 4123., 48876  
4127., and 4131. of the Revised Code as the administrator 48877  
determines appropriate, except in regard to the applications of 48878  
self-insuring employers and their employees. 48879

~~(19)~~(18) Comply with section 3517.13 of the Revised Code, and 48880  
except in regard to contracts entered into pursuant to the 48881  
authority contained in section 4121.44 of the Revised Code, comply 48882  
with the competitive bidding procedures set forth in the Revised 48883  
Code for all contracts into which the administrator enters 48884  
provided that those contracts fall within the type of contracts 48885  
and dollar amounts specified in the Revised Code for competitive 48886  
bidding and further provided that those contracts are not 48887  
otherwise specifically exempt from the competitive bidding 48888  
procedures contained in the Revised Code. 48889

~~(20)~~(19) Adopt, with the advice and consent of the board, 48890  
rules for the operation of the bureau. 48891

~~(21)~~(20) Prepare and submit to the board information the 48892  
administrator considers pertinent or the board requires, together 48893  
with the administrator's recommendations, in the form of 48894  
administrative rules, for the advice and consent of the board, for 48895

the health partnership program and the qualified health plan 48896  
system, as provided in sections 4121.44, 4121.441, and 4121.442 of 48897  
the Revised Code. 48898

(C) The administrator, with the advice and consent of the 48899  
senate, shall appoint a chief operating officer who has a minimum 48900  
of five years of experience in the field of workers' compensation 48901  
insurance or in another similar insurance industry if the 48902  
administrator does not possess such experience. The chief 48903  
operating officer shall not commence the chief operating officer's 48904  
duties until after the senate consents to the chief operating 48905  
officer's appointment. The chief operating officer shall serve in 48906  
the unclassified civil service of the state. 48907

**Sec. 4123.322.** (A) The administrator of workers' 48908  
compensation, with the advice and consent of the bureau of 48909  
workers' compensation board of directors, shall adopt rules 48910  
establishing a prospective payment system, which shall include all 48911  
of the following: 48912

(1) A requirement that upon an initial application for 48913  
coverage, a private employer shall file with the application an 48914  
estimate of the employer's payroll for the period the 48915  
administrator determines pursuant to rules the administrator 48916  
adopts, and shall pay the amount the administrator determines by 48917  
rule in order to establish coverage for the employer as described 48918  
in division (B)(12) of section 4121.121 of the Revised Code; 48919

(2) A requirement that upon an initial application for 48920  
coverage, a public employer, except for a state agency or state 48921  
university or college, shall file with the application an estimate 48922  
of the employer's payroll for the period the administrator 48923  
determines pursuant to rules the administrator adopts, and shall 48924  
pay the amount the administrator determines by rule in order to 48925  
establish coverage for the employer as described in division 48926

(B) <del>(12)</del> <u>(11)</u> of section 4121.121 of the Revised Code;	48927
(3) A requirement that an employer complete periodic payroll reports of actual expenditures for previous coverage periods for reconciliation with estimated payroll reports;	48928 48929 48930
(4) The assessment of a penalty for late payroll reconciliation reports and for late payment of any reconciliation premium;	48931 48932 48933
(5) The establishment of a transition period during which time the bureau shall determine the adequacy of existing premium security deposits of employers, the establishment of provisions for additional premium payments during that transition, the provision of a credit of those deposits toward the first premium due from an employer under the rules adopted under divisions (A)(1) to (4) of this section, and the establishment of penalties for late payment or failure to comply with the rules.	48934 48935 48936 48937 48938 48939 48940 48941
(B) For purposes of division (A)(3) of this section, an employer shall make timely payment of any premium owed when actual payroll expenditures exceeded estimated payroll, and the employer shall receive premium credit when the estimated payroll exceeded the actual payroll.	48942 48943 48944 48945 48946
(C) For purposes of division (A)(4) of this section, if the employer's actual payroll substantially exceeds the estimated payroll, the administrator may assess additional penalties specified in rules the administrator adopts on the reconciliation premium.	48947 48948 48949 48950 48951
(D) As used in this section, "state university or college" has the same meaning as in section 4123.32 of the Revised Code.	48952 48953
<b>Sec. 4301.01.</b> (A) As used in the Revised Code:	48954
(1) "Intoxicating liquor" and "liquor" include all liquids and compounds, other than beer, containing one-half of one per	48955 48956

cent or more of alcohol by volume which are fit to use for 48957  
beverage purposes, from whatever source and by whatever process 48958  
produced, by whatever name called, and whether they are medicated, 48959  
proprietary, or patented. "Intoxicating liquor" and "liquor" 48960  
include cider and alcohol, and all solids and confections which 48961  
contain one-half of one per cent or more of alcohol by volume. 48962

(2) Except as used in sections 4301.01 to 4301.20, 4301.22 to 48963  
4301.52, 4301.56, 4301.70, 4301.72, and 4303.01 to 4303.36 of the 48964  
Revised Code, "sale" and "sell" include exchange, barter, gift, 48965  
offer for sale, sale, distribution and delivery of any kind, and 48966  
the transfer of title or possession of beer and intoxicating 48967  
liquor either by constructive or actual delivery by any means or 48968  
devices whatever, including the sale of beer or intoxicating 48969  
liquor by means of a controlled access alcohol and beverage 48970  
cabinet pursuant to section 4301.21 of the Revised Code. "Sale" 48971  
and "sell" do not include the mere solicitation of orders for beer 48972  
or intoxicating liquor from the holders of permits issued by the 48973  
division of liquor control authorizing the sale of the beer or 48974  
intoxicating liquor, but no solicitor shall solicit any such 48975  
orders until the solicitor has been registered with the division 48976  
pursuant to section 4303.25 of the Revised Code. 48977

(3) "Vehicle" includes all means of transportation by land, 48978  
by water, or by air, and everything made use of in any way for 48979  
such transportation. 48980

(B) As used in this chapter: 48981

(1) "Alcohol" means ethyl alcohol, whether rectified or 48982  
diluted with water or not, whatever its origin may be, and 48983  
includes synthetic ethyl alcohol. "Alcohol" does not include 48984  
denatured alcohol and wood alcohol. 48985

(2) "Beer" includes all beverages brewed or fermented wholly 48986  
or in part from malt products and containing one-half of one per 48987

cent or more, but not more than twelve per cent, of alcohol by 48988  
volume. 48989

(3) "Wine" includes all liquids fit to use for beverage 48990  
purposes containing not less than one-half of one per cent of 48991  
alcohol by volume and not more than twenty-one per cent of alcohol 48992  
by volume, which is made from the fermented juices of grapes, 48993  
fruits, or other agricultural products, except that as used in 48994  
sections 4301.13, 4301.421, 4301.422, 4301.425, 4301.432, and 48995  
4301.44 of the Revised Code, and, for purposes of determining the 48996  
rate of the tax that applies, division (B) of section 4301.43 of 48997  
the Revised Code, "wine" does not include cider. 48998

(4) "Mixed beverages" include bottled and prepared cordials, 48999  
cocktails, highballs, and solids and confections that are obtained 49000  
by mixing any type of whiskey, neutral spirits, brandy, gin, or 49001  
other distilled spirits with, or over, carbonated or plain water, 49002  
pure juices from flowers and plants, and other flavoring 49003  
materials. The completed product shall contain not less than 49004  
one-half of one per cent of alcohol by volume and not more than 49005  
twenty-one per cent of alcohol by volume. 49006

(5) "Spirituous liquor" includes all intoxicating liquors 49007  
containing more than twenty-one per cent of alcohol by volume. 49008

(6) "Sealed container" means any container having a capacity 49009  
of not more than one hundred twenty-eight fluid ounces, the 49010  
opening of which is closed to prevent the entrance of air. 49011

(7) "Person" includes firms and corporations. 49012

(8) "Manufacture" includes all processes by which beer or 49013  
intoxicating liquor is produced, whether by distillation, 49014  
rectifying, fortifying, blending, fermentation, or brewing, or in 49015  
any other manner. 49016

(9) "Manufacturer" means any person engaged in the business 49017  
of manufacturing beer or intoxicating liquor. 49018

(10) "Wholesale distributor" and "distributor" means a person 49019  
engaged in the business of selling to retail dealers for purposes 49020  
of resale. 49021

(11) "Hotel" has the same meaning as in section 3731.01 of 49022  
the Revised Code, subject to the exceptions mentioned in section 49023  
3731.03 of the Revised Code. 49024

(12) "Restaurant" means a place located in a permanent 49025  
building provided with space and accommodations wherein, in 49026  
consideration of the payment of money, hot meals are habitually 49027  
prepared, sold, and served at noon and evening, as the principal 49028  
business of the place. "Restaurant" does not include pharmacies, 49029  
confectionery stores, lunch stands, night clubs, and filling 49030  
stations. 49031

(13) "Club" means a corporation or association of individuals 49032  
organized in good faith for social, recreational, benevolent, 49033  
charitable, fraternal, political, patriotic, or athletic purposes, 49034  
which is the owner, lessor, or occupant of a permanent building or 49035  
part of a permanent building operated solely for those purposes, 49036  
membership in which entails the prepayment of regular dues, and 49037  
includes the place so operated. 49038

(14) "Night club" means a place operated for profit, where 49039  
food is served for consumption on the premises and one or more 49040  
forms of amusement are provided or permitted for a consideration 49041  
that may be in the form of a cover charge or may be included in 49042  
the price of the food and beverages, or both, purchased by 49043  
patrons. 49044

(15) "At retail" means for use or consumption by the 49045  
purchaser and not for resale. 49046

(16) "Pharmacy" means an establishment, as defined in section 49047  
4729.01 of the Revised Code, that is under the management or 49048  
control of a licensed pharmacist in accordance with section 49049

4729.27 of the Revised Code. 49050

(17) "Enclosed shopping center" means a group of retail sales 49051  
and service business establishments that face into an enclosed 49052  
mall, share common ingress, egress, and parking facilities, and 49053  
are situated on a tract of land that contains an area of not less 49054  
than five hundred thousand square feet. "Enclosed shopping center" 49055  
also includes not more than one business establishment that is 49056  
located within a free-standing building on such a tract of land, 49057  
so long as the sale of beer and intoxicating liquor on the tract 49058  
of land was approved in an election held under former section 49059  
4301.353 of the Revised Code. 49060

(18) "Controlled access alcohol and beverage cabinet" means a 49061  
closed container, either refrigerated, in whole or in part, or 49062  
nonrefrigerated, access to the interior of which is restricted by 49063  
means of a device that requires the use of a key, magnetic card, 49064  
or similar device and from which beer, intoxicating liquor, other 49065  
beverages, or food may be sold. 49066

(19) "Community facility" means either of the following: 49067

(a) Any convention, sports, or entertainment facility or 49068  
complex, or any combination of these, that is used by or 49069  
accessible to the general public and that is owned or operated in 49070  
whole or in part by the state, a state agency, or a political 49071  
subdivision of the state or that is leased from, or located on 49072  
property owned by or leased from, the state, a state agency, a 49073  
political subdivision of the state, or a convention facilities 49074  
authority created pursuant to section 351.02 of the Revised Code; 49075

(b) An area designated as a community entertainment district 49076  
pursuant to section 4301.80 of the Revised Code. 49077

(20) "Low-alcohol beverage" means any brewed or fermented 49078  
malt product, or any product made from the fermented juices of 49079  
grapes, fruits, or other agricultural products, that contains 49080

either no alcohol or less than one-half of one per cent of alcohol 49081  
by volume. The beverages described in division (B)(20) of this 49082  
section do not include a soft drink such as root beer, birch beer, 49083  
or ginger beer. 49084

(21) "Cider" means all liquids fit to use for beverage 49085  
purposes that contain one-half of one per cent of alcohol by 49086  
volume, but not more than six per cent of alcohol by weight, and 49087  
that are made through the normal alcoholic fermentation of the 49088  
juice of sound, ripe apples, including, without limitation, 49089  
flavored, sparkling, or carbonated cider and cider made from pure 49090  
condensed apple must. 49091

(22) "Sales area or territory" means an exclusive geographic 49092  
area or territory that is assigned to a particular A or B permit 49093  
holder and that either has one or more political subdivisions as 49094  
its boundaries or consists of an area of land with readily 49095  
identifiable geographic boundaries. "Sales area or territory" does 49096  
not include, however, any particular retail location in an 49097  
exclusive geographic area or territory that had been assigned to 49098  
another A or B permit holder before April 9, 2001. 49099

**Sec. 4301.102.** (A) The superintendent of liquor control shall 49100  
collect the tax levied under section 307.697, 3381.041, or 49101  
4301.424 of the Revised Code on sales of spirituous liquor sold to 49102  
liquor permit holders for resale, and sold at retail by the 49103  
division of liquor control, in the county in which the tax is 49104  
levied, and shall deposit the tax into the state treasury to the 49105  
credit of the liquor control fund created by section 4301.12 of 49106  
the Revised Code. The superintendent shall provide for payment of 49107  
the full amount of the tax collected to the county in which the 49108  
tax is levied as follows: 49109

(1) For each county in which a tax is levied under section 49110  
307.697, 3381.041, or 4301.424 of the Revised Code, the 49111



superintendent of liquor control shall, on or before the sixteenth 49112  
day of each month: 49113

(a) From the best information available to the 49114  
superintendent, determine and certify to the director of budget 49115  
and management and to the tax commissioner the full amount of the 49116  
tax levied in the county and collected during the first fifteen 49117  
days of the preceding month; 49118

(b) On or before the last working day of each month, from the 49119  
best information available to the superintendent, determine and 49120  
certify to the director of budget and management and to the tax 49121  
commissioner the full amount of the tax levied in the county and 49122  
collected during the remainder of the preceding month. 49123

(2) Upon receipt of such certification, the director of 49124  
budget and management shall transfer from the liquor control fund 49125  
to the permissive tax distribution fund created by division (B)(1) 49126  
of section 4301.423 of the Revised Code the full amount certified 49127  
to the director under division (A)(1) of this section. 49128

(3) Within five working days after receiving the 49129  
certification provided for in division (A)(1) of this section, the 49130  
tax commissioner shall provide for payment to the county treasurer 49131  
of each county that imposes a tax under section 307.697, 3381.041, 49132  
or 4301.424 of the Revised Code the full amount certified to be 49133  
paid to the county. 49134

(B) The superintendent of liquor control may adopt any rules 49135  
necessary for the administration, collection, and enforcement of 49136  
taxes levied under section 307.697, 3381.041, or 4301.424 of the 49137  
Revised Code. 49138

(C) Notwithstanding any other provision of law to the 49139  
contrary, no permit holder shall purchase liquor from the division 49140  
of liquor control at wholesale from a store that is located 49141  
outside of a county in which a tax is levied under section 49142

307.697, 3381.041, or 4301.424 of the Revised Code if the liquor 49143  
is to be resold in the county in which the tax is levied. 49144

**Sec. 4301.12.** The division of liquor control shall provide 49145  
for the custody, safekeeping, and deposit of all moneys, checks, 49146  
and drafts received by it or any of its employees or agents prior 49147  
to paying them to the treasurer of state as provided by section 49148  
113.08 of the Revised Code. 49149

A sum equal to three dollars and thirty-eight cents for each 49150  
gallon of spirituous liquor sold by the division, JobsOhio, or a 49151  
designee of JobsOhio during the period covered by the payment 49152  
shall be paid into the state treasury to the credit of the general 49153  
revenue fund. All moneys received from permit fees, except B-2a 49154  
and S permit fees from B-2a and S permit holders who do not also 49155  
hold A-2 permits, shall be paid to the credit of the undivided 49156  
liquor permit fund established by section 4301.30 of the Revised 49157  
Code. 49158

Except as otherwise provided by law, the division shall 49159  
deposit all moneys collected under Chapters 4301. and 4303. of the 49160  
Revised Code ~~shall be paid by the division~~ into the state treasury 49161  
to the credit of the ~~liquor control fund, which is hereby created~~ 49162  
state liquor regulatory fund created in section 4301.30 of the 49163  
Revised Code. In addition, revenue resulting from any contracts 49164  
with the department of commerce pertaining to the responsibilities 49165  
and operations described in this chapter may be credited to the 49166  
fund. ~~Amounts in the liquor control fund may be used to pay the~~ 49167  
~~operating expenses of the liquor control commission.~~ 49168

Whenever, in the judgment of the director of budget and 49169  
management, the amount in the liquor control fund is in excess of 49170  
that needed to meet the maturing obligations of the division, as 49171  
working capital for its further operations, to pay the operating 49172  
expenses of the commission, and for the alcohol testing program 49173

under section 3701.143 of the Revised Code, the director shall 49174  
transfer the excess to the credit of the general revenue fund. If 49175  
the director determines that the amount in the liquor control fund 49176  
is insufficient, the director may transfer money from the general 49177  
revenue fund to the liquor control fund. 49178

**Sec. 4301.422.** (A) Any person who makes sales of beer, cider, 49179  
wine, or mixed beverages to persons for resale at retail in a 49180  
county in which a tax has been enacted pursuant to section 49181  
4301.421 ~~or~~, 4301.424, or 4301.425 of the Revised Code, and any 49182  
manufacturer, bottler, importer, or other person who makes sales 49183  
at retail in the county upon which the tax has not been paid, is 49184  
liable for the tax. Each person liable for the tax shall register 49185  
with the tax commissioner on a form prescribed by the commissioner 49186  
and provide whatever information the commissioner considers 49187  
necessary. 49188

(B) Each person liable for the tax shall file a return and 49189  
pay the tax to the tax commissioner by the last day of the month 49190  
following the month in which the sale occurred. The return is 49191  
considered to be filed when received by the tax commissioner. The 49192  
return shall be prescribed by the commissioner, and no person 49193  
filing such a return shall fail to provide the information 49194  
specified on the return. If the return is filed and the amount of 49195  
tax shown on the return to be due is paid on or before the date 49196  
the return is required to be filed, the person required to file 49197  
the return shall receive an administrative fee of two and one-half 49198  
per cent of that person's total tax liability under section 49199  
4301.421 or 4301.425 of the Revised Code for the purpose of 49200  
offsetting additional costs incurred in collecting and remitting 49201  
the tax. Any person required to file a return who fails to file 49202  
timely may be required to forfeit and pay into the state treasury 49203  
an amount not exceeding fifty dollars or ten per cent of the tax 49204  
due, whichever is greater, as revenue arising from the tax. That 49205

amount may be collected by assessment in the manner specified in 49206  
sections 4305.13 and 4305.131 of the Revised Code. 49207

(C) A tax levied pursuant to section 4301.421 ~~or~~ 4301.424, 49208  
or 4301.425 of the Revised Code shall be administered by the tax 49209  
commissioner. The commissioner shall have all powers and authority 49210  
incident to such administration, including examination of records, 49211  
audit, refund, assessment, and seizure and forfeiture of untaxed 49212  
beverages. The procedures, rights, privileges, limitations, 49213  
prohibitions, responsibilities, and duties specified in sections 49214  
4301.48 to 4301.52, 4305.13, 4305.131, and 4307.01 to 4307.12 of 49215  
the Revised Code apply in the administration of the tax. 49216

(D) Each person required to pay the tax levied pursuant to 49217  
section 4301.421 ~~or~~ 4301.424, or 4301.425 of the Revised Code who 49218  
sells beer, cider, wine, or mixed beverages for resale at retail 49219  
within a county in which the tax is levied shall clearly mark on 49220  
all invoices, billings, and similar documents the amount of tax 49221  
and the name of the county in which the tax is levied. 49222

(E) Each person required to pay the tax levied by section 49223  
4301.421 ~~or~~ 4301.424, or 4301.425 of the Revised Code shall 49224  
maintain complete records of all sales for at least three years. 49225  
The records shall be open to inspection by the tax commissioner. 49226

(F) All money collected by the tax commissioner under this 49227  
section shall be paid to the treasurer of state as revenue arising 49228  
from the tax imposed by section 4301.421 ~~or~~ 4301.424, or 4301.425 49229  
of the Revised Code. 49230

**Sec. 4301.423.** The treasurer of state shall credit all moneys 49231  
arising from each county's taxes levied under section 4301.421 ~~or~~ 49232  
4301.424, or 4301.425 of the Revised Code as follows: 49233

(A) To the tax refund fund created by section 5703.052 of the 49234  
Revised Code, amounts equal to the refunds from each tax as 49235

certified by the tax commissioner pursuant to section 4307.05 of the Revised Code; 49236  
49237

(B) Following the crediting of amounts pursuant to division (A) of this section: 49238  
49239

(1) To the permissive tax distribution fund, which is hereby created in the state treasury, an amount equal to ninety-eight per cent of the remainder collected; 49240  
49241  
49242

(2) To the local excise tax administration fund created by division (B)(2) of section 5743.024 of the Revised Code, an amount equal to two per cent of such remainder, for use by the tax commissioner in defraying costs the commissioner incurs in administering the tax. 49243  
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On or before the second working day of each month, the treasurer of state shall certify to the tax commissioner the amount of taxes levied in each county under section 4301.421 or 4301.425 of the Revised Code and paid to the treasurer of state during the preceding month. 49248  
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On or before the tenth day of each month, the tax commissioner shall distribute the amount credited to the permissive tax distribution fund from such taxes during the preceding month by providing for payment in the appropriate amount to the county treasurer of each county in which the tax is levied, who shall credit the payment to the fund or account designated by the board of county commissioners or the board of directors of a convention facilities authority levying the tax. 49253  
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Sec. 4301.425. (A) For one or more of the purposes for which a tax may be levied under section 3381.16 of the Revised Code and for the purposes of paying the expenses of administering the tax and the expenses charged by a board of elections to hold an election on a question submitted under this section, the board of 49261  
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county commissioners that created a regional arts and culture 49266  
district created under section 3381.041 of the Revised Code may 49267  
levy a tax on the sale of beer at a rate not to exceed sixteen 49268  
cents per gallon, on the sale of cider at a rate not to exceed 49269  
twenty-four cents per gallon, and on the sale of wine and mixed 49270  
beverages at a rate not to exceed thirty-two cents per gallon. The 49271  
tax shall be imposed on all beer, cider, wine, and mixed beverages 49272  
sold for resale at retail in the county, and on all beer, cider, 49273  
wine, and mixed beverages sold at retail in the county by the 49274  
manufacturer, bottler, importer, or other person upon which the 49275  
tax has not been paid. The tax shall not be levied on the sale of 49276  
wine to be used for known sacramental purposes. The tax may be 49277  
levied for any number of years not exceeding twenty. The tax shall 49278  
be in addition to the taxes imposed by sections 4301.42, 4301.43, 49279  
4301.432, and 4305.01 of the Revised Code. The tax shall not be 49280  
considered a cost in any computation required under rules of the 49281  
liquor control commission regulating minimum prices or mark-ups. 49282

(B) Only one sale of the same article shall be used in 49283  
computing, reporting, and paying the amount of tax due. 49284

(C) The tax shall be levied pursuant to a resolution of the 49285  
county commissioners approved by a majority of the electors in the 49286  
county voting on the question of levying the tax, which resolution 49287  
shall specify the rate of the tax, the number of years the tax 49288  
will be levied, and the purposes for which the tax is levied. The 49289  
election may be held on the date of a general election or special 49290  
election held not sooner than ninety days after the date the board 49291  
certifies its resolution to the board of elections. If approved by 49292  
the electors, the tax shall take effect on the first day of the 49293  
month specified in the resolution but not sooner than the first 49294  
day of the month that is at least sixty days after the 49295  
certification of the election results by the board of elections. A 49296  
copy of the resolution levying the tax and the certification of 49297

the board of elections shall be certified to the tax commissioner 49298  
at least sixty days before the date on which the tax is to become 49299  
effective. 49300

(D) A resolution under this section may be joined on the 49301  
ballot as a single question with a resolution adopted under 49302  
section 3381.041 or 5743.021 of the Revised Code to levy a tax for 49303  
the same purposes. The form of the ballot in an election held 49304  
pursuant to this section shall be as prescribed by section 49305  
3381.041 of the Revised Code. 49306

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of 49307  
the Revised Code: 49308

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 49309  
fluid ounces. 49310

(2) "Sale" or "sell" includes exchange, barter, gift, 49311  
distribution, and, except with respect to A-4 permit holders, 49312  
offer for sale. 49313

(B) For the purposes of providing revenues for the support of 49314  
the state and encouraging the grape industries in the state, a tax 49315  
is hereby levied on the sale or distribution of wine in Ohio, 49316  
except for known sacramental purposes, at the rate of thirty cents 49317  
per wine gallon for wine containing not less than four per cent of 49318  
alcohol by volume and not more than fourteen per cent of alcohol 49319  
by volume, ninety-eight cents per wine gallon for wine containing 49320  
more than fourteen per cent but not more than twenty-one per cent 49321  
of alcohol by volume, one dollar and eight cents per wine gallon 49322  
for vermouth, and one dollar and forty-eight cents per wine gallon 49323  
for sparkling and carbonated wine and champagne, the tax to be 49324  
paid by the holders of A-2 and B-5 permits or by any other person 49325  
selling or distributing wine upon which no tax has been paid. From 49326  
the tax paid under this section on wine, vermouth, and sparkling 49327  
and carbonated wine and champagne, the treasurer of state shall 49328

credit to the Ohio grape industries fund created under section 49329  
924.54 of the Revised Code a sum equal to one cent per gallon for 49330  
each gallon upon which the tax is paid. 49331

(C) For the purpose of providing revenues for the support of 49332  
the state, there is hereby levied a tax on prepared and bottled 49333  
highballs, cocktails, cordials, and other mixed beverages at the 49334  
rate of one dollar and twenty cents per wine gallon to be paid by 49335  
holders of A-4 permits or by any other person selling or 49336  
distributing those products upon which no tax has been paid. Only 49337  
one sale of the same article shall be used in computing the amount 49338  
of tax due. The tax on mixed beverages to be paid by holders of 49339  
A-4 permits under this section shall not attach until the 49340  
ownership of the mixed beverage is transferred for valuable 49341  
consideration to a wholesaler or retailer, and no payment of the 49342  
tax shall be required prior to that time. 49343

(D) During the period of July 1, ~~2013~~ 2015, through June 30, 49344  
~~2015~~ 2017, from the tax paid under this section on wine, vermouth, 49345  
and sparkling and carbonated wine and champagne, the treasurer of 49346  
state shall credit to the Ohio grape industries fund created under 49347  
section 924.54 of the Revised Code a sum equal to two cents per 49348  
gallon upon which the tax is paid. The amount credited under this 49349  
division is in addition to the amount credited to the Ohio grape 49350  
industries fund under division (B) of this section. 49351

(E) For the purpose of providing revenues for the support of 49352  
the state, there is hereby levied a tax on cider at the rate of 49353  
twenty-four cents per wine gallon to be paid by the holders of A-2 49354  
and B-5 permits or by any other person selling or distributing 49355  
cider upon which no tax has been paid. Only one sale of the same 49356  
article shall be used in computing the amount of the tax due. 49357

**Sec. 4301.46.** (A) Except as otherwise provided by law, moneys 49358  
received into the state treasury from the taxes levied, penalties 49359



assessed, and sums recovered under Chapters 4301. and 4303. of the Revised Code shall be credited to the general revenue fund.

(B) Two per cent of all revenue received from the taxes levied under sections 4301.42 and 4305.01 of the Revised Code shall be credited to the major sporting events site selection fund, which is hereby created, provided that the total amount of such revenue credited to the fund in any fiscal year shall not exceed one million dollars. All money credited to the fund shall be used by the director of development services to make grants under section 122.121 of the Revised Code.

**Sec. 4301.49.** No person shall prevent or hinder the tax commissioner from making a full inspection of any place where beer, wine, or mixed beverages subject to the tax imposed by section 4301.42, 4301.421, 4301.424, 4301.425, or 4301.43 of the Revised Code is manufactured, sold, or stored. No person shall prevent or hinder the full inspection of invoices, books, records, or papers required to be kept under this chapter and Chapters 4305. and 4307. of the Revised Code.

**Sec. 4301.50.** No person, firm, or corporation or ~~his or its~~ an employee or agent thereof shall distribute or sell any beverage upon which the tax provided for by sections 4301.42, 4301.421, 4301.424, 4301.425, 4301.43, 4301.432, and 4305.01 of the Revised Code has not been paid. Any person, firm, or corporation ~~or his or its~~ an employee or agent ~~who~~ thereof that violates this section or any rule of the tax commissioner shall be subject to all penalties provided in division (A) of section 4307.99 of the Revised Code.

**Sec. 4301.61.** (A) As used in this section and section 4301.611 of the Revised Code:

(1) "Card holder" means any person who presents a driver's or commercial driver's license or an identification card to a permit

holder, or an agent or employee of a permit holder, for either of 49390  
the purposes listed in division (A)(4)(a) or (b) of this section. 49391

(2) "Identification card" means an identification card issued 49392  
under sections 4507.50 to 4507.52 of the Revised Code or an 49393  
equivalent identification card issued by another state. 49394

(3) "Permit holder" means the holder of a permit issued under 49395  
Chapter 4303. of the Revised Code. 49396

(4) "Transaction scan" means the process by which a permit 49397  
holder or an agent or employee of a permit holder checks, by means 49398  
of a transaction scan device, the validity of a driver's or 49399  
commercial driver's license or an identification card that is 49400  
presented as a condition for doing either of the following: 49401

(a) Purchasing any beer, intoxicating liquor, or low-alcohol 49402  
beverage; 49403

(b) Gaining admission to a premises that has been issued a 49404  
liquor permit authorizing the sale of beer or intoxicating liquor 49405  
for consumption on the premises where sold, and where admission is 49406  
restricted to persons twenty-one years of age or older. 49407

(5) "Transaction scan device" means any commercial device or 49408  
combination of devices used at a point of sale that is capable of 49409  
deciphering in an electronically readable format the information 49410  
encoded on the magnetic strip or bar code of a driver's or 49411  
commercial driver's license or an identification card. 49412

(B)(1) A permit holder or an agent or employee of a permit 49413  
holder may perform a transaction scan by means of a transaction 49414  
scan device to check the validity of a driver's or commercial 49415  
driver's license or identification card presented by a card holder 49416  
for either of the purposes listed in division (A)(4)(a) or (b) of 49417  
this section. 49418

(2) If the information deciphered by the transaction scan 49419

performed under division (B)(1) of this section fails to match the 49420  
information printed on the driver's or commercial driver's license 49421  
or identification card presented by the card holder, or if the 49422  
transaction scan indicates that the information so printed is 49423  
false or fraudulent, neither the permit holder nor any agent or 49424  
employee of the permit holder shall sell any beer, intoxicating 49425  
liquor, or low-alcohol beverage to the card holder. 49426

(3) Division (B)(1) of this section does not preclude a 49427  
permit holder or an agent or employee of a permit holder from 49428  
using a transaction scan device to check the validity of a 49429  
document other than a driver's or commercial driver's license or 49430  
an identification card, if the document includes a bar code or 49431  
magnetic strip that may be scanned by the device, as a condition 49432  
of a sale of beer, intoxicating liquor, or a low-alcohol beverage 49433  
or of granting admission to a premises described in division 49434  
(A)(4) of this section. 49435

(C) The registrar of motor vehicles, with the approval of the 49436  
liquor control commission, shall adopt, and may amend or rescind, 49437  
rules in accordance with Chapter 119. of the Revised Code that do 49438  
both of the following: 49439

(1) Govern the recording and maintenance of information 49440  
described in divisions (D)(1)(a) and (b) of this section, 49441  
divisions (D)(1)(a) and (b) of section 2927.021 of the Revised 49442  
Code, and divisions (D)(1)(a) and (b) of section 2925.57 of the 49443  
Revised Code; 49444

(2) Ensure quality control in the use of transaction scan 49445  
devices under this section and sections 2927.021, 2927.022, 49446  
2925.57, 2925.58, and 4301.611 of the Revised Code. 49447

(D)(1) No permit holder or agent or employee of a permit 49448  
holder shall electronically or mechanically record or maintain any 49449  
information derived from a transaction scan, except the following: 49450

(a) The name and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by a card holder;

(b) The expiration date and identification number of the driver's or commercial driver's license or identification card presented by a card holder.

(2) No permit holder or agent or employee of a permit holder shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained by division (D)(1) of this section, except for purposes of section 4301.611 of the Revised Code.

(3) No permit holder or agent or employee of a permit holder shall use a transaction scan device for a purpose other than a purpose listed in division (A)(4)(a) or (b) of this section.

(4) No permit holder or agent or employee of a permit holder shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including, but not limited to, selling or otherwise disseminating that information for any marketing, advertising, or promotional activities, but a permit holder or agent or employee of a permit holder may release that information pursuant to a court order or as specifically authorized by section 4301.611 or another section of the Revised Code.

(E) Nothing in this section or section 4301.611 of the Revised Code relieves a permit holder or an agent or employee of a permit holder of any responsibility to comply with any other applicable state or federal laws or rules governing the sale of beer, intoxicating liquor, or low-alcohol beverages.

(F) Whoever violates division (B)(2) or (D) of this section is guilty of an illegal liquor transaction scan, and the court may impose upon the offender a civil penalty of up to one thousand

dollars for each violation. The clerk of the court shall pay each 49482  
collected civil penalty to the county treasurer for deposit into 49483  
the county treasury. 49484

**Sec. 4301.639.** (A) No permit holder, agent or employee of a 49485  
permit holder, or any other person may be found guilty of a 49486  
violation of any section of this chapter or any rule of the liquor 49487  
control commission in which age is an element of the offense, if 49488  
the liquor control commission or any court of record finds all of 49489  
the following: 49490

(1) That the person buying, at the time of so doing, 49491  
exhibited to the permit holder, the agent or employee of the 49492  
permit holder, or the other person a driver's or commercial 49493  
driver's license, an identification card ~~issued under sections~~ 49494  
~~4507.50 to 4507.52~~ as defined in section 4301.61 of the Revised 49495  
Code, ~~or~~ a military identification card issued by the United 49496  
States department of defense, or a United States or foreign 49497  
passport, that displays a picture of the individual for whom the 49498  
license ~~or~~, card, or passport was issued and shows that the person 49499  
buying was then at least twenty-one years of age, if the person 49500  
was buying beer as defined in section 4301.01 of the Revised Code 49501  
or intoxicating liquor, or that the person was then at least 49502  
eighteen years of age, if the person was buying any low-alcohol 49503  
beverage; 49504

(2) That the permit holder, the agent or employee of the 49505  
permit holder, or the other person made a bona fide effort to 49506  
ascertain the true age of the person buying by checking the 49507  
identification presented, at the time of the purchase, to 49508  
ascertain that the description on the identification compared with 49509  
the appearance of the buyer and that the identification presented 49510  
had not been altered in any way; 49511

(3) That the permit holder, the agent or employee of the 49512

permit holder, or the other person had reason to believe that the 49513  
person buying was of legal age. 49514

(B) In any hearing before the liquor control commission and 49515  
in any action or proceeding before a court of record in which a 49516  
defense is raised under division (A) of this section, the 49517  
registrar of motor vehicles or deputy registrar who issued an 49518  
identification card under sections 4507.50 to 4507.52 of the 49519  
Revised Code shall be permitted to submit certified copies of the 49520  
records, in the registrar's or deputy's possession, of that 49521  
issuance in lieu of the testimony of the personnel of or 49522  
contractors with the bureau of motor vehicles at the hearing, 49523  
action, or proceeding. 49524

(C) The defense provided by division (A) of this section is 49525  
in addition to the affirmative defense provided by section 49526  
4301.611 of the Revised Code. 49527

**Sec. 4303.071.** (A)(1) Permit B-2a may be issued to a person 49528  
that is the brand owner or United States importer of wine, is the 49529  
designated agent of a brand owner or importer for all wine sold in 49530  
this state for that owner or importer, or manufactures wine if 49531  
such manufacturer is entitled to a tax credit under 27 C.F.R. 49532  
24.278 and produces less than two hundred fifty thousand gallons 49533  
of wine per year. If the person resides outside this state, the 49534  
person shall comply with the requirements governing the issuance 49535  
of licenses or permits that authorize the sale of intoxicating 49536  
liquor by the appropriate authority of the state in which the 49537  
person resides or by the alcohol and tobacco tax and trade bureau 49538  
in the United States department of the treasury. 49539

(2) The fee for the B-2a permit is twenty-five dollars. 49540

(3) The holder of a B-2a permit may sell wine to a retail 49541  
permit holder, but a B-2a permit holder that is a wine 49542  
manufacturer may sell to a retail permit holder only wine that the 49543

B-2a permit holder has manufactured. 49544

(4) The holder of a B-2a permit shall renew the permit in 49545  
accordance with section 4303.271 of the Revised Code, except that 49546  
renewal shall not be subject to the notice and hearing 49547  
requirements established in division (B) of that section. 49548

(B) The holder of a B-2a permit shall collect and pay the 49549  
taxes relating to the delivery of wine to a retailer that are 49550  
levied under sections 4301.421, 4301.425, and 4301.432 and 49551  
Chapters 5739. and 5741. of the Revised Code. 49552

(C) The holder of a B-2a permit shall comply with this 49553  
chapter, Chapter 4301. of the Revised Code, and any rules adopted 49554  
by the liquor control commission under section 4301.03 of the 49555  
Revised Code. 49556

**Sec. 4303.181.** (A) Permit D-5a may be issued either to the 49557  
owner or operator of a hotel or motel that is required to be 49558  
licensed under section 3731.03 of the Revised Code, that contains 49559  
at least fifty rooms for registered transient guests or is owned 49560  
by a state institution of higher education as defined in section 49561  
3345.011 of the Revised Code or a private college or university, 49562  
and that qualifies under the other requirements of this section, 49563  
or to the owner or operator of a restaurant specified under this 49564  
section, to sell beer and any intoxicating liquor at retail, only 49565  
by the individual drink in glass and from the container, for 49566  
consumption on the premises where sold, and to registered guests 49567  
in their rooms, which may be sold by means of a controlled access 49568  
alcohol and beverage cabinet in accordance with division (B) of 49569  
section 4301.21 of the Revised Code; and to sell the same products 49570  
in the same manner and amounts not for consumption on the premises 49571  
as may be sold by holders of D-1 and D-2 permits. The premises of 49572  
the hotel or motel shall include a retail food establishment or a 49573  
food service operation licensed pursuant to Chapter 3717. of the 49574

Revised Code that operates as a restaurant for purposes of this 49575  
chapter and that is affiliated with the hotel or motel and within 49576  
or contiguous to the hotel or motel, and that serves food within 49577  
the hotel or motel, but the principal business of the owner or 49578  
operator of the hotel or motel shall be the accommodation of 49579  
transient guests. In addition to the privileges authorized in this 49580  
division, the holder of a D-5a permit may exercise the same 49581  
privileges as the holder of a D-5 permit. 49582

The owner or operator of a hotel, motel, or restaurant who 49583  
qualified for and held a D-5a permit on August 4, 1976, may, if 49584  
the owner or operator held another permit before holding a D-5a 49585  
permit, either retain a D-5a permit or apply for the permit 49586  
formerly held, and the division of liquor control shall issue the 49587  
permit for which the owner or operator applies and formerly held, 49588  
notwithstanding any quota. 49589

A D-5a permit shall not be transferred to another location. 49590  
No quota restriction shall be placed on the number of D-5a permits 49591  
that may be issued. 49592

The fee for this permit is two thousand three hundred 49593  
forty-four dollars. 49594

(B) Permit D-5b may be issued to the owner, operator, tenant, 49595  
lessee, or occupant of an enclosed shopping center to sell beer 49596  
and intoxicating liquor at retail, only by the individual drink in 49597  
glass and from the container, for consumption on the premises 49598  
where sold; and to sell the same products in the same manner and 49599  
amount not for consumption on the premises as may be sold by 49600  
holders of D-1 and D-2 permits. In addition to the privileges 49601  
authorized in this division, the holder of a D-5b permit may 49602  
exercise the same privileges as a holder of a D-5 permit. 49603

A D-5b permit shall not be transferred to another location. 49604

One D-5b permit may be issued at an enclosed shopping center 49605



containing at least two hundred twenty-five thousand, but less than four hundred thousand, square feet of floor area. 49606  
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Two D-5b permits may be issued at an enclosed shopping center 49608  
containing at least four hundred thousand square feet of floor 49609  
area. No more than one D-5b permit may be issued at an enclosed 49610  
shopping center for each additional two hundred thousand square 49611  
feet of floor area or fraction of that floor area, up to a maximum 49612  
of five D-5b permits for each enclosed shopping center. The number 49613  
of D-5b permits that may be issued at an enclosed shopping center 49614  
shall be determined by subtracting the number of D-3 and D-5 49615  
permits issued in the enclosed shopping center from the number of 49616  
D-5b permits that otherwise may be issued at the enclosed shopping 49617  
center under the formulas provided in this division. Except as 49618  
provided in this section, no quota shall be placed on the number 49619  
of D-5b permits that may be issued. Notwithstanding any quota 49620  
provided in this section, the holder of any D-5b permit first 49621  
issued in accordance with this section is entitled to its renewal 49622  
in accordance with section 4303.271 of the Revised Code. 49623

The holder of a D-5b permit issued before April 4, 1984, 49624  
whose tenancy is terminated for a cause other than nonpayment of 49625  
rent, may return the D-5b permit to the division of liquor 49626  
control, and the division shall cancel that permit. Upon 49627  
cancellation of that permit and upon the permit holder's payment 49628  
of taxes, contributions, premiums, assessments, and other debts 49629  
owing or accrued upon the date of cancellation to this state and 49630  
its political subdivisions and a filing with the division of a 49631  
certification of that payment, the division shall issue to that 49632  
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 49633  
that person requests. The division shall issue the D-5 permit, or 49634  
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 49635  
D-3, or D-5 permits currently issued in the municipal corporation 49636  
or in the unincorporated area of the township where that person's 49637

proposed premises is located equals or exceeds the maximum number 49638  
of such permits that can be issued in that municipal corporation 49639  
or in the unincorporated area of that township under the 49640  
population quota restrictions contained in section 4303.29 of the 49641  
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 49642  
be transferred to another location. If a D-5b permit is canceled 49643  
under the provisions of this paragraph, the number of D-5b permits 49644  
that may be issued at the enclosed shopping center for which the 49645  
D-5b permit was issued, under the formula provided in this 49646  
division, shall be reduced by one if the enclosed shopping center 49647  
was entitled to more than one D-5b permit under the formula. 49648

The fee for this permit is two thousand three hundred 49649  
forty-four dollars. 49650

(C) Permit D-5c may be issued to the owner or operator of a 49651  
retail food establishment or a food service operation licensed 49652  
pursuant to Chapter 3717. of the Revised Code that operates as a 49653  
restaurant for purposes of this chapter and that qualifies under 49654  
the other requirements of this section to sell beer and any 49655  
intoxicating liquor at retail, only by the individual drink in 49656  
glass and from the container, for consumption on the premises 49657  
where sold, and to sell the same products in the same manner and 49658  
amounts not for consumption on the premises as may be sold by 49659  
holders of D-1 and D-2 permits. In addition to the privileges 49660  
authorized in this division, the holder of a D-5c permit may 49661  
exercise the same privileges as the holder of a D-5 permit. 49662

To qualify for a D-5c permit, the owner or operator of a 49663  
retail food establishment or a food service operation licensed 49664  
pursuant to Chapter 3717. of the Revised Code that operates as a 49665  
restaurant for purposes of this chapter, shall have operated the 49666  
restaurant at the proposed premises for not less than twenty-four 49667  
consecutive months immediately preceding the filing of the 49668  
application for the permit, have applied for a D-5 permit no later 49669

than December 31, 1988, and appear on the division's quota waiting 49670  
list for not less than six months immediately preceding the filing 49671  
of the application for the permit. In addition to these 49672  
requirements, the proposed D-5c permit premises shall be located 49673  
within a municipal corporation and further within an election 49674  
precinct that, at the time of the application, has no more than 49675  
twenty-five per cent of its total land area zoned for residential 49676  
use. 49677

A D-5c permit shall not be transferred to another location. 49678  
No quota restriction shall be placed on the number of such permits 49679  
that may be issued. 49680

Any person who has held a D-5c permit for at least two years 49681  
may apply for a D-5 permit, and the division of liquor control 49682  
shall issue the D-5 permit notwithstanding the quota restrictions 49683  
contained in section 4303.29 of the Revised Code or in any rule of 49684  
the liquor control commission. 49685

The fee for this permit is one thousand five hundred 49686  
sixty-three dollars. 49687

(D) Permit D-5d may be issued to the owner or operator of a 49688  
retail food establishment or a food service operation licensed 49689  
pursuant to Chapter 3717. of the Revised Code that operates as a 49690  
restaurant for purposes of this chapter and that is located at an 49691  
airport operated by a board of county commissioners pursuant to 49692  
section 307.20 of the Revised Code, at an airport operated by a 49693  
port authority pursuant to Chapter 4582. of the Revised Code, or 49694  
at an airport operated by a regional airport authority pursuant to 49695  
Chapter 308. of the Revised Code. The holder of a D-5d permit may 49696  
sell beer and any intoxicating liquor at retail, only by the 49697  
individual drink in glass and from the container, for consumption 49698  
on the premises where sold, and may sell the same products in the 49699  
same manner and amounts not for consumption on the premises where 49700  
sold as may be sold by the holders of D-1 and D-2 permits. In 49701

addition to the privileges authorized in this division, the holder 49702  
of a D-5d permit may exercise the same privileges as the holder of 49703  
a D-5 permit. 49704

A D-5d permit shall not be transferred to another location. 49705  
No quota restrictions shall be placed on the number of such 49706  
permits that may be issued. 49707

The fee for this permit is two thousand three hundred 49708  
forty-four dollars. 49709

(E) Permit D-5e may be issued to any nonprofit organization 49710  
that is exempt from federal income taxation under the "Internal 49711  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 49712  
amended, or that is a charitable organization under any chapter of 49713  
the Revised Code, and that owns or operates a riverboat that meets 49714  
all of the following: 49715

(1) Is permanently docked at one location; 49716

(2) Is designated as an historical riverboat by the Ohio 49717  
historical society; 49718

(3) Contains not less than fifteen hundred square feet of 49719  
floor area; 49720

(4) Has a seating capacity of fifty or more persons. 49721

The holder of a D-5e permit may sell beer and intoxicating 49722  
liquor at retail, only by the individual drink in glass and from 49723  
the container, for consumption on the premises where sold. 49724

A D-5e permit shall not be transferred to another location. 49725  
No quota restriction shall be placed on the number of such permits 49726  
that may be issued. The population quota restrictions contained in 49727  
section 4303.29 of the Revised Code or in any rule of the liquor 49728  
control commission shall not apply to this division, and the 49729  
division shall issue a D-5e permit to any applicant who meets the 49730  
requirements of this division. However, the division shall not 49731

issue a D-5e permit if the permit premises or proposed permit 49732  
premises are located within an area in which the sale of 49733  
spirituous liquor by the glass is prohibited. 49734

The fee for this permit is one thousand two hundred nineteen 49735  
dollars. 49736

(F) Permit D-5f may be issued to the owner or operator of a 49737  
retail food establishment or a food service operation licensed 49738  
under Chapter 3717. of the Revised Code that operates as a 49739  
restaurant for purposes of this chapter and that meets all of the 49740  
following: 49741

(1) It contains not less than twenty-five hundred square feet 49742  
of floor area. 49743

(2) It is located on or in, or immediately adjacent to, the 49744  
shoreline of, a navigable river. 49745

(3) It provides docking space for twenty-five boats. 49746

(4) It provides entertainment and recreation, provided that 49747  
not less than fifty per cent of the business on the permit 49748  
premises shall be preparing and serving meals for a consideration. 49749

In addition, each application for a D-5f permit shall be 49750  
accompanied by a certification from the local legislative 49751  
authority that the issuance of the D-5f permit is not inconsistent 49752  
with that political subdivision's comprehensive development plan 49753  
or other economic development goal as officially established by 49754  
the local legislative authority. 49755

The holder of a D-5f permit may sell beer and intoxicating 49756  
liquor at retail, only by the individual drink in glass and from 49757  
the container, for consumption on the premises where sold. 49758

A D-5f permit shall not be transferred to another location. 49759

The division of liquor control shall not issue a D-5f permit 49760  
if the permit premises or proposed permit premises are located 49761

within an area in which the sale of spirituous liquor by the glass 49762  
is prohibited. 49763

A fee for this permit is two thousand three hundred 49764  
forty-four dollars. 49765

As used in this division, "navigable river" means a river 49766  
that is also a "navigable water" as defined in the "Federal Power 49767  
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 49768

(G) Permit D-5g may be issued to a nonprofit corporation that 49769  
is either the owner or the operator of a national professional 49770  
sports museum. The holder of a D-5g permit may sell beer and any 49771  
intoxicating liquor at retail, only by the individual drink in 49772  
glass and from the container, for consumption on the premises 49773  
where sold. The holder of a D-5g permit shall sell no beer or 49774  
intoxicating liquor for consumption on the premises where sold 49775  
after two-thirty a.m. A D-5g permit shall not be transferred to 49776  
another location. No quota restrictions shall be placed on the 49777  
number of D-5g permits that may be issued. The fee for this permit 49778  
is one thousand eight hundred seventy-five dollars. 49779

(H)(1) Permit D-5h may be issued to any nonprofit 49780  
organization that is exempt from federal income taxation under the 49781  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 49782  
501(c)(3), as amended, that owns or operates any of the following: 49783

(a) A fine arts museum, provided that the nonprofit 49784  
organization has no less than one thousand five hundred bona fide 49785  
members possessing full membership privileges; 49786

(b) A community arts center. As used in division (H)(1)(b) of 49787  
this section, "community arts center" means a facility that 49788  
provides arts programming to the community in more than one arts 49789  
discipline, including, but not limited to, exhibits of works of 49790  
art and performances by both professional and amateur artists. 49791

(c) A community theater, provided that the nonprofit 49792

organization is a member of the Ohio arts council and the American 49793  
community theatre association and has been in existence for not 49794  
less than ten years. As used in division (H)(1)(c) of this 49795  
section, "community theater" means a facility that contains at 49796  
least one hundred fifty seats and has a primary function of 49797  
presenting live theatrical performances and providing recreational 49798  
opportunities to the community. 49799

(2) The holder of a D-5h permit may sell beer and any 49800  
intoxicating liquor at retail, only by the individual drink in 49801  
glass and from the container, for consumption on the premises 49802  
where sold. The holder of a D-5h permit shall sell no beer or 49803  
intoxicating liquor for consumption on the premises where sold 49804  
after one a.m. A D-5h permit shall not be transferred to another 49805  
location. No quota restrictions shall be placed on the number of 49806  
D-5h permits that may be issued. 49807

(3) The fee for a D-5h permit is one thousand eight hundred 49808  
seventy-five dollars. 49809

(I) Permit D-5i may be issued to the owner or operator of a 49810  
retail food establishment or a food service operation licensed 49811  
under Chapter 3717. of the Revised Code that operates as a 49812  
restaurant for purposes of this chapter and that meets all of the 49813  
following requirements: 49814

(1) It is located in a municipal corporation or a township 49815  
with a population of one hundred thousand or less. 49816

(2) It has inside seating capacity for at least one hundred 49817  
forty persons. 49818

(3) It has at least four thousand square feet of floor area. 49819

(4) It offers full-course meals, appetizers, and sandwiches. 49820

(5) Its receipts from beer and liquor sales, excluding wine 49821  
sales, do not exceed twenty-five per cent of its total gross 49822

receipts. 49823

(6) It has at least one of the following characteristics: 49824

(a) The value of its real and personal property exceeds seven 49825  
hundred twenty-five thousand dollars. 49826

(b) It is located on property that is owned or leased by the 49827  
state or a state agency, and its owner or operator has 49828  
authorization from the state or the state agency that owns or 49829  
leases the property to obtain a D-5i permit. 49830

The holder of a D-5i permit may sell beer and any 49831  
intoxicating liquor at retail, only by the individual drink in 49832  
glass and from the container, for consumption on the premises 49833  
where sold, and may sell the same products in the same manner and 49834  
amounts not for consumption on the premises where sold as may be 49835  
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 49836  
permit shall sell no beer or intoxicating liquor for consumption 49837  
on the premises where sold after two-thirty a.m. In addition to 49838  
the privileges authorized in this division, the holder of a D-5i 49839  
permit may exercise the same privileges as the holder of a D-5 49840  
permit. 49841

A D-5i permit shall not be transferred to another location. 49842  
The division of liquor control shall not renew a D-5i permit 49843  
unless the retail food establishment or food service operation for 49844  
which it is issued continues to meet the requirements described in 49845  
divisions (I)(1) to (6) of this section. No quota restrictions 49846  
shall be placed on the number of D-5i permits that may be issued. 49847  
The fee for the D-5i permit is two thousand three hundred 49848  
forty-four dollars. 49849

(J) Permit D-5j may be issued to the owner or the operator of 49850  
a retail food establishment or a food service operation licensed 49851  
under Chapter 3717. of the Revised Code to sell beer and 49852  
intoxicating liquor at retail, only by the individual drink in 49853



glass and from the container, for consumption on the premises 49854  
where sold and to sell beer and intoxicating liquor in the same 49855  
manner and amounts not for consumption on the premises where sold 49856  
as may be sold by the holders of D-1 and D-2 permits. The holder 49857  
of a D-5j permit may exercise the same privileges, and shall 49858  
observe the same hours of operation, as the holder of a D-5 49859  
permit. 49860

The D-5j permit shall be issued only within a community 49861  
entertainment district that is designated under section 4301.80 of 49862  
the Revised Code and that meets one of the following 49863  
qualifications: 49864

(1) It is located in a municipal corporation with a 49865  
population of at least one hundred thousand. 49866

(2) It is located in a municipal corporation with a 49867  
population of at least twenty thousand, and either of the 49868  
following applies: 49869

(a) It contains an amusement park the rides of which have 49870  
been issued a permit by the department of agriculture under 49871  
Chapter 1711. of the Revised Code. 49872

(b) Not less than fifty million dollars will be invested in 49873  
development and construction in the community entertainment 49874  
district's area located in the municipal corporation. 49875

(3) It is located in a township with a population of at least 49876  
forty thousand. 49877

(4) It is located in a township with a population of at least 49878  
twenty thousand, and not less than seventy million dollars will be 49879  
invested in development and construction in the community 49880  
entertainment district's area located in the township. 49881

(5) It is located in a municipal corporation with a 49882  
population between ~~ten~~ seven thousand and twenty thousand, and 49883

both of the following apply: 49884

(a) The municipal corporation was incorporated as a village 49885  
prior to calendar year 1860 and currently has a historic downtown 49886  
business district. 49887

(b) The municipal corporation is located in the same county 49888  
as another municipal corporation with at least one community 49889  
entertainment district. 49890

(6) It is located in a municipal corporation with a 49891  
population of at least ten thousand, and not less than seventy 49892  
million dollars will be invested in development and construction 49893  
in the community entertainment district's area located in the 49894  
municipal corporation. 49895

(7) It is located in a municipal corporation with a 49896  
population of at least five thousand, and not less than one 49897  
hundred million dollars will be invested in development and 49898  
construction in the community entertainment district's area 49899  
located in the municipal corporation. 49900

The location of a D-5j permit may be transferred only within 49901  
the geographic boundaries of the community entertainment district 49902  
in which it was issued and shall not be transferred outside the 49903  
geographic boundaries of that district. 49904

Not more than one D-5j permit shall be issued within each 49905  
community entertainment district for each five acres of land 49906  
located within the district. Not more than fifteen D-5j permits 49907  
may be issued within a single community entertainment district. 49908  
Except as otherwise provided in division (J)(4) of this section, 49909  
no quota restrictions shall be placed upon the number of D-5j 49910  
permits that may be issued. 49911

The fee for a D-5j permit is two thousand three hundred 49912  
forty-four dollars. 49913

(K)(1) Permit D-5k may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, that is the owner or operator of a botanical garden recognized by the American association of botanical gardens and arboreta, and that has not less than twenty-five hundred bona fide members.

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(2) The holder of a D-5k permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, on the premises where sold.

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(3) The holder of a D-5k permit shall sell no beer or intoxicating liquor for consumption on the premises where sold after one a.m.

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(4) A D-5k permit shall not be transferred to another location.

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(5) No quota restrictions shall be placed on the number of D-5k permits that may be issued.

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(6) The fee for the D-5k permit is one thousand eight hundred seventy-five dollars.

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(L)(1) Permit D-5l may be issued to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code to sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold and to sell beer and intoxicating liquor in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. The holder of a D-5l permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit.

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(2) The D-5l permit shall be issued only to a premises to

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which all of the following apply: 49945

(a) The premises has gross annual receipts from the sale of 49946  
food and meals that constitute not less than seventy-five per cent 49947  
of its total gross annual receipts. 49948

(b) The premises is located within a revitalization district 49949  
that is designated under section 4301.81 of the Revised Code. 49950

(c) The premises is located in a municipal corporation or 49951  
township in which the number of D-5 permits issued equals or 49952  
exceeds the number of those permits that may be issued in that 49953  
municipal corporation or township under section 4303.29 of the 49954  
Revised Code. 49955

(d) The premises meets any of the following qualifications: 49956

(i) It is located in a county with a population of one 49957  
hundred twenty-five thousand or less according to the population 49958  
estimates certified by the development services agency for 49959  
calendar year 2006. 49960

(ii) It is located in the municipal corporation that has the 49961  
largest population in a county when the county has a population 49962  
between two hundred fifteen thousand and two hundred twenty-five 49963  
thousand according to the population estimates certified by the 49964  
development services agency for calendar year 2006. Division 49965  
(L)(2)(d)(ii) of this section applies only to a municipal 49966  
corporation that is wholly located in a county. 49967

(iii) It is located in the municipal corporation that has the 49968  
largest population in a county when the county has a population 49969  
between one hundred forty thousand and one hundred forty-one 49970  
thousand according to the population estimates certified by the 49971  
development services agency for calendar year 2006. Division 49972  
(L)(2)(d)(iii) of this section applies only to a municipal 49973  
corporation that is wholly located in a county. 49974

(3) The location of a D-5l permit may be transferred only 49975  
within the geographic boundaries of the revitalization district in 49976  
which it was issued and shall not be transferred outside the 49977  
geographic boundaries of that district. 49978

(4) Not more than one D-5l permit shall be issued within each 49979  
revitalization district for each five acres of land located within 49980  
the district. Not more than fifteen D-5l permits may be issued 49981  
within a single revitalization district. Except as otherwise 49982  
provided in division (L)(4) of this section, no quota restrictions 49983  
shall be placed upon the number of D-5l permits that may be 49984  
issued. 49985

(5) No D-5l permit shall be issued to an adult entertainment 49986  
establishment as defined in section 2907.39 of the Revised Code. 49987

(6) The fee for a D-5l permit is two thousand three hundred 49988  
forty-four dollars. 49989

(M) Permit D-5m may be issued to either the owner or the 49990  
operator of a retail food establishment or food service operation 49991  
licensed under Chapter 3717. of the Revised Code that operates as 49992  
a restaurant for purposes of this chapter and that is located in, 49993  
or affiliated with, a center for the preservation of wild animals 49994  
as defined in section 4301.404 of the Revised Code, to sell beer 49995  
and any intoxicating liquor at retail, only by the glass and from 49996  
the container, for consumption on the premises where sold, and to 49997  
sell the same products in the same manner and amounts not for 49998  
consumption on the premises as may be sold by the holders of D-1 49999  
and D-2 permits. In addition to the privileges authorized by this 50000  
division, the holder of a D-5m permit may exercise the same 50001  
privileges as the holder of a D-5 permit. 50002

A D-5m permit shall not be transferred to another location. 50003  
No quota restrictions shall be placed on the number of D-5m 50004  
permits that may be issued. The fee for a permit D-5m is two 50005

thousand three hundred forty-four dollars. 50006

(N) Permit D-5n shall be issued to either a casino operator 50007  
or a casino management company licensed under Chapter 3772. of the 50008  
Revised Code that operates a casino facility under that chapter, 50009  
to sell beer and any intoxicating liquor at retail, only by the 50010  
individual drink in glass and from the container, for consumption 50011  
on the premises where sold, and to sell the same products in the 50012  
same manner and amounts not for consumption on the premises as may 50013  
be sold by the holders of D-1 and D-2 permits. In addition to the 50014  
privileges authorized by this division, the holder of a D-5n 50015  
permit may exercise the same privileges as the holder of a D-5 50016  
permit. A D-5n permit shall not be transferred to another 50017  
location. Only one D-5n permit may be issued per casino facility 50018  
and not more than four D-5n permits shall be issued in this state. 50019  
The fee for a permit D-5n shall be twenty thousand dollars. The 50020  
holder of a D-5n permit may conduct casino gaming on the permit 50021  
premises notwithstanding any provision of the Revised Code or 50022  
Administrative Code. 50023

(O) Permit D-5o may be issued to the owner or operator of a 50024  
retail food establishment or a food service operation licensed 50025  
under Chapter 3717. of the Revised Code that operates as a 50026  
restaurant for purposes of this chapter and that is located within 50027  
a casino facility for which a D-5n permit has been issued. The 50028  
holder of a D-5o permit may sell beer and any intoxicating liquor 50029  
at retail, only by the individual drink in glass and from the 50030  
container, for consumption on the premises where sold, and may 50031  
sell the same products in the same manner and amounts not for 50032  
consumption on the premises where sold as may be sold by the 50033  
holders of D-1 and D-2 permits. In addition to the privileges 50034  
authorized by this division, the holder of a D-5o permit may 50035  
exercise the same privileges as the holder of a D-5 permit. A D-5o 50036  
permit shall not be transferred to another location. No quota 50037

restrictions shall be placed on the number of such permits that 50038  
may be issued. The fee for this permit is two thousand three 50039  
hundred forty-four dollars. 50040

**Sec. 4303.182.** (A) Except as otherwise provided in divisions 50041  
(B) to ~~(J)~~(K) of this section, permit D-6 shall be issued to the 50042  
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 50043  
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 50044  
D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under 50045  
that permit as follows: 50046

(1) Between the hours of ten a.m. and midnight on Sunday if 50047  
sale during those hours has been approved under question (C)(1), 50048  
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 50049  
under question (B)(2) of section 4301.355 of the Revised Code, or 50050  
under section 4301.356 of the Revised Code and has been authorized 50051  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 50052  
Revised Code, under the restrictions of that authorization; 50053

(2) Between the hours of eleven a.m. and midnight on Sunday, 50054  
if sale during those hours has been approved on or after ~~the~~ 50055  
~~effective date of this amendment~~ October 16, 2009, under question 50056  
(B)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised 50057  
Code, under question (B)(2) of section 4301.355 of the Revised 50058  
Code, or under section 4301.356 of the Revised Code and has been 50059  
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 50060  
of the Revised Code, under the restrictions of that authorization; 50061

(3) Between the hours of eleven a.m. and midnight on Sunday 50062  
if sale between the hours of one p.m. and midnight was approved 50063  
before ~~the effective date of this amendment~~ October 16, 2009, 50064  
under question (B)(1), (2), or (3) of section 4301.351 or 4301.354 50065  
of the Revised Code, under question (B)(2) of section 4301.355 of 50066  
the Revised Code, or under section 4301.356 of the Revised Code 50067  
and has been authorized under section 4301.361, 4301.364, 50068

4301.365, or 4301.366 of the Revised Code, under the other 50069  
restrictions of that authorization. 50070

(B) Permit D-6 shall be issued to the holder of any permit, 50071  
including a D-4a and D-5d permit, authorizing the sale of 50072  
intoxicating liquor issued for a premises located at any publicly 50073  
owned airport, as defined in section 4563.01 of the Revised Code, 50074  
at which commercial airline companies operate regularly scheduled 50075  
flights on which space is available to the public, to allow sale 50076  
under such permit between the hours of ten a.m. and midnight on 50077  
Sunday, whether or not that sale has been authorized under section 50078  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 50079

(C) Permit D-6 shall be issued to the holder of a D-5a 50080  
permit, and to the holder of a D-3 or D-3a permit who is the owner 50081  
or operator of a hotel or motel that is required to be licensed 50082  
under section 3731.03 of the Revised Code, that contains at least 50083  
fifty rooms for registered transient guests, and that has on its 50084  
premises a retail food establishment or a food service operation 50085  
licensed pursuant to Chapter 3717. of the Revised Code that 50086  
operates as a restaurant for purposes of this chapter and is 50087  
affiliated with the hotel or motel and within or contiguous to the 50088  
hotel or motel and serving food within the hotel or motel, to 50089  
allow sale under such permit between the hours of ten a.m. and 50090  
midnight on Sunday, whether or not that sale has been authorized 50091  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 50092  
Revised Code. 50093

(D) The holder of a D-6 permit that is issued to a sports 50094  
facility may make sales under the permit between the hours of 50095  
eleven a.m. and midnight on any Sunday on which a professional 50096  
baseball, basketball, football, hockey, or soccer game is being 50097  
played at the sports facility. As used in this division, "sports 50098  
facility" means a stadium or arena that has a seating capacity of 50099  
at least four thousand and that is owned or leased by a 50100



professional baseball, basketball, football, hockey, or soccer 50101  
franchise or any combination of those franchises. 50102

(E) Permit D-6 shall be issued to the holder of any permit 50103  
that authorizes the sale of beer or intoxicating liquor and that 50104  
is issued to a premises located in or at the Ohio historical 50105  
society area or the state fairgrounds, as defined in division (B) 50106  
of section 4301.40 of the Revised Code, to allow sale under that 50107  
permit between the hours of ten a.m. and midnight on Sunday, 50108  
whether or not that sale has been authorized under section 50109  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 50110

(F) Permit D-6 shall be issued to the holder of any permit 50111  
that authorizes the sale of intoxicating liquor and that is issued 50112  
to an outdoor performing arts center to allow sale under that 50113  
permit between the hours of one p.m. and midnight on Sunday, 50114  
whether or not that sale has been authorized under section 50115  
4301.361 of the Revised Code. A D-6 permit issued under this 50116  
division is subject to the results of an election, held after the 50117  
D-6 permit is issued, on question (B)(4) as set forth in section 50118  
4301.351 of the Revised Code. Following the end of the period 50119  
during which an election may be held on question (B)(4) as set 50120  
forth in that section, sales of intoxicating liquor may continue 50121  
at an outdoor performing arts center under a D-6 permit issued 50122  
under this division, unless an election on that question is held 50123  
during the permitted period and a majority of the voters voting in 50124  
the precinct on that question vote "no." 50125

As used in this division, "outdoor performing arts center" 50126  
means an outdoor performing arts center that is located on not 50127  
less than eight hundred acres of land and that is open for 50128  
performances from the first day of April to the last day of 50129  
October of each year. 50130

(G) Permit D-6 shall be issued to the holder of any permit 50131  
that authorizes the sale of beer or intoxicating liquor and that 50132

is issued to a golf course owned by the state, a conservancy 50133  
district, a park district created under Chapter 1545. of the 50134  
Revised Code, or another political subdivision to allow sale under 50135  
that permit between the hours of ten a.m. and midnight on Sunday, 50136  
whether or not that sale has been authorized under section 50137  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 50138

(H) Permit D-6 shall be issued to the holder of a D-5g permit 50139  
to allow sale under that permit between the hours of ten a.m. and 50140  
midnight on Sunday, whether or not that sale has been authorized 50141  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 50142  
Revised Code. 50143

(I) Permit D-6 shall be issued to the holder of any D permit 50144  
for a premises that is licensed under Chapter 3717. of the Revised 50145  
Code and that is located at a ski area to allow sale under the D-6 50146  
permit between the hours of ten a.m. and midnight on Sunday, 50147  
whether or not that sale has been authorized under section 50148  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 50149

As used in this division, "ski area" means a ski area as 50150  
defined in section 4169.01 of the Revised Code, provided that the 50151  
passenger tramway operator at that area is registered under 50152  
section 4169.03 of the Revised Code. 50153

(J) Permit D-6 shall be issued to the holder of any permit 50154  
that is described in division (A) of this section for a permit 50155  
premises that is located in a community entertainment district, as 50156  
defined in section 4301.80 of the Revised Code, that was approved 50157  
by the legislative authority of a municipal corporation under that 50158  
section between October 1 and October 15, 2005, to allow sale 50159  
under the permit between the hours of ten a.m. and midnight on 50160  
Sunday, whether or not that sale has been authorized under section 50161  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 50162

(K) A D-6 permit shall be issued to the holder of any D 50163

permit for a premises that is licensed under Chapter 3717. of the Revised Code and that is located in a state park to allow sales under the D-6 permit between the hours of ten a.m. and midnight on Sunday, whether or not those sales have been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code.

As used in this division, "state park" means a state park that is established or dedicated under Chapter 1541. of the Revised Code and that has a working farm on its property.

(L) If the restriction to licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total gross receipts of the permit holder at the premises is applicable, the division of liquor control may accept an affidavit from the permit holder to show the proportion of the permit holder's gross receipts derived from the sale of food and other goods and services. If the liquor control commission determines that affidavit to have been false, it shall revoke the permits of the permit holder at the premises concerned.

~~(L)~~(M) The fee for the D-6 permit is five hundred dollars when it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The fee for the D-6 permit is four hundred dollars when it is issued to the holder of a C-2 permit.

**Sec. 4303.184.** (A) Subject to division (B) of this section, a D-8 permit may be issued to ~~either~~ any of the following:

(1) An agency store;

(2) The holder of a C-1, C-2, or C-2x permit issued to a retail store that has any of the following characteristics:

(a) The store has at least five thousand five hundred square

feet of floor area, and it generates more than sixty per cent of  
its sales in general merchandise items and food for consumption  
off the premises where sold.

(b) The store is located in a municipal corporation or  
township with a population of five thousand or less, has at least  
four thousand five hundred square feet of floor area, and  
generates more than sixty per cent of its sales in general  
merchandise items and food for consumption off the premises where  
sold.

(c) Wine constitutes at least sixty per cent of the value of  
the store's inventory.

(3) The holder of both a C-1 and C-2 permit, or the holder of  
a C-2x permit, issued to a retail store that is located within a  
municipal corporation or township with a population of fifteen  
thousand or less.

(B) A D-8 permit may be issued to the holder of a C-1, C-2,  
or C-2x permit only if the premises of the permit holder are  
located in a precinct, or at a particular location in a precinct,  
in which the sale of beer, wine, or mixed beverages is permitted  
for consumption off the premises where sold. Sales under a D-8  
permit are not affected by whether sales for consumption on the  
premises where sold are permitted in the precinct or at the  
particular location where the D-8 premises are located.

(C)(1) The holder of a D-8 permit described in division  
(A)(2) or (3) of this section may sell tasting samples of beer,  
wine, and mixed beverages, but not spirituous liquor, at retail,  
for consumption on the premises where sold in an amount not to  
exceed two ounces or another amount designated by rule of the  
liquor control commission. A tasting sample shall not be sold for  
general consumption.

(2) The holder of a D-8 permit described in division (A)(1)

of this section may allow the sale of tasting samples of 50225  
spirituous liquor in accordance with section 4301.171 of the 50226  
Revised Code. 50227

(3) No D-8 permit holder described in division (A)(2) or (3) 50228  
of this section shall allow any authorized purchaser to consume 50229  
more than four tasting samples of beer, wine, or mixed beverages, 50230  
or any combination of beer, wine, or mixed beverages, per day. 50231

(D)(1) Notwithstanding sections 4303.11 and 4303.121 of the 50232  
Revised Code, the holder of a D-8 permit described in division 50233  
(A)(2) or (3) of this section may sell beer that is dispensed from 50234  
containers that have a capacity equal to or greater than five and 50235  
one-sixth gallons if all of the following conditions are met: 50236

(a) A product registration fee for the beer has been paid as 50237  
required in division (A)(8)(b) of section 4301.10 of the Revised 50238  
Code. 50239

(b) The beer is dispensed only in glass containers whose 50240  
capacity does not exceed one gallon and not for consumption on the 50241  
premises where sold. 50242

(c) The containers are sealed, marked, and transported in 50243  
accordance with division (E) of section 4301.62 of the Revised 50244  
Code. 50245

(d) The containers have been cleaned immediately before being 50246  
filled in accordance with rule 4301:1-1-28 of the Administrative 50247  
Code. 50248

(2) Beer that is sold and dispensed under division (D)(1) of 50249  
this section is subject to both of the following: 50250

(a) All applicable rules adopted by the liquor control 50251  
commission, including, but not limited to, rule 4301:1-1-27 and 50252  
rule 4301:1-1-72 of the Administrative Code; 50253

(b) All applicable federal laws and regulations. 50254

(E) The privileges authorized for the holder of a D-8 permit 50255  
described in division (A)(2) or (3) of this section may only be 50256  
exercised in conjunction with and during the hours of operation 50257  
authorized by a C-1, C-2, C-2x, or D-6 permit. 50258

(F) A D-8 permit shall not be transferred to another 50259  
location. 50260

(G) The fee for the D-8 permit is five hundred dollars. 50261

**Sec. 4303.232.** (A)(1) Permit S may be issued to a person that 50262  
is the brand owner or United States importer of beer or wine, is 50263  
the designated agent of a brand owner or importer for all beer or 50264  
wine sold in this state for that owner or importer, or 50265  
manufactures wine if the manufacturer is entitled to a tax credit 50266  
under 27 C.F.R. 24.278 and produces less than two hundred fifty 50267  
thousand gallons of wine per year. If the person resides outside 50268  
this state, the person shall comply with the requirements 50269  
governing the issuance of licenses or permits that authorize the 50270  
sale of beer or intoxicating liquor by the appropriate authority 50271  
of the state in which the person resides or by the alcohol and 50272  
tobacco tax and trade bureau of the United States department of 50273  
the treasury. 50274

(2) The fee for the S permit is twenty-five dollars. 50275

(3) The holder of an S permit may sell beer or wine to a 50276  
personal consumer by receiving and filling orders that the 50277  
personal consumer submits to the permit holder. The permit holder 50278  
shall sell only wine that the permit holder has manufactured to a 50279  
personal consumer. 50280

(4) The holder of an S permit shall renew the permit in 50281  
accordance with section 4303.271 of the Revised Code, except that 50282  
the renewal shall not be subject to the notice and hearing 50283  
requirements established in division (B) of that section. 50284

(5) The division of liquor control may refuse to renew an S permit for any of the reasons specified in section 4303.292 of the Revised Code or if the holder of the permit fails to do any of the following:

(a) Collect and pay all applicable taxes specified in division (B) of this section;

(b) Pay the permit fee;

(c) Comply with this section or any rules adopted by the liquor control commission under section 4301.03 of the Revised Code.

(B)(1) The holder of an S permit who sells wine shall collect and pay the taxes relating to the delivery of wine to a personal consumer that are levied under sections 4301.421, 4301.425, 4301.43, and 4301.432 and Chapters 5739. and 5741. of the Revised Code.

(2) The holder of an S permit who sells beer shall collect and pay the taxes relating to the delivery of beer to a personal consumer that are levied under sections 4301.42 ~~and~~, 4301.421, and 4301.425 and Chapters 4305., 4307., 5739., and 5741. of the Revised Code.

(C)(1) The holder of an S permit shall send a shipment of beer or wine that has been paid for by a personal consumer to that personal consumer via the holder of an H permit. Prior to sending a shipment of beer or wine to a personal consumer, the holder of an S permit, or an employee of the permit holder, shall make a bona fide effort to ensure that the personal consumer is at least twenty-one years of age. The shipment of beer or wine shall be shipped in a package that clearly has written on it in bold print the words "alcohol enclosed." No person shall fail to comply with division (C)(1) of this section.

(2) Upon delivering a shipment of beer or wine to a personal

consumer, the holder of the H permit, or an employee of the permit holder, shall verify that the personal consumer is at least twenty-one years of age by checking the personal consumer's driver's or commercial driver's license or identification card issued under sections 4507.50 to 4507.52 of the Revised Code.

(3) The holder of an S permit shall keep a record of each shipment of beer or wine that the permit holder sends to a personal consumer. The records shall be used for all of the following:

(a) To provide a copy of each beer or wine shipment invoice to the tax commissioner in a manner prescribed by the commissioner. The invoice shall include the name of each personal consumer that purchased beer or wine from the S permit holder in accordance with this section and any other information required by the tax commissioner.

(b) To provide annually in electronic format by electronic means a report to the division. The report shall include the name and address of each personal consumer that purchased beer or wine from the S permit holder in accordance with this section, the quantity of beer or wine purchased by each personal consumer, and any other information requested by the division. The division shall prescribe and provide an electronic form for the report and shall determine the specific electronic means that the S permit holder must use to submit the report.

(c) To notify a personal consumer of any health or welfare recalls of the beer or wine that has been purchased by the personal consumer.

(D) As used in this section, "personal consumer" means an individual who is at least twenty-one years of age, is a resident of this state, does not hold a permit issued under this chapter, and intends to use beer or wine purchased in accordance with this



section for personal consumption only and not for resale or other 50347  
commercial purposes. 50348

(E) The holder of an S permit shall comply with this chapter, 50349  
Chapter 4301. of the Revised Code, and any rules adopted by the 50350  
liquor control commission under section 4301.03 of the Revised 50351  
Code. 50352

**Sec. 4305.131.** (A) If any permit holder fails to pay the 50353  
taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 of 50354  
the Revised Code in the manner prescribed by section 4303.33 of 50355  
the Revised Code, or by section 4301.421 ~~or~~, 4301.424, or 4301.425 50356  
of the Revised Code in the manner prescribed in section 4301.422 50357  
of the Revised Code, and by the rules of the tax commissioner, the 50358  
commissioner may make an assessment against the permit holder 50359  
based upon any information in the commissioner's possession. 50360

No assessment shall be made against any permit holder for any 50361  
taxes imposed by section 4301.42, 4301.421, 4301.424, 4301.425, 50362  
4301.43, 4301.432, or 4305.01 of the Revised Code more than three 50363  
years after the last day of the calendar month in which the sale 50364  
was made or more than three years after the return for that period 50365  
is filed, whichever is later. This section does not bar an 50366  
assessment against any permit holder or registrant as provided in 50367  
section 4303.331 of the Revised Code who fails to file a return as 50368  
required by section 4301.422 or 4303.33 of the Revised Code, or 50369  
who files a fraudulent return. 50370

A penalty of up to thirty per cent may be added to the amount 50371  
of every assessment made under this section. The commissioner may 50372  
adopt rules providing for the imposition and remission of 50373  
penalties added to assessments made under this section. 50374

The commissioner shall give the party assessed written notice 50375  
of the assessment in the manner provided in section 5703.37 of the 50376  
Revised Code. With the notice, the commissioner shall provide 50377

instructions on how to petition for reassessment and request a hearing on the petition. 50378  
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(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code. 50380  
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(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the permit holder's place of business is located or the county in which the party assessed resides. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county. 50392  
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Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state beer and liquor sales taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment, except as 50402  
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otherwise provided in this chapter and Chapters 4301. and 4307. of 50410  
the Revised Code. 50411

If the assessment is not paid in its entirety within sixty 50412  
days after the day the assessment was issued, the portion of the 50413  
assessment consisting of tax due shall bear interest at the rate 50414  
per annum prescribed by section 5703.47 of the Revised Code from 50415  
the day the commissioner issues the assessment until it is paid or 50416  
until it is certified to the attorney general for collection under 50417  
section 131.02 of the Revised Code, whichever comes first. If the 50418  
unpaid portion of the assessment is certified to the attorney 50419  
general for collection, the entire unpaid portion of the 50420  
assessment shall bear interest at the rate per annum prescribed by 50421  
section 5703.47 of the Revised Code from the date of certification 50422  
until the date it is paid in its entirety. Interest shall be paid 50423  
in the same manner as the tax and may be collected by the issuance 50424  
of an assessment under this section. 50425

(D) All money collected under this section shall be 50426  
considered as revenue arising from the taxes imposed by sections 50427  
4301.42, 4301.421, 4301.424, 4301.425, 4301.43, 4301.432, and 50428  
4305.01 of the Revised Code. 50429

**Sec. 4307.04.** The tax commissioner shall enforce and 50430  
administer sections 4301.42, 4301.421, 4301.422, 4301.423, 50431  
4301.424, 4301.425, 4303.33, 4303.331, 4305.01, and 4307.01 to 50432  
4307.12 of the Revised Code. The commissioner may adopt such rules 50433  
as are necessary to carry out such sections and may adopt 50434  
different detail rules applicable to diverse methods and 50435  
conditions of sale of bottled beverages in this state. All books, 50436  
papers, invoices, and records of any manufacturer, bottler, or 50437  
wholesale or retail dealer in this state, whether or not required 50438  
under sections 4307.01 to 4307.12 of the Revised Code to be kept 50439  
by that person, showing that person's sales receipts and purchases 50440

of bottled beverages, shall at all times, during the usual 50441  
business hours of the day, be open for the inspection of the 50442  
commissioner. The commissioner may investigate and examine the 50443  
stock of bottled beverages in and upon any premises where the same 50444  
is placed, stored, or sold. 50445

**Sec. 4307.05.** (A) The tax commissioner shall refund to 50446  
persons required to pay the tax levied under section 4301.42, 50447  
4301.421, 4301.424, 4301.425, 4301.43, 4301.432, 4303.33, or 50448  
4305.01 of the Revised Code the amount of tax paid illegally or 50449  
erroneously or paid on an illegal or erroneous assessment. 50450  
Applications for refund shall be filed with the commissioner, on 50451  
the form prescribed by the commissioner, within three years from 50452  
the date of the illegal or erroneous payment of the tax or 50453  
assessment. 50454

On the filing of the application, the commissioner shall 50455  
determine the amount of the refund to which the applicant is 50456  
entitled. If the amount is not less than that claimed, the 50457  
commissioner shall certify the amount to the director of budget 50458  
and management and treasurer of state for payment from the tax 50459  
refund fund created by section 5703.052 of the Revised Code. If 50460  
the amount is less than that claimed, the commissioner shall 50461  
proceed in accordance with section 5703.70 of the Revised Code. 50462

(B) The holder of a B-3 permit is entitled to a refund of the 50463  
actual amount of tax paid on wine sold for sacramental purposes, 50464  
upon the conditions that the permit holder make affidavit that the 50465  
wine was so sold, that the tax had been paid on the wine, and that 50466  
the permit holder furnish both of the following: 50467

(1) A written acknowledgment from the purchaser that the 50468  
purchaser has received the wine and that the price paid did not 50469  
include the tax; 50470

(2) The name and address of the purchaser. 50471

Application for a refund shall be made as an application for 50472  
refund of tax erroneously paid and shall be subject to the 50473  
requirements and procedures of division (A) of this section. On 50474  
the filing of the application, the commissioner shall determine 50475  
the amount of refund due and certify that amount to the director 50476  
of budget and management and treasurer of state for payment from 50477  
the tax refund fund. When a refund is granted for payment of an 50478  
illegal or erroneous assessment issued by the commissioner, the 50479  
refund shall include interest on the amount of the refund from the 50480  
date of the overpayment. The interest shall be computed at the 50481  
rate per annum prescribed by section 5703.47 of the Revised Code. 50482

**Sec. 4503.181.** (A) As used in this section, "historical motor 50483  
vehicle" means any motor vehicle that is more than twenty-five 50484  
years old and that is owned solely as a collector's item and for 50485  
participation in club activities, exhibitions, tours, parades, and 50486  
similar uses. A historical motor vehicle shall not be used for 50487  
general transportation, but may be operated on the public roads 50488  
and highways to and from a location where maintenance is performed 50489  
on the vehicle. 50490

(B) In lieu of the annual license tax levied in sections 50491  
4503.02 and 4503.04 of the Revised Code, a license fee of ten 50492  
dollars is levied on the operation of a historical motor vehicle. 50493

(C) A person who owns a historical motor vehicle and applies 50494  
for a historical license plates plate under this section shall 50495  
execute an affidavit that the vehicle for which ~~plates are the~~ 50496  
plate is requested is owned and operated solely for the purposes 50497  
enumerated in division (A) of this section, ~~and. The affidavit~~ 50498  
~~also setting shall set forth in the affidavit~~ that the vehicle has 50499  
been inspected and found safe to operate on the public roads and 50500  
highways in the state. A person who owns a historical motor 50501  
vehicle and desires to display a model year license plates plate 50502

on the vehicle as permitted by this section shall execute at the 50503  
time of registration an affidavit setting forth that the model 50504  
year license ~~plates~~ plate the person desires to display on the 50505  
person's historical motor vehicle ~~are~~ is a legible and serviceable 50506  
license ~~plates~~ plate that originally ~~were~~ was issued by this 50507  
state. No registration issued pursuant to this section need 50508  
specify the weight of the vehicle. 50509

(D) A vehicle registered under this section may display 50510  
either a historical vehicle license ~~plates~~ plate issued by the 50511  
registrar of motor vehicles or a model year license ~~plates~~ plate 50512  
procured by the applicant. ~~Historical~~ A historical vehicle license 50513  
~~plates~~ plate shall not bear a date, but shall bear the inscription 50514  
"Historical Vehicle--Ohio" and the registration number, which 50515  
shall be shown thereon. ~~Model~~ A model year license ~~plates~~ plate 50516  
shall be a legible and serviceable license ~~plates~~ plate issued by 50517  
this state and inscribed with the date of the year corresponding 50518  
to the model year when the vehicle was manufactured. 50519  
~~Notwithstanding section 4503.21 of the Revised Code, only one~~ Two 50520  
model year license ~~plate~~ is required to plates, duplicates of each 50521  
other, may be displayed on ~~the rear of~~ the historical motor 50522  
vehicle at ~~all times~~ any time, one plate on the front and one 50523  
plate on the rear of the vehicle. The registration certificate and 50524  
the historical vehicle license ~~plates~~ plate issued by the 50525  
registrar shall be kept in the vehicle at all times the vehicle is 50526  
operated on the public roads and highways in this state. 50527

Notwithstanding section 4503.21 of the Revised Code, the 50528  
owner of a historical motor vehicle that was manufactured for 50529  
military purposes and that is registered under this section may 50530  
display the assigned registration number of the vehicle by 50531  
painting the number on the front and rear of the vehicle. The 50532  
number shall be painted, in accordance with the size and style 50533  
specifications established for numerals and letters shown on 50534

license plates in section 4503.22 of the Revised Code, in a color 50535  
that contrasts clearly with the color of the vehicle, and shall be 50536  
legible and visible at all times. Upon application for 50537  
registration under this section and payment of the license fee 50538  
prescribed in division (B) of this section, the owner of such a 50539  
historical motor vehicle shall be issued a historical vehicle 50540  
license ~~plates~~ plate. The registration certificate and ~~at least~~ 50541  
~~one such~~ the license plate shall be kept in the vehicle at all 50542  
times the vehicle is operated on the public roads and highways in 50543  
this state. If ownership of such a vehicle is transferred, the 50544  
transferor shall surrender the historical vehicle license ~~plates~~ 50545  
plate or transfer ~~them~~ it to another historical motor vehicle the 50546  
transferor owns, and remove or obliterate the registration numbers 50547  
painted on the vehicle. 50548

(E) Historical vehicle and model year license plates are 50549  
valid without renewal as long as the vehicle for which they were 50550  
issued or procured is in existence. ~~Historical~~ A historical 50551  
vehicle ~~plates are~~ plate is issued for the owner's use only for 50552  
such vehicle unless later transferred to another historical motor 50553  
vehicle owned by that person. In order to effect such a transfer, 50554  
the owner of the historical motor vehicle that originally 50555  
displayed the historical vehicle ~~plates~~ plate shall comply with 50556  
division (C) of this section. In the event of a transfer of title, 50557  
the transferor shall surrender the historical vehicle license 50558  
~~plates~~ plate or transfer ~~them~~ it to another historical motor 50559  
vehicle owned by the transferor, but a model year license plate or 50560  
plates may be retained by the transferor. The registrar may revoke 50561  
license plates issued under this section, for cause shown and 50562  
after hearing, for failure of the applicant to comply with this 50563  
section. Upon revocation, a historical vehicle license ~~plates~~ 50564  
plate shall be surrendered; a model year license plate or plates 50565  
may be retained, but the plate or plates are no longer ~~are~~ valid 50566  
for display on the vehicle. 50567

(F) The owner of a historical motor vehicle bearing a 50568  
historical vehicle license ~~plates~~ plate may replace ~~them~~ it with a 50569  
model year license ~~plates~~ plate by surrendering the historical 50570  
vehicle license ~~plates~~ plate and motor vehicle certificate of 50571  
registration to the registrar. The owner, at the time of 50572  
registration, shall execute an affidavit setting forth that the 50573  
model year ~~plates are~~ plate is a legible and serviceable license 50574  
~~plates~~ plate that originally ~~were~~ was issued by this state. Such 50575  
an owner is required to pay the license fee prescribed by division 50576  
(B) of this section, but the owner is not required to have the 50577  
historical motor vehicle reinspected under division (C) of this 50578  
section. 50579

A person who owns a historical motor vehicle bearing a model 50580  
year license ~~plates~~ plate may replace ~~them~~ it with a historical 50581  
vehicle license ~~plates~~ plate by surrendering the motor vehicle 50582  
certificate of registration and applying for issuance of a 50583  
historical vehicle license ~~plates~~ plate. Such a person is required 50584  
to pay the license fee prescribed by division (B) of this section, 50585  
but the person is not required to have the historical motor 50586  
vehicle reinspected under division (C) of this section. 50587

**Sec. 4503.535.** (A) The owner or lessee of any passenger car, 50588  
noncommercial motor vehicle, recreational vehicle, motorcycle, 50589  
motorized bicycle or moped, trailer, or other vehicle of a class 50590  
approved by the registrar of motor vehicles, and, effective 50591  
January 1, 2017, the owner or lessee of any motor-driven cycle or 50592  
motor scooter or cab-enclosed motorcycle, may apply to the 50593  
registrar for the registration of the vehicle and issuance of 50594  
POW/MIA awareness license plates. The application for POW/MIA 50595  
awareness license plates may be combined with a request for a 50596  
special reserved license plate under section 4503.40 or 4503.42 of 50597  
the Revised Code. Upon receipt of the completed application and 50598  
compliance with division (B) of this section, the registrar shall 50599



issue to the applicant the appropriate vehicle registration and a 50600  
set of POW/MIA awareness license plates with a validation sticker, 50601  
or a validation sticker alone when required by section 4503.191 of 50602  
the Revised Code. 50603

In addition to the letters and numbers ordinarily inscribed 50604  
thereon, POW/MIA awareness license plates shall bear the markings 50605  
designed by rolling thunder, inc., chapter 1 Ohio. POW/MIA 50606  
awareness license plates, except for motorcycle, motorized 50607  
bicycle, or moped license plates, also shall bear the words "not 50608  
forgotten." The registrar shall approve the final design. POW/MIA 50609  
awareness license plates shall bear county identification stickers 50610  
that identify the county of registration by name or number. 50611

(B) POW/MIA awareness license plates and validation stickers 50612  
shall be issued upon payment of the regular license tax as 50613  
prescribed under section 4503.04 of the Revised Code, any 50614  
applicable motor vehicle tax levied under Chapter 4504. of the 50615  
Revised Code, a bureau of motor vehicles administrative fee of ten 50616  
dollars, the contribution specified in division (C) of this 50617  
section, and compliance with all other applicable laws relating to 50618  
the registration of motor vehicles. If the application for POW/MIA 50619  
awareness license plates is combined with a request for a special 50620  
reserved license plate under section 4503.40 or 4503.42 of the 50621  
Revised Code, the license plates and validation sticker shall be 50622  
issued upon payment of the contribution, fees, and taxes contained 50623  
in this division and the additional fee prescribed under section 50624  
4503.40 or 4503.42 of the Revised Code. 50625

(C) For each application for registration and registration 50626  
renewal submitted under this section, the registrar shall collect 50627  
a contribution of twenty-five dollars. The registrar shall pay 50628  
this contribution into the state treasury to the credit of the 50629  
military injury relief fund created in section ~~5101.98~~ 5902.05 of 50630

the Revised Code. 50631

The registrar shall pay the ten-dollar bureau administrative 50632  
fee, the purpose of which is to compensate the bureau for 50633  
additional services required in issuing POW/MIA awareness license 50634  
plates, into the state treasury to the credit of the state bureau 50635  
of motor vehicles fund created in section 4501.25 of the Revised 50636  
Code. 50637

**Sec. 4505.06.** (A)(1) Application for a certificate of title 50638  
shall be made in a form prescribed by the registrar of motor 50639  
vehicles and shall be sworn to before a notary public or other 50640  
officer empowered to administer oaths. The application shall be 50641  
filed with the clerk of any court of common pleas. An application 50642  
for a certificate of title may be filed electronically by any 50643  
electronic means approved by the registrar in any county with the 50644  
clerk of the court of common pleas of that county. Any payments 50645  
required by this chapter shall be considered as accompanying any 50646  
electronically transmitted application when payment actually is 50647  
received by the clerk. Payment of any fee or taxes may be made by 50648  
electronic transfer of funds. 50649

(2) The application for a certificate of title shall be 50650  
accompanied by the fee prescribed in section 4505.09 of the 50651  
Revised Code. The fee shall be retained by the clerk who issues 50652  
the certificate of title and shall be distributed in accordance 50653  
with that section. If a clerk of a court of common pleas, other 50654  
than the clerk of the court of common pleas of an applicant's 50655  
county of residence, issues a certificate of title to the 50656  
applicant, the clerk shall transmit data related to the 50657  
transaction to the automated title processing system. 50658

(3) If a certificate of title previously has been issued for 50659  
a motor vehicle in this state, the application for a certificate 50660  
of title also shall be accompanied by that certificate of title 50661

duly assigned, unless otherwise provided in this chapter. If a 50662  
certificate of title previously has not been issued for the motor 50663  
vehicle in this state, the application, unless otherwise provided 50664  
in this chapter, shall be accompanied by a manufacturer's or 50665  
importer's certificate or by a certificate of title of another 50666  
state from which the motor vehicle was brought into this state. If 50667  
the application refers to a motor vehicle last previously 50668  
registered in another state, the application also shall be 50669  
accompanied by the physical inspection certificate required by 50670  
section 4505.061 of the Revised Code. If the application is made 50671  
by two persons regarding a motor vehicle in which they wish to 50672  
establish joint ownership with right of survivorship, they may do 50673  
so as provided in section 2131.12 of the Revised Code. If the 50674  
applicant requests a designation of the motor vehicle in 50675  
beneficiary form so that upon the death of the owner of the motor 50676  
vehicle, ownership of the motor vehicle will pass to a designated 50677  
transfer-on-death beneficiary or beneficiaries, the applicant may 50678  
do so as provided in section 2131.13 of the Revised Code. A person 50679  
who establishes ownership of a motor vehicle that is transferable 50680  
on death in accordance with section 2131.13 of the Revised Code 50681  
may terminate that type of ownership or change the designation of 50682  
the transfer-on-death beneficiary or beneficiaries by applying for 50683  
a certificate of title pursuant to this section. The clerk shall 50684  
retain the evidence of title presented by the applicant and on 50685  
which the certificate of title is issued, except that, if an 50686  
application for a certificate of title is filed electronically by 50687  
an electronic motor vehicle dealer on behalf of the purchaser of a 50688  
motor vehicle, the clerk shall retain the completed electronic 50689  
record to which the dealer converted the certificate of title 50690  
application and other required documents. The registrar, after 50691  
consultation with the attorney general, shall adopt rules that 50692  
govern the location at which, and the manner in which, are stored 50693  
the actual application and all other documents relating to the 50694

sale of a motor vehicle when an electronic motor vehicle dealer 50695  
files the application for a certificate of title electronically on 50696  
behalf of the purchaser. Not later than December 31, 2011, the 50697  
registrar shall enable all electronic motor vehicle dealers to 50698  
file applications for certificates of title on behalf of 50699  
purchasers of motor vehicles electronically directly with the 50700  
registrar and not through a third party. 50701

The clerk shall use reasonable diligence in ascertaining 50702  
whether or not the facts in the application for a certificate of 50703  
title are true by checking the application and documents 50704  
accompanying it or the electronic record to which a dealer 50705  
converted the application and accompanying documents with the 50706  
records of motor vehicles in the clerk's office. If the clerk is 50707  
satisfied that the applicant is the owner of the motor vehicle and 50708  
that the application is in the proper form, the clerk, within five 50709  
business days after the application is filed and except as 50710  
provided in section 4505.021 of the Revised Code, shall issue a 50711  
physical certificate of title over the clerk's signature and 50712  
sealed with the clerk's seal, unless the applicant specifically 50713  
requests the clerk not to issue a physical certificate of title 50714  
and instead to issue an electronic certificate of title. For 50715  
purposes of the transfer of a certificate of title, if the clerk 50716  
is satisfied that the secured party has duly discharged a lien 50717  
notation but has not canceled the lien notation with a clerk, the 50718  
clerk may cancel the lien notation on the automated title 50719  
processing system and notify the clerk of the county of origin. 50720

(4) In the case of the sale of a motor vehicle to a general 50721  
buyer or user by a dealer, by a motor vehicle leasing dealer 50722  
selling the motor vehicle to the lessee or, in a case in which the 50723  
leasing dealer subleased the motor vehicle, the sublessee, at the 50724  
end of the lease agreement or sublease agreement, or by a 50725  
manufactured housing broker, the certificate of title shall be 50726

obtained in the name of the buyer by the dealer, leasing dealer, 50727  
or manufactured housing broker, as the case may be, upon 50728  
application signed by the buyer. The certificate of title shall be 50729  
issued, or the process of entering the certificate of title 50730  
application information into the automated title processing system 50731  
if a physical certificate of title is not to be issued shall be 50732  
completed, within five business days after the application for 50733  
title is filed with the clerk. If the buyer of the motor vehicle 50734  
previously leased the motor vehicle and is buying the motor 50735  
vehicle at the end of the lease pursuant to that lease, the 50736  
certificate of title shall be obtained in the name of the buyer by 50737  
the motor vehicle leasing dealer who previously leased the motor 50738  
vehicle to the buyer or by the motor vehicle leasing dealer who 50739  
subleased the motor vehicle to the buyer under a sublease 50740  
agreement. 50741

In all other cases, except as provided in section 4505.032 50742  
and division (D)(2) of section 4505.11 of the Revised Code, such 50743  
certificates shall be obtained by the buyer. 50744

(5)(a)(i) If the certificate of title is being obtained in 50745  
the name of the buyer by a motor vehicle dealer or motor vehicle 50746  
leasing dealer and there is a security interest to be noted on the 50747  
certificate of title, the dealer or leasing dealer shall submit 50748  
the application for the certificate of title and payment of the 50749  
applicable tax to a clerk within seven business days after the 50750  
later of the delivery of the motor vehicle to the buyer or the 50751  
date the dealer or leasing dealer obtains the manufacturer's or 50752  
importer's certificate, or certificate of title issued in the name 50753  
of the dealer or leasing dealer, for the motor vehicle. Submission 50754  
of the application for the certificate of title and payment of the 50755  
applicable tax within the required seven business days may be 50756  
indicated by postmark or receipt by a clerk within that period. 50757

(ii) Upon receipt of the certificate of title with the 50758

security interest noted on its face, the dealer or leasing dealer 50759  
shall forward the certificate of title to the secured party at the 50760  
location noted in the financing documents or otherwise specified 50761  
by the secured party. 50762

(iii) A motor vehicle dealer or motor vehicle leasing dealer 50763  
is liable to a secured party for a late fee of ten dollars per day 50764  
for each certificate of title application and payment of the 50765  
applicable tax that is submitted to a clerk more than seven 50766  
business days but less than twenty-one days after the later of the 50767  
delivery of the motor vehicle to the buyer or the date the dealer 50768  
or leasing dealer obtains the manufacturer's or importer's 50769  
certificate, or certificate of title issued in the name of the 50770  
dealer or leasing dealer, for the motor vehicle and, from then on, 50771  
twenty-five dollars per day until the application and applicable 50772  
tax are submitted to a clerk. 50773

(b) In all cases of transfer of a motor vehicle except the 50774  
transfer of a manufactured home or mobile home, the application 50775  
for certificate of title shall be filed within thirty days after 50776  
the assignment or delivery of the motor vehicle. 50777

(c) An application for a certificate of title for a new 50778  
manufactured home shall be filed within thirty days after the 50779  
delivery of the new manufactured home to the purchaser. The date 50780  
of the delivery shall be the date on which an occupancy permit for 50781  
the manufactured home is delivered to the purchaser of the home by 50782  
the appropriate legal authority. 50783

(d) An application for a certificate of title for a used 50784  
manufactured home or a used mobile home shall be filed as follows: 50785

(i) If a certificate of title for the used manufactured home 50786  
or used mobile home was issued to the motor vehicle dealer prior 50787  
to the sale of the manufactured or mobile home to the purchaser, 50788  
the application for certificate of title shall be filed within 50789

thirty days after the date on which an occupancy permit for the 50790  
manufactured or mobile home is delivered to the purchaser by the 50791  
appropriate legal authority. 50792

(ii) If the motor vehicle dealer has been designated by a 50793  
secured party to display the manufactured or mobile home for sale, 50794  
or to sell the manufactured or mobile home under section 4505.20 50795  
of the Revised Code, but the certificate of title has not been 50796  
transferred by the secured party to the motor vehicle dealer, and 50797  
the dealer has complied with the requirements of division (A) of 50798  
section 4505.181 of the Revised Code, the application for 50799  
certificate of title shall be filed within thirty days after the 50800  
date on which the motor vehicle dealer obtains the certificate of 50801  
title for the home from the secured party or the date on which an 50802  
occupancy permit for the manufactured or mobile home is delivered 50803  
to the purchaser by the appropriate legal authority, whichever 50804  
occurs later. 50805

(6) If an application for a certificate of title is not filed 50806  
within the period specified in division (A)(5)(b), (c), or (d) of 50807  
this section, the clerk shall collect a fee of five dollars for 50808  
the issuance of the certificate, except that no such fee shall be 50809  
required from a motor vehicle salvage dealer, as defined in 50810  
division (A) of section 4738.01 of the Revised Code, who 50811  
immediately surrenders the certificate of title for cancellation. 50812  
The fee shall be in addition to all other fees established by this 50813  
chapter, and shall be retained by the clerk. The registrar shall 50814  
provide, on the certificate of title form prescribed by section 50815  
4505.07 of the Revised Code, language necessary to give evidence 50816  
of the date on which the assignment or delivery of the motor 50817  
vehicle was made. 50818

(7) As used in division (A) of this section, "lease 50819  
agreement," "lessee," and "sublease agreement" have the same 50820  
meanings as in section 4505.04 of the Revised Code and "new 50821

manufactured home," "used manufactured home," and "used mobile  
home" have the same meanings as in section 5739.0210 of the  
Revised Code.

(B)(1) The clerk, except as provided in this section, shall  
refuse to accept for filing any application for a certificate of  
title and shall refuse to issue a certificate of title unless the  
dealer or the applicant, in cases in which the certificate shall  
be obtained by the buyer, submits with the application payment of  
the tax levied by or pursuant to Chapters 5739. and 5741. of the  
Revised Code based on the purchaser's county of residence. Upon  
payment of the tax in accordance with division (E) of this  
section, the clerk shall issue a receipt prescribed by the  
registrar and agreed upon by the tax commissioner showing payment  
of the tax or a receipt issued by the commissioner showing the  
payment of the tax. When submitting payment of the tax to the  
clerk, a dealer shall retain any discount to which the dealer is  
entitled under section 5739.12 of the Revised Code.

(2) For receiving and disbursing such taxes paid to the clerk  
by a resident of the clerk's county, the clerk may retain a  
poundage fee of one and one one-hundredth per cent, and the clerk  
shall pay the poundage fee into the certificate of title  
administration fund created by section 325.33 of the Revised Code.  
The clerk shall not retain a poundage fee from payments of taxes  
by persons who do not reside in the clerk's county.

A clerk, however, may retain from the taxes paid to the clerk  
an amount equal to the poundage fees associated with certificates  
of title issued by other clerks of courts of common pleas to  
applicants who reside in the first clerk's county. The registrar,  
in consultation with the tax commissioner and the clerks of the  
courts of common pleas, shall develop a report from the automated  
title processing system that informs each clerk of the amount of  
the poundage fees that the clerk is permitted to retain from those



taxes because of certificates of title issued by the clerks of 50854  
other counties to applicants who reside in the first clerk's 50855  
county. 50856

(3) In the case of casual sales of motor vehicles, as defined 50857  
in section 4517.01 of the Revised Code, the price for the purpose 50858  
of determining the tax shall be the purchase price on the assigned 50859  
certificate of title executed by the seller and filed with the 50860  
clerk by the buyer on a form to be prescribed by the registrar, 50861  
which shall be prima-facie evidence of the amount for the 50862  
determination of the tax. 50863

(4) Each county clerk shall forward to the treasurer of state 50864  
all sales and use tax collections resulting from sales of motor 50865  
vehicles, off-highway motorcycles, and all-purpose vehicles during 50866  
a calendar week on or before the Friday following the close of 50867  
that week. If, on any Friday, the offices of the clerk of courts 50868  
or the state are not open for business, the tax shall be forwarded 50869  
to the treasurer of state on or before the next day on which the 50870  
offices are open. Every remittance of tax under division (B)(4) of 50871  
this section shall be accompanied by a remittance report in such 50872  
form as the tax commissioner prescribes. Upon receipt of a tax 50873  
remittance and remittance report, the treasurer of state shall 50874  
date stamp the report and forward it to the tax commissioner. If 50875  
the tax due for any week is not remitted by a clerk of courts as 50876  
required under division (B)(4) of this section, the commissioner 50877  
may require the clerk to forfeit the poundage fees for the sales 50878  
made during that week. The treasurer of state may require the 50879  
clerks of courts to transmit tax collections and remittance 50880  
reports electronically. 50881

(C)(1) If the transferor indicates on the certificate of 50882  
title that the odometer reflects mileage in excess of the designed 50883  
mechanical limit of the odometer, the clerk shall enter the phrase 50884  
"exceeds mechanical limits" following the mileage designation. If 50885

the transferor indicates on the certificate of title that the 50886  
odometer reading is not the actual mileage, the clerk shall enter 50887  
the phrase "nonactual: warning - odometer discrepancy" following 50888  
the mileage designation. The clerk shall use reasonable care in 50889  
transferring the information supplied by the transferor, but is 50890  
not liable for any errors or omissions of the clerk or those of 50891  
the clerk's deputies in the performance of the clerk's duties 50892  
created by this chapter. 50893

The registrar shall prescribe an affidavit in which the 50894  
transferor shall swear to the true selling price and, except as 50895  
provided in this division, the true odometer reading of the motor 50896  
vehicle. The registrar may prescribe an affidavit in which the 50897  
seller and buyer provide information pertaining to the odometer 50898  
reading of the motor vehicle in addition to that required by this 50899  
section, as such information may be required by the United States 50900  
secretary of transportation by rule prescribed under authority of 50901  
subchapter IV of the "Motor Vehicle Information and Cost Savings 50902  
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 50903

(2) Division (C)(1) of this section does not require the 50904  
giving of information concerning the odometer and odometer reading 50905  
of a motor vehicle when ownership of a motor vehicle is being 50906  
transferred as a result of a bequest, under the laws of intestate 50907  
succession, to a survivor pursuant to section 2106.18, 2131.12, or 50908  
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 50909  
beneficiaries pursuant to section 2131.13 of the Revised Code, in 50910  
connection with the creation of a security interest or for a 50911  
vehicle with a gross vehicle weight rating of more than sixteen 50912  
thousand pounds. 50913

(D) When the transfer to the applicant was made in some other 50914  
state or in interstate commerce, the clerk, except as provided in 50915  
this section, shall refuse to issue any certificate of title 50916  
unless the tax imposed by or pursuant to Chapter 5741. of the 50917

Revised Code based on the purchaser's county of residence has been 50918  
paid as evidenced by a receipt issued by the tax commissioner, or 50919  
unless the applicant submits with the application payment of the 50920  
tax. Upon payment of the tax in accordance with division (E) of 50921  
this section, the clerk shall issue a receipt prescribed by the 50922  
registrar and agreed upon by the tax commissioner, showing payment 50923  
of the tax. 50924

For receiving and disbursing such taxes paid to the clerk by 50925  
a resident of the clerk's county, the clerk may retain a poundage 50926  
fee of one and one one-hundredth per cent. The clerk shall not 50927  
retain a poundage fee from payments of taxes by persons who do not 50928  
reside in the clerk's county. 50929

A clerk, however, may retain from the taxes paid to the clerk 50930  
an amount equal to the poundage fees associated with certificates 50931  
of title issued by other clerks of courts of common pleas to 50932  
applicants who reside in the first clerk's county. The registrar, 50933  
in consultation with the tax commissioner and the clerks of the 50934  
courts of common pleas, shall develop a report from the automated 50935  
title processing system that informs each clerk of the amount of 50936  
the poundage fees that the clerk is permitted to retain from those 50937  
taxes because of certificates of title issued by the clerks of 50938  
other counties to applicants who reside in the first clerk's 50939  
county. 50940

When the vendor is not regularly engaged in the business of 50941  
selling motor vehicles, the vendor shall not be required to 50942  
purchase a vendor's license or make reports concerning those 50943  
sales. 50944

(E) The clerk shall accept any payment of a tax in cash, or 50945  
by cashier's check, certified check, draft, money order, or teller 50946  
check issued by any insured financial institution payable to the 50947  
clerk and submitted with an application for a certificate of title 50948  
under division (B) or (D) of this section. The clerk also may 50949

accept payment of the tax by corporate, business, or personal 50950  
check, credit card, electronic transfer or wire transfer, debit 50951  
card, or any other accepted form of payment made payable to the 50952  
clerk. The clerk may require bonds, guarantees, or letters of 50953  
credit to ensure the collection of corporate, business, or 50954  
personal checks. Any service fee charged by a third party to a 50955  
clerk for the use of any form of payment may be paid by the clerk 50956  
from the certificate of title administration fund created in 50957  
section 325.33 of the Revised Code, or may be assessed by the 50958  
clerk upon the applicant as an additional fee. Upon collection, 50959  
the additional fees shall be paid by the clerk into that 50960  
certificate of title administration fund. 50961

The clerk shall make a good faith effort to collect any 50962  
payment of taxes due but not made because the payment was returned 50963  
or dishonored, but the clerk is not personally liable for the 50964  
payment of uncollected taxes or uncollected fees. The clerk shall 50965  
notify the tax commissioner of any such payment of taxes that is 50966  
due but not made and shall furnish the information to the 50967  
commissioner that the commissioner requires. The clerk shall 50968  
deduct the amount of taxes due but not paid from the clerk's 50969  
periodic remittance of tax payments, in accordance with procedures 50970  
agreed upon by the tax commissioner. The commissioner may collect 50971  
taxes due by assessment in the manner provided in section 5739.13 50972  
of the Revised Code. 50973

Any person who presents payment that is returned or 50974  
dishonored for any reason is liable to the clerk for payment of a 50975  
penalty over and above the amount of the taxes due. The clerk 50976  
shall determine the amount of the penalty, and the penalty shall 50977  
be no greater than that amount necessary to compensate the clerk 50978  
for banking charges, legal fees, or other expenses incurred by the 50979  
clerk in collecting the returned or dishonored payment. The 50980  
remedies and procedures provided in this section are in addition 50981

to any other available civil or criminal remedies. Subsequently 50982  
collected penalties, poundage fees, and title fees, less any title 50983  
fee due the state, from returned or dishonored payments collected 50984  
by the clerk shall be paid into the certificate of title 50985  
administration fund. Subsequently collected taxes, less poundage 50986  
fees, shall be sent by the clerk to the treasurer of state at the 50987  
next scheduled periodic remittance of tax payments, with 50988  
information as the commissioner may require. The clerk may abate 50989  
all or any part of any penalty assessed under this division. 50990

(F) In the following cases, the clerk shall accept for filing 50991  
an application and shall issue a certificate of title without 50992  
requiring payment or evidence of payment of the tax: 50993

(1) When the purchaser is this state or any of its political 50994  
subdivisions, a church, or an organization whose purchases are 50995  
exempted by section 5739.02 of the Revised Code; 50996

(2) When the transaction in this state is not a retail sale 50997  
as defined by section 5739.01 of the Revised Code; 50998

(3) When the purchase is outside this state or in interstate 50999  
commerce and the purpose of the purchaser is not to use, store, or 51000  
consume within the meaning of section 5741.01 of the Revised Code; 51001

(4) When the purchaser is the federal government; 51002

(5) When the motor vehicle was purchased outside this state 51003  
for use outside this state; 51004

(6) When the motor vehicle is purchased by a nonresident 51005  
under the circumstances described in division (B)(1) of section 51006  
5739.029 of the Revised Code, and upon presentation of a copy of 51007  
the affidavit provided by that section, and a copy of the 51008  
exemption certificate provided by section 5739.03 of the Revised 51009  
Code. 51010

(G) An application, as prescribed by the registrar and agreed 51011

to by the tax commissioner, shall be filled out and sworn to by 51012  
the buyer of a motor vehicle in a casual sale. The application 51013  
shall contain the following notice in bold lettering: "WARNING TO 51014  
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 51015  
law to state the true selling price. A false statement is in 51016  
violation of section 2921.13 of the Revised Code and is punishable 51017  
by six months' imprisonment or a fine of up to one thousand 51018  
dollars, or both. All transfers are audited by the department of 51019  
taxation. The seller and buyer must provide any information 51020  
requested by the department of taxation. The buyer may be assessed 51021  
any additional tax found to be due." 51022

(H) For sales of manufactured homes or mobile homes occurring 51023  
on or after January 1, 2000, the clerk shall accept for filing, 51024  
pursuant to Chapter 5739. of the Revised Code, an application for 51025  
a certificate of title for a manufactured home or mobile home 51026  
without requiring payment of any tax pursuant to section 5739.02, 51027  
5741.021, 5741.022, ~~or 5741.023,~~ or 5741.024 of the Revised Code, 51028  
or a receipt issued by the tax commissioner showing payment of the 51029  
tax. For sales of manufactured homes or mobile homes occurring on 51030  
or after January 1, 2000, the applicant shall pay to the clerk an 51031  
additional fee of five dollars for each certificate of title 51032  
issued by the clerk for a manufactured or mobile home pursuant to 51033  
division (H) of section 4505.11 of the Revised Code and for each 51034  
certificate of title issued upon transfer of ownership of the 51035  
home. The clerk shall credit the fee to the county certificate of 51036  
title administration fund, and the fee shall be used to pay the 51037  
expenses of archiving those certificates pursuant to division (A) 51038  
of section 4505.08 and division (H)(3) of section 4505.11 of the 51039  
Revised Code. The tax commissioner shall administer any tax on a 51040  
manufactured or mobile home pursuant to Chapters 5739. and 5741. 51041  
of the Revised Code. 51042

(I) Every clerk shall have the capability to transact by 51043

electronic means all procedures and transactions relating to the 51044  
issuance of motor vehicle certificates of title that are described 51045  
in the Revised Code as being accomplished by electronic means. 51046

**Sec. 4505.102.** (A) If a pawnbroker licensed under Chapter 51047  
4727. of the Revised Code makes a loan that is secured by a motor 51048  
vehicle, watercraft, or outboard motor and has taken possession of 51049  
the motor vehicle, watercraft, or outboard motor and the 51050  
certificate of title to the motor vehicle, watercraft, or outboard 51051  
motor, and the owner of the motor vehicle, watercraft, or outboard 51052  
motor fails to redeem or pay interest on the loan for which the 51053  
motor vehicle, watercraft, or outboard motor was pledged within 51054  
two months from the date of the loan or the date on which the last 51055  
interest payment is due, and the pawnbroker notifies the owner by 51056  
mail, with proof of mailing, as required by division (A) of 51057  
section 4727.11 of the Revised Code, or electronically, as 51058  
permitted by that division, of the possible forfeiture of the 51059  
motor vehicle, watercraft, or outboard motor, and the owner fails 51060  
to redeem the motor vehicle, watercraft, or outboard motor within 51061  
the thirty-day period required by that division to be specified in 51062  
the notice, the pawnbroker shall proceed to obtain a certificate 51063  
of title to the motor vehicle, watercraft, or outboard motor in 51064  
the pawnbroker's name in the manner provided in this section. 51065

(B) The pawnbroker shall execute an affidavit stating all of 51066  
the following: 51067

(1) That the pawnbroker is a pawnbroker licensed under 51068  
Chapter 4727. of the Revised Code; 51069

(2) That the pawnbroker has made a loan to the owner of a 51070  
motor vehicle, watercraft, or outboard motor, and the security for 51071  
the loan is the motor vehicle, watercraft, or outboard motor; 51072

(3) That both the motor vehicle, watercraft, or outboard 51073  
motor and the certificate of title to the motor vehicle, 51074

watercraft, or outboard motor are in the possession of the 51075  
pawnbroker; 51076

(4) That the owner of the motor vehicle, watercraft, or 51077  
outboard motor has failed to redeem the pledged motor vehicle, 51078  
watercraft, or outboard motor or pay interest on the loan for 51079  
which the motor vehicle, watercraft, or outboard motor was pledged 51080  
within two months from the date of the loan or the date on which 51081  
the last interest payment was due; 51082

(5) That the pawnbroker has notified the owner of the motor 51083  
vehicle, watercraft, or outboard motor by mail, with proof of 51084  
mailing, as required by division (A) of section 4727.11 of the 51085  
Revised Code, or electronically, as permitted by that division, 51086  
and the owner has failed to redeem the motor vehicle, watercraft, 51087  
or outboard motor within the thirty-day period required by that 51088  
division to be specified in the notice. 51089

Upon presentation by the pawnbroker of a copy of the 51090  
affidavit, a copy of the pawn form, a copy of the proof of mailing 51091  
or that the electronic mail was sent, and the certificate of title 51092  
to the motor vehicle, watercraft, or outboard motor, a clerk of a 51093  
court of common pleas shall issue, if the record shows no lien or 51094  
encumbrances exist, a certificate of title, free and clear of all 51095  
liens and encumbrances, to the pawnbroker. 51096

(C) No person shall execute or present the affidavit required 51097  
by this section, knowing any entry on the affidavit to be false. 51098

(D) Whoever violates this section shall be fined not more 51099  
than two hundred dollars, imprisoned not more than ninety days, or 51100  
both. 51101

Sec. 4511.0915. (A) On or before July 31, 2015, any local 51102  
authority that has operated a traffic law photo-monitoring device 51103  
between March 23, 2015, and June 30, 2015, shall file either a 51104



report or statement of compliance with the auditor of state as follows: 51105  
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(1) If the local authority operated any traffic law photo-monitoring device without fully complying with sections 4511.092 to 4511.0914 of the Revised Code, the local authority shall file a report that includes a detailed statement of the civil fines the local authority has billed to drivers for any violation of any municipal ordinance that is based upon evidence recorded by a traffic law photo-monitoring device, including the gross amount of fines that have been billed. 51107  
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(2) If the local authority has fully complied with sections 4511.092 to 4511.0914 of the Revised Code, in lieu of a report, the local authority shall submit a signed statement affirming compliance with all requirements of those sections. 51115  
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(B) Beginning with the three-month period that commences July 1, 2015, and ends September 30, 2015, and for each three-month period thereafter, during which a local authority has operated a traffic law photo-monitoring device, the local authority shall file either a report or a signed statement of compliance with the auditor of state in the same manner as described in division (A) of this section. The local authority shall file the report or statement not later than thirty days after the end of the applicable three-month period. 51119  
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(C) The auditor of state shall do all of the following: 51128

(1) Immediately forward a copy of each report or signed statement of compliance received under this section to the tax commissioner for purposes of calculating payments under section 5747.50 of the Revised Code; 51129  
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(2) Notify the commissioner of each subdivision required to file a report or signed statement that did not do so; 51133  
51134

(3) Notify the commissioner when a subdivision that is the 51135  
subject of a notification under division (C)(2) of this section 51136  
files all reports or signed statements the subdivision is required 51137  
to file. 51138

**Sec. 4511.191.** (A)(1) As used in this section: 51139

(a) "Physical control" has the same meaning as in section 51140  
4511.194 of the Revised Code. 51141

(b) "Alcohol monitoring device" means any device that 51142  
provides for continuous alcohol monitoring, any ignition interlock 51143  
device, any immobilizing or disabling device other than an 51144  
ignition interlock device that is constantly available to monitor 51145  
the concentration of alcohol in a person's system, or any other 51146  
device that provides for the automatic testing and periodic 51147  
reporting of alcohol consumption by a person and that a court 51148  
orders a person to use as a sanction imposed as a result of the 51149  
person's conviction of or plea of guilty to an offense. 51150

(c) "Community addiction services provider" has the same 51151  
meaning as in section 5119.01 of the Revised Code. 51152

(2) Any person who operates a vehicle, streetcar, or 51153  
trackless trolley upon a highway or any public or private property 51154  
used by the public for vehicular travel or parking within this 51155  
state or who is in physical control of a vehicle, streetcar, or 51156  
trackless trolley shall be deemed to have given consent to a 51157  
chemical test or tests of the person's whole blood, blood serum or 51158  
plasma, breath, or urine to determine the alcohol, drug of abuse, 51159  
controlled substance, metabolite of a controlled substance, or 51160  
combination content of the person's whole blood, blood serum or 51161  
plasma, breath, or urine if arrested for a violation of division 51162  
(A) or (B) of section 4511.19 of the Revised Code, section 51163  
4511.194 of the Revised Code or a substantially equivalent 51164  
municipal ordinance, or a municipal OVI ordinance. 51165

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

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

(5)(a) If a law enforcement officer arrests a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance and if the person if convicted would be required to be sentenced under division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (B) of section 4511.192 of the Revised Code, but the officer shall advise the person at the time of the arrest that if

the person refuses to take a chemical test the officer may employ 51198  
whatever reasonable means are necessary to ensure that the person 51199  
submits to a chemical test of the person's whole blood or blood 51200  
serum or plasma. The officer shall also advise the person at the 51201  
time of the arrest that the person may have an independent 51202  
chemical test taken at the person's own expense. Divisions (A)(3) 51203  
and (4) of this section apply to the administration of a chemical 51204  
test or tests pursuant to this division. 51205

(b) If a person refuses to submit to a chemical test upon a 51206  
request made pursuant to division (A)(5)(a) of this section, the 51207  
law enforcement officer who made the request may employ whatever 51208  
reasonable means are necessary to ensure that the person submits 51209  
to a chemical test of the person's whole blood or blood serum or 51210  
plasma. A law enforcement officer who acts pursuant to this 51211  
division to ensure that a person submits to a chemical test of the 51212  
person's whole blood or blood serum or plasma is immune from 51213  
criminal and civil liability based upon a claim for assault and 51214  
battery or any other claim for the acts, unless the officer so 51215  
acted with malicious purpose, in bad faith, or in a wanton or 51216  
reckless manner. 51217

(B)(1) Upon receipt of the sworn report of a law enforcement 51218  
officer who arrested a person for a violation of division (A) or 51219  
(B) of section 4511.19 of the Revised Code, section 4511.194 of 51220  
the Revised Code or a substantially equivalent municipal 51221  
ordinance, or a municipal OVI ordinance that was completed and 51222  
sent to the registrar of motor vehicles and a court pursuant to 51223  
section 4511.192 of the Revised Code in regard to a person who 51224  
refused to take the designated chemical test, the registrar shall 51225  
enter into the registrar's records the fact that the person's 51226  
driver's or commercial driver's license or permit or nonresident 51227  
operating privilege was suspended by the arresting officer under 51228  
this division and that section and the period of the suspension, 51229

as determined under this section. The suspension shall be subject 51230  
to appeal as provided in section 4511.197 of the Revised Code. The 51231  
suspension shall be for whichever of the following periods 51232  
applies: 51233

(a) Except when division (B)(1)(b), (c), or (d) of this 51234  
section applies and specifies a different class or length of 51235  
suspension, the suspension shall be a class C suspension for the 51236  
period of time specified in division (B)(3) of section 4510.02 of 51237  
the Revised Code. 51238

(b) If the arrested person, within six years of the date on 51239  
which the person refused the request to consent to the chemical 51240  
test, had refused one previous request to consent to a chemical 51241  
test or had been convicted of or pleaded guilty to one violation 51242  
of division (A) or (B) of section 4511.19 of the Revised Code or 51243  
one other equivalent offense, the suspension shall be a class B 51244  
suspension imposed for the period of time specified in division 51245  
(B)(2) of section 4510.02 of the Revised Code. 51246

(c) If the arrested person, within six years of the date on 51247  
which the person refused the request to consent to the chemical 51248  
test, had refused two previous requests to consent to a chemical 51249  
test, had been convicted of or pleaded guilty to two violations of 51250  
division (A) or (B) of section 4511.19 of the Revised Code or 51251  
other equivalent offenses, or had refused one previous request to 51252  
consent to a chemical test and also had been convicted of or 51253  
pleaded guilty to one violation of division (A) or (B) of section 51254  
4511.19 of the Revised Code or other equivalent offenses, which 51255  
violation or offense arose from an incident other than the 51256  
incident that led to the refusal, the suspension shall be a class 51257  
A suspension imposed for the period of time specified in division 51258  
(B)(1) of section 4510.02 of the Revised Code. 51259

(d) If the arrested person, within six years of the date on 51260  
which the person refused the request to consent to the chemical 51261

test, had refused three or more previous requests to consent to a 51262  
chemical test, had been convicted of or pleaded guilty to three or 51263  
more violations of division (A) or (B) of section 4511.19 of the 51264  
Revised Code or other equivalent offenses, or had refused a number 51265  
of previous requests to consent to a chemical test and also had 51266  
been convicted of or pleaded guilty to a number of violations of 51267  
division (A) or (B) of section 4511.19 of the Revised Code or 51268  
other equivalent offenses that cumulatively total three or more 51269  
such refusals, convictions, and guilty pleas, the suspension shall 51270  
be for five years. 51271

(2) The registrar shall terminate a suspension of the 51272  
driver's or commercial driver's license or permit of a resident or 51273  
of the operating privilege of a nonresident, or a denial of a 51274  
driver's or commercial driver's license or permit, imposed 51275  
pursuant to division (B)(1) of this section upon receipt of notice 51276  
that the person has entered a plea of guilty to, or that the 51277  
person has been convicted after entering a plea of no contest to, 51278  
operating a vehicle in violation of section 4511.19 of the Revised 51279  
Code or in violation of a municipal OVI ordinance, if the offense 51280  
for which the conviction is had or the plea is entered arose from 51281  
the same incident that led to the suspension or denial. 51282

The registrar shall credit against any judicial suspension of 51283  
a person's driver's or commercial driver's license or permit or 51284  
nonresident operating privilege imposed pursuant to section 51285  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 51286  
Revised Code for a violation of a municipal OVI ordinance, any 51287  
time during which the person serves a related suspension imposed 51288  
pursuant to division (B)(1) of this section. 51289

(C)(1) Upon receipt of the sworn report of the law 51290  
enforcement officer who arrested a person for a violation of 51291  
division (A) or (B) of section 4511.19 of the Revised Code or a 51292  
municipal OVI ordinance that was completed and sent to the 51293

registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

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

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

(c) If, within six years of the date the test was conducted, 51326  
the person has been convicted of or pleaded guilty to two 51327  
violations of a statute or ordinance described in division 51328  
(C)(1)(b) of this section, the suspension shall be a class B 51329  
suspension imposed for the period of time specified in division 51330  
(B)(2) of section 4510.02 of the Revised Code. 51331

(d) If, within six years of the date the test was conducted, 51332  
the person has been convicted of or pleaded guilty to more than 51333  
two violations of a statute or ordinance described in division 51334  
(C)(1)(b) of this section, the suspension shall be a class A 51335  
suspension imposed for the period of time specified in division 51336  
(B)(1) of section 4510.02 of the Revised Code. 51337

(2) The registrar shall terminate a suspension of the 51338  
driver's or commercial driver's license or permit of a resident or 51339  
of the operating privilege of a nonresident, or a denial of a 51340  
driver's or commercial driver's license or permit, imposed 51341  
pursuant to division (C)(1) of this section upon receipt of notice 51342  
that the person has entered a plea of guilty to, or that the 51343  
person has been convicted after entering a plea of no contest to, 51344  
operating a vehicle in violation of section 4511.19 of the Revised 51345  
Code or in violation of a municipal OVI ordinance, if the offense 51346  
for which the conviction is had or the plea is entered arose from 51347  
the same incident that led to the suspension or denial. 51348

The registrar shall credit against any judicial suspension of 51349  
a person's driver's or commercial driver's license or permit or 51350  
nonresident operating privilege imposed pursuant to section 51351  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 51352  
Revised Code for a violation of a municipal OVI ordinance, any 51353  
time during which the person serves a related suspension imposed 51354  
pursuant to division (C)(1) of this section. 51355

(D)(1) A suspension of a person's driver's or commercial 51356  
driver's license or permit or nonresident operating privilege 51357



under this section for the time described in division (B) or (C) 51358  
of this section is effective immediately from the time at which 51359  
the arresting officer serves the notice of suspension upon the 51360  
arrested person. Any subsequent finding that the person is not 51361  
guilty of the charge that resulted in the person being requested 51362  
to take the chemical test or tests under division (A) of this 51363  
section does not affect the suspension. 51364

(2) If a person is arrested for operating a vehicle, 51365  
streetcar, or trackless trolley in violation of division (A) or 51366  
(B) of section 4511.19 of the Revised Code or a municipal OVI 51367  
ordinance, or for being in physical control of a vehicle, 51368  
streetcar, or trackless trolley in violation of section 4511.194 51369  
of the Revised Code or a substantially equivalent municipal 51370  
ordinance, regardless of whether the person's driver's or 51371  
commercial driver's license or permit or nonresident operating 51372  
privilege is or is not suspended under division (B) or (C) of this 51373  
section or Chapter 4510. of the Revised Code, the person's initial 51374  
appearance on the charge resulting from the arrest shall be held 51375  
within five days of the person's arrest or the issuance of the 51376  
citation to the person, subject to any continuance granted by the 51377  
court pursuant to section 4511.197 of the Revised Code regarding 51378  
the issues specified in that division. 51379

(E) When it finally has been determined under the procedures 51380  
of this section and sections 4511.192 to 4511.197 of the Revised 51381  
Code that a nonresident's privilege to operate a vehicle within 51382  
this state has been suspended, the registrar shall give 51383  
information in writing of the action taken to the motor vehicle 51384  
administrator of the state of the person's residence and of any 51385  
state in which the person has a license. 51386

(F) At the end of a suspension period under this section, 51387  
under section 4511.194, section 4511.196, or division (G) of 51388  
section 4511.19 of the Revised Code, or under section 4510.07 of 51389

the Revised Code for a violation of a municipal OVI ordinance and 51390  
upon the request of the person whose driver's or commercial 51391  
driver's license or permit was suspended and who is not otherwise 51392  
subject to suspension, cancellation, or disqualification, the 51393  
registrar shall return the driver's or commercial driver's license 51394  
or permit to the person upon the occurrence of all of the 51395  
conditions specified in divisions (F)(1) and (2) of this section: 51396

(1) A showing that the person has proof of financial 51397  
responsibility, a policy of liability insurance in effect that 51398  
meets the minimum standards set forth in section 4509.51 of the 51399  
Revised Code, or proof, to the satisfaction of the registrar, that 51400  
the person is able to respond in damages in an amount at least 51401  
equal to the minimum amounts specified in section 4509.51 of the 51402  
Revised Code. 51403

(2) Subject to the limitation contained in division (F)(3) of 51404  
this section, payment by the person to the registrar or an 51405  
eligible deputy registrar of a license reinstatement fee of four 51406  
hundred seventy-five dollars, which fee shall be deposited in the 51407  
state treasury and credited as follows: 51408

(a) One hundred twelve dollars and fifty cents shall be 51409  
credited to the statewide treatment and prevention fund created by 51410  
section 4301.30 of the Revised Code. Money credited to the fund 51411  
under this section shall be used for purposes identified under 51412  
section 5119.22 of the Revised Code. 51413

(b) Seventy-five dollars shall be credited to the reparations 51414  
fund created by section 2743.191 of the Revised Code. 51415

(c) Thirty-seven dollars and fifty cents shall be credited to 51416  
the indigent drivers alcohol treatment fund, which is hereby 51417  
established in the state treasury. The department of mental health 51418  
and addiction services shall distribute the moneys in that fund to 51419  
the county indigent drivers alcohol treatment funds, the county 51420

juvenile indigent drivers alcohol treatment funds, and the 51421  
municipal indigent drivers alcohol treatment funds that are 51422  
required to be established by counties and municipal corporations 51423  
pursuant to division (H) of this section to be used only as 51424  
provided in division (H)(3) of this section. Moneys in the fund 51425  
that are not distributed to a county indigent drivers alcohol 51426  
treatment fund, a county juvenile indigent drivers alcohol 51427  
treatment fund, or a municipal indigent drivers alcohol treatment 51428  
fund under division (H) of this section because the director of 51429  
mental health and addiction services does not have the information 51430  
necessary to identify the county or municipal corporation where 51431  
the offender or juvenile offender was arrested may be transferred 51432  
by the director of budget and management to the statewide 51433  
treatment and prevention fund created by section 4301.30 of the 51434  
Revised Code, upon certification of the amount by the director of 51435  
mental health and addiction services. 51436

(d) Seventy-five dollars shall be credited to the 51437  
opportunities for Ohioans with disabilities agency established by 51438  
section 3304.15 of the Revised Code, to the services for 51439  
rehabilitation fund, which is hereby established. The fund shall 51440  
be used to match available federal matching funds where 51441  
appropriate, and for any other purpose or program of the agency to 51442  
rehabilitate persons with disabilities to help them become 51443  
employed and independent. 51444

(e) Seventy-five dollars shall be deposited into the state 51445  
treasury and credited to the drug abuse resistance education 51446  
programs fund, which is hereby established, to be used by the 51447  
attorney general for the purposes specified in division (F)(4) of 51448  
this section. 51449

(f) Thirty dollars shall be credited to the state bureau of 51450  
motor vehicles fund created by section 4501.25 of the Revised 51451  
Code. 51452

(g) Twenty dollars shall be credited to the trauma and 51453  
emergency medical services fund created by section 4513.263 of the 51454  
Revised Code. 51455

(h) Fifty dollars shall be credited to the indigent drivers 51456  
interlock and alcohol monitoring fund, which is hereby established 51457  
in the state treasury. Moneys in the fund shall be distributed by 51458  
the department of public safety to the county indigent drivers 51459  
interlock and alcohol monitoring funds, the county juvenile 51460  
indigent drivers interlock and alcohol monitoring funds, and the 51461  
municipal indigent drivers interlock and alcohol monitoring funds 51462  
that are required to be established by counties and municipal 51463  
corporations pursuant to this section, and shall be used only to 51464  
pay the cost of an immobilizing or disabling device, including a 51465  
certified ignition interlock device, or an alcohol monitoring 51466  
device used by an offender or juvenile offender who is ordered to 51467  
use the device by a county, juvenile, or municipal court judge and 51468  
who is determined by the county, juvenile, or municipal court 51469  
judge not to have the means to pay for the person's use of the 51470  
device. 51471

(3) If a person's driver's or commercial driver's license or 51472  
permit is suspended under this section, under section 4511.196 or 51473  
division (G) of section 4511.19 of the Revised Code, under section 51474  
4510.07 of the Revised Code for a violation of a municipal OVI 51475  
ordinance or under any combination of the suspensions described in 51476  
division (F)(3) of this section, and if the suspensions arise from 51477  
a single incident or a single set of facts and circumstances, the 51478  
person is liable for payment of, and shall be required to pay to 51479  
the registrar or an eligible deputy registrar, only one 51480  
reinstatement fee of four hundred seventy-five dollars. The 51481  
reinstatement fee shall be distributed by the bureau in accordance 51482  
with division (F)(2) of this section. 51483

(4) The attorney general shall use amounts in the drug abuse 51484

resistance education programs fund to award grants to law 51485  
enforcement agencies to establish and implement drug abuse 51486  
resistance education programs in public schools. Grants awarded to 51487  
a law enforcement agency under this section shall be used by the 51488  
agency to pay for not more than fifty per cent of the amount of 51489  
the salaries of law enforcement officers who conduct drug abuse 51490  
resistance education programs in public schools. The attorney 51491  
general shall not use more than six per cent of the amounts the 51492  
attorney general's office receives under division (F)(2)(e) of 51493  
this section to pay the costs it incurs in administering the grant 51494  
program established by division (F)(2)(e) of this section and in 51495  
providing training and materials relating to drug abuse resistance 51496  
education programs. 51497

The attorney general shall report to the governor and the 51498  
general assembly each fiscal year on the progress made in 51499  
establishing and implementing drug abuse resistance education 51500  
programs. These reports shall include an evaluation of the 51501  
effectiveness of these programs. 51502

(5) In addition to the reinstatement fee under this section, 51503  
if the person pays the reinstatement fee to a deputy registrar, 51504  
the deputy registrar shall collect a service fee of ten dollars to 51505  
compensate the deputy registrar for services performed under this 51506  
section. The deputy registrar shall retain eight dollars of the 51507  
service fee and shall transmit the reinstatement fee, plus two 51508  
dollars of the service fee, to the registrar in the manner the 51509  
registrar shall determine. 51510

(G) Suspension of a commercial driver's license under 51511  
division (B) or (C) of this section shall be concurrent with any 51512  
period of disqualification under section 3123.611 or 4506.16 of 51513  
the Revised Code or any period of suspension under section 3123.58 51514  
of the Revised Code. No person who is disqualified for life from 51515  
holding a commercial driver's license under section 4506.16 of the 51516

Revised Code shall be issued a driver's license under Chapter 51517  
4507. of the Revised Code during the period for which the 51518  
commercial driver's license was suspended under division (B) or 51519  
(C) of this section. No person whose commercial driver's license 51520  
is suspended under division (B) or (C) of this section shall be 51521  
issued a driver's license under Chapter 4507. of the Revised Code 51522  
during the period of the suspension. 51523

(H)(1) Each county shall establish an indigent drivers 51524  
alcohol treatment fund and a juvenile indigent drivers alcohol 51525  
treatment fund. Each municipal corporation in which there is a 51526  
municipal court shall establish an indigent drivers alcohol 51527  
treatment fund. All revenue that the general assembly appropriates 51528  
to the indigent drivers alcohol treatment fund for transfer to a 51529  
county indigent drivers alcohol treatment fund, a county juvenile 51530  
indigent drivers alcohol treatment fund, or a municipal indigent 51531  
drivers alcohol treatment fund, all portions of fees that are paid 51532  
under division (F) of this section and that are credited under 51533  
that division to the indigent drivers alcohol treatment fund in 51534  
the state treasury for a county indigent drivers alcohol treatment 51535  
fund, a county juvenile indigent drivers alcohol treatment fund, 51536  
or a municipal indigent drivers alcohol treatment fund, all 51537  
portions of additional costs imposed under section 2949.094 of the 51538  
Revised Code that are specified for deposit into a county, county 51539  
juvenile, or municipal indigent drivers alcohol treatment fund by 51540  
that section, and all portions of fines that are specified for 51541  
deposit into a county or municipal indigent drivers alcohol 51542  
treatment fund by section 4511.193 of the Revised Code shall be 51543  
deposited into that county indigent drivers alcohol treatment 51544  
fund, county juvenile indigent drivers alcohol treatment fund, or 51545  
municipal indigent drivers alcohol treatment fund. The portions of 51546  
the fees paid under division (F) of this section that are to be so 51547  
deposited shall be determined in accordance with division (H)(2) 51548  
of this section. Additionally, all portions of fines that are paid 51549

for a violation of section 4511.19 of the Revised Code or of any 51550  
prohibition contained in Chapter 4510. of the Revised Code, and 51551  
that are required under section 4511.19 or any provision of 51552  
Chapter 4510. of the Revised Code to be deposited into a county 51553  
indigent drivers alcohol treatment fund or municipal indigent 51554  
drivers alcohol treatment fund shall be deposited into the 51555  
appropriate fund in accordance with the applicable division of the 51556  
section or provision. 51557

(2) That portion of the license reinstatement fee that is 51558  
paid under division (F) of this section and that is credited under 51559  
that division to the indigent drivers alcohol treatment fund shall 51560  
be deposited into a county indigent drivers alcohol treatment 51561  
fund, a county juvenile indigent drivers alcohol treatment fund, 51562  
or a municipal indigent drivers alcohol treatment fund as follows: 51563

(a) Regarding a suspension imposed under this section, that 51564  
portion of the fee shall be deposited as follows: 51565

(i) If the fee is paid by a person who was charged in a 51566  
county court with the violation that resulted in the suspension or 51567  
in the imposition of the court costs, the portion shall be 51568  
deposited into the county indigent drivers alcohol treatment fund 51569  
under the control of that court; 51570

(ii) If the fee is paid by a person who was charged in a 51571  
juvenile court with the violation that resulted in the suspension 51572  
or in the imposition of the court costs, the portion shall be 51573  
deposited into the county juvenile indigent drivers alcohol 51574  
treatment fund established in the county served by the court; 51575

(iii) If the fee is paid by a person who was charged in a 51576  
municipal court with the violation that resulted in the suspension 51577  
or in the imposition of the court costs, the portion shall be 51578  
deposited into the municipal indigent drivers alcohol treatment 51579  
fund under the control of that court. 51580

(b) Regarding a suspension imposed under section 4511.19 of the Revised Code or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, that portion of the fee shall be deposited as follows:

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

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

(3)(a) As used in division (H)(3) of this section, "indigent person" means a person who is convicted of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or found to be a juvenile traffic offender by reason of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend an alcohol and drug addiction treatment program, and who is determined by the court under division (H)(5) of this section to be unable to pay the cost of the assessment or the cost of attendance at the treatment program.

(b) A county, juvenile, or municipal court judge, by order, may make expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund with respect to an indigent person for any of the following:

(i) To pay the cost of an assessment that is conducted by an appropriately licensed clinician at either a driver intervention program that is certified under section 5119.38 of the Revised



Code or at a community addiction services provider that is 51612  
certified under section 5119.36 of the Revised Code; 51613

(ii) To pay the cost of alcohol addiction services, drug 51614  
addiction services, or integrated alcohol and drug addiction 51615  
services at a community addiction services provider that is 51616  
certified under section 5119.36 of the Revised Code; 51617

(iii) To pay the cost of transportation to attend an 51618  
assessment as provided under division (H)(3)(b)(i) of this section 51619  
or addiction services as provided under division (H)(3)(b)(ii) of 51620  
this section. 51621

The alcohol and drug addiction services board or the board of 51622  
alcohol, drug addiction, and mental health services established 51623  
pursuant to section 340.02 or 340.021 of the Revised Code and 51624  
serving the alcohol, drug addiction, and mental health service 51625  
district in which the court is located shall administer the 51626  
indigent drivers alcohol treatment program of the court. When a 51627  
court orders an offender or juvenile traffic offender to obtain an 51628  
assessment or attend an alcohol and drug addiction treatment 51629  
program, the board shall determine which program is suitable to 51630  
meet the needs of the offender or juvenile traffic offender, and 51631  
when a suitable program is located and space is available at the 51632  
program, the offender or juvenile traffic offender shall attend 51633  
the program designated by the board. A reasonable amount not to 51634  
exceed five per cent of the amounts credited to and deposited into 51635  
the county indigent drivers alcohol treatment fund, the county 51636  
juvenile indigent drivers alcohol treatment fund, or the municipal 51637  
indigent drivers alcohol treatment fund serving every court whose 51638  
program is administered by that board shall be paid to the board 51639  
to cover the costs it incurs in administering those indigent 51640  
drivers alcohol treatment programs. 51641

(c) Upon exhaustion of moneys in the indigent drivers 51642  
interlock and alcohol monitoring fund for the use of an alcohol 51643

monitoring device, a county, juvenile, or municipal court judge 51644  
may use moneys in the county indigent drivers alcohol treatment 51645  
fund, county juvenile indigent drivers alcohol treatment fund, or 51646  
municipal indigent drivers alcohol treatment fund in either of the 51647  
following manners: 51648

(i) If the source of the moneys was an appropriation of the 51649  
general assembly, a portion of a fee that was paid under division 51650  
(F) of this section, a portion of a fine that was specified for 51651  
deposit into the fund by section 4511.193 of the Revised Code, or 51652  
a portion of a fine that was paid for a violation of section 51653  
4511.19 of the Revised Code or of a provision contained in Chapter 51654  
4510. of the Revised Code that was required to be deposited into 51655  
the fund, to pay for the continued use of an alcohol monitoring 51656  
device by an offender or juvenile traffic offender, in conjunction 51657  
with a treatment program approved by the department of mental 51658  
health and addiction services, when such use is determined 51659  
clinically necessary by the treatment program and when the court 51660  
determines that the offender or juvenile traffic offender is 51661  
unable to pay all or part of the daily monitoring or cost of the 51662  
device; 51663

(ii) If the source of the moneys was a portion of an 51664  
additional court cost imposed under section 2949.094 of the 51665  
Revised Code, to pay for the continued use of an alcohol 51666  
monitoring device by an offender or juvenile traffic offender when 51667  
the court determines that the offender or juvenile traffic 51668  
offender is unable to pay all or part of the daily monitoring or 51669  
cost of the device. The moneys may be used for a device as 51670  
described in this division if the use of the device is in 51671  
conjunction with a treatment program approved by the department of 51672  
mental health and addiction services, when the use of the device 51673  
is determined clinically necessary by the treatment program, but 51674  
the use of a device is not required to be in conjunction with a 51675

treatment program approved by the department in order for the 51676  
moneys to be used for the device as described in this division. 51677

(4) If a county, juvenile, or municipal court determines, in 51678  
consultation with the alcohol and drug addiction services board or 51679  
the board of alcohol, drug addiction, and mental health services 51680  
established pursuant to section 340.02 or 340.021 of the Revised 51681  
Code and serving the alcohol, drug addiction, and mental health 51682  
district in which the court is located, that the funds in the 51683  
county indigent drivers alcohol treatment fund, the county 51684  
juvenile indigent drivers alcohol treatment fund, or the municipal 51685  
indigent drivers alcohol treatment fund under the control of the 51686  
court are more than sufficient to satisfy the purpose for which 51687  
the fund was established, as specified in divisions (H)(1) to (3) 51688  
of this section, the court may declare a surplus in the fund. If 51689  
the court declares a surplus in the fund, the court may take any 51690  
of the following actions with regard to the amount of the surplus 51691  
in the fund: 51692

(a) Expend any of the surplus amount for alcohol and drug 51693  
abuse assessment and treatment, and for the cost of transportation 51694  
related to assessment and treatment, of persons who are charged in 51695  
the court with committing a criminal offense or with being a 51696  
delinquent child or juvenile traffic offender and in relation to 51697  
whom both of the following apply: 51698

(i) The court determines that substance abuse was a 51699  
contributing factor leading to the criminal or delinquent activity 51700  
or the juvenile traffic offense with which the person is charged. 51701

(ii) The court determines that the person is unable to pay 51702  
the cost of the alcohol and drug abuse assessment and treatment 51703  
for which the surplus money will be used. 51704

(b) Expend any of the surplus amount to pay all or part of 51705  
the cost of purchasing alcohol monitoring devices to be used in 51706

conjunction with division (H)(3)(c) of this section, upon 51707  
exhaustion of moneys in the indigent drivers interlock and alcohol 51708  
monitoring fund for the use of an alcohol monitoring device. 51709

(c) Transfer to another court in the same county any of the 51710  
surplus amount to be utilized in a manner consistent with division 51711  
(H)(3) of this section. If surplus funds are transferred to 51712  
another court, the court that transfers the funds shall notify the 51713  
alcohol and drug addiction services board or the board of alcohol, 51714  
drug addiction, and mental health services that serves the 51715  
alcohol, drug addiction, and mental health service district in 51716  
which that court is located. 51717

(d) Transfer to the alcohol and drug addiction services board 51718  
or the board of alcohol, drug addiction, and mental health 51719  
services that serves the alcohol, drug addiction, and mental 51720  
health service district in which the court is located any of the 51721  
surplus amount to be utilized in a manner consistent with division 51722  
(H)(3) of this section or for board contracted recovery support 51723  
services. 51724

(5) In order to determine if an offender does not have the 51725  
means to pay for the offender's attendance at an alcohol and drug 51726  
addiction treatment program for purposes of division (H)(3) of 51727  
this section or if an alleged offender or delinquent child is 51728  
unable to pay the costs specified in division (H)(4) of this 51729  
section, the court shall use the indigent client eligibility 51730  
guidelines and the standards of indigency established by the state 51731  
public defender to make the determination. 51732

(6) The court shall identify and refer any community 51733  
addiction services provider that ~~is~~ intends to provide addiction 51734  
services and has not had its addiction services certified under 51735  
section 5119.36 of the Revised Code and that is interested in 51736  
receiving amounts from the surplus in the fund declared under 51737  
division (H)(4) of this section to the department of mental health 51738

and addiction services in order for the community addiction 51739  
services provider to ~~become a certified community addiction~~ 51740  
~~services provider~~ have its addiction services certified by the 51741  
department. The department shall keep a record of applicant 51742  
referrals received pursuant to this division and shall submit a 51743  
report on the referrals each year to the general assembly. If a 51744  
community addiction services provider interested in ~~becoming~~ 51745  
having its addiction services certified makes an application ~~to~~ 51746  
~~become certified~~ pursuant to section 5119.36 of the Revised Code, 51747  
the community addiction services provider is eligible to receive 51748  
surplus funds as long as the application is pending with the 51749  
department. The department of mental health and addiction services 51750  
must offer technical assistance to the applicant. If the 51751  
interested community addiction services provider withdraws the 51752  
certification application, the department must notify the court, 51753  
and the court shall not provide the interested community addiction 51754  
services provider with any further surplus funds. 51755

(7)(a) Each alcohol and drug addiction services board and 51756  
board of alcohol, drug addiction, and mental health services 51757  
established pursuant to section 340.02 or 340.021 of the Revised 51758  
Code shall submit to the department of mental health and addiction 51759  
services an annual report for each indigent drivers alcohol 51760  
treatment fund in that board's area. 51761

(b) The report, which shall be submitted not later than sixty 51762  
days after the end of the state fiscal year, shall provide the 51763  
total payment that was made from the fund, including the number of 51764  
indigent consumers that received treatment services and the number 51765  
of indigent consumers that received an alcohol monitoring device. 51766  
The report shall identify the treatment program and expenditure 51767  
for an alcohol monitoring device for which that payment was made. 51768  
The report shall include the fiscal year balance of each indigent 51769  
drivers alcohol treatment fund located in that board's area. In 51770

the event that a surplus is declared in the fund pursuant to 51771  
division (H)(4) of this section, the report also shall provide the 51772  
total payment that was made from the surplus moneys and identify 51773  
the authorized purpose for which that payment was made. 51774

(c) If a board is unable to obtain adequate information to 51775  
develop the report to submit to the department for a particular 51776  
indigent drivers alcohol treatment fund, the board shall submit a 51777  
report detailing the effort made in obtaining the information. 51778

(I)(1) Each county shall establish an indigent drivers 51779  
interlock and alcohol monitoring fund and a juvenile indigent 51780  
drivers interlock and alcohol treatment fund. Each municipal 51781  
corporation in which there is a municipal court shall establish an 51782  
indigent drivers interlock and alcohol monitoring fund. All 51783  
revenue that the general assembly appropriates to the indigent 51784  
drivers interlock and alcohol monitoring fund for transfer to a 51785  
county indigent drivers interlock and alcohol monitoring fund, a 51786  
county juvenile indigent drivers interlock and alcohol monitoring 51787  
fund, or a municipal indigent drivers interlock and alcohol 51788  
monitoring fund, all portions of license reinstatement fees that 51789  
are paid under division (F)(2) of this section and that are 51790  
credited under that division to the indigent drivers interlock and 51791  
alcohol monitoring fund in the state treasury, and all portions of 51792  
fines that are paid under division (G) of section 4511.19 of the 51793  
Revised Code and that are credited by division (G)(5)(e) of that 51794  
section to the indigent drivers interlock and alcohol monitoring 51795  
fund in the state treasury shall be deposited in the appropriate 51796  
fund in accordance with division (I)(2) of this section. 51797

(2) That portion of the license reinstatement fee that is 51798  
paid under division (F) of this section and that portion of the 51799  
fine paid under division (G) of section 4511.19 of the Revised 51800  
Code and that is credited under either division to the indigent 51801  
drivers interlock and alcohol monitoring fund shall be deposited 51802

into a county indigent drivers interlock and alcohol monitoring 51803  
fund, a county juvenile indigent drivers interlock and alcohol 51804  
monitoring fund, or a municipal indigent drivers interlock and 51805  
alcohol monitoring fund as follows: 51806

(a) If the fee or fine is paid by a person who was charged in 51807  
a county court with the violation that resulted in the suspension 51808  
or fine, the portion shall be deposited into the county indigent 51809  
drivers interlock and alcohol monitoring fund under the control of 51810  
that court. 51811

(b) If the fee or fine is paid by a person who was charged in 51812  
a juvenile court with the violation that resulted in the 51813  
suspension or fine, the portion shall be deposited into the county 51814  
juvenile indigent drivers interlock and alcohol monitoring fund 51815  
established in the county served by the court. 51816

(c) If the fee or fine is paid by a person who was charged in 51817  
a municipal court with the violation that resulted in the 51818  
suspension, the portion shall be deposited into the municipal 51819  
indigent drivers interlock and alcohol monitoring fund under the 51820  
control of that court. 51821

(3) If a county, juvenile, or municipal court determines that 51822  
the funds in the county indigent drivers interlock and alcohol 51823  
monitoring fund, the county juvenile indigent drivers interlock 51824  
and alcohol monitoring fund, or the municipal indigent drivers 51825  
interlock and alcohol monitoring fund under the control of that 51826  
court are more than sufficient to satisfy the purpose for which 51827  
the fund was established as specified in division (F)(2)(h) of 51828  
this section, the court may declare a surplus in the fund. The 51829  
court then may order the transfer of a specified amount into the 51830  
county indigent drivers alcohol treatment fund, the county 51831  
juvenile indigent drivers alcohol treatment fund, or the municipal 51832  
indigent drivers alcohol treatment fund under the control of that 51833  
court to be utilized in accordance with division (H) of this 51834

section. 51835

**Sec. 4513.611.** (A) A vehicle owner may bring a civil action 51836  
against a towing service or storage facility that violates section 51837  
4513.60, 4513.601, or 4513.68 of the Revised Code. If a court 51838  
determines that the towing service or storage facility committed 51839  
the violation, the court shall award the vehicle owner the 51840  
following: 51841

(1) ~~If it is a first violation~~ If the towing service or 51842  
storage facility has not committed any prior violations within one 51843  
year of the violation, one thousand dollars; 51844

(2) ~~If it is a second violation~~ If the towing service or 51845  
storage facility has committed one prior violation within one year 51846  
of the violation, two thousand five hundred dollars; 51847

(3) ~~If it is a third or subsequent violation~~ If the towing 51848  
service or storage facility has committed two prior violations 51849  
within one year of the violation, two thousand five hundred 51850  
dollars. In addition, the court shall order the public utilities 51851  
commission to revoke the towing service's or storage facility's 51852  
certificate of public convenience and necessity for six months. 51853  
The commission shall comply with the order. 51854

(B) Upon expiration of the six-month revocation under 51855  
division (A)(3) of this section, a court shall not consider any 51856  
violation committed by the towing service or storage facility 51857  
prior to the revocation for purposes of a civil action initiated 51858  
after the expiration of the six-month revocation. 51859

(C) In addition to an award made under division (A) of this 51860  
section, if a court determines that a towing service or storage 51861  
facility committed a violation that caused actual damages, the 51862  
court shall award the vehicle owner three times the actual damages 51863  
and reasonable attorney's fees. 51864



**Sec. 4513.67.** (A) As used in this section, "towing service" 51865  
means any for-hire motor carrier that is engaged on an intrastate 51866  
basis anywhere in this state in the business of towing a motor 51867  
vehicle over any public highway in this state. 51868

(B) No person shall operate a towing vehicle for a towing 51869  
service and no person who owns a towing vehicle used by a towing 51870  
service or has supervisory responsibility over a towing vehicle 51871  
used by a towing service, shall permit the operation of a towing 51872  
vehicle used by a towing service, unless both of the following 51873  
apply: 51874

(1) The towing service holds a valid certificate of public 51875  
convenience and necessity as required by Chapter 4921. of the 51876  
Revised Code; and 51877

(2) The certificate number and business telephone number is 51878  
visibly displayed on both the left and right ~~front doors~~ sides of 51879  
the towing vehicle. 51880

(C) No towing service shall do either of the following: 51881

(1) Fail to make its current certificate of public 51882  
convenience and necessity available for public inspection during 51883  
normal business hours; 51884

(2) Fail to include its certificate number on all 51885  
advertising, written estimates, contracts, and invoices. 51886

**Sec. 4707.02.** (A) No person shall act as an auction firm, 51887  
auctioneer, apprentice auctioneer, or special auctioneer within 51888  
this state without a license issued by the department of 51889  
agriculture. No auction shall be conducted in this state except by 51890  
an auctioneer licensed by the department. 51891

The department shall not issue or renew a license if the 51892  
applicant or licensee has been convicted of a felony or crime 51893

involving fraud or theft in this or another state at any time 51894  
during the ten years immediately preceding application or renewal. 51895

(B) Division (A) of this section does not apply to any of the 51896  
following: 51897

(1) Sales at auction that either are required by law to be at 51898  
auction, other than sales pursuant to a judicial order or decree, 51899  
or are conducted by or under the direction of a public authority; 51900

(2) The owner of any real or personal property desiring to 51901  
sell the property at auction, provided that the property was not 51902  
acquired for the purpose of resale; 51903

(3) An auction mediation company; 51904

(4) An auction that is conducted in a course of study for 51905  
auctioneers that is approved by the state auctioneers commission 51906  
created under section 4707.03 of the Revised Code for purposes of 51907  
student training and is supervised by a licensed auctioneer; 51908

(5)(a) An auction that is sponsored by a nonprofit or 51909  
charitable organization that is registered in this state under 51910  
Chapter 1702. or Chapter 1716. of the Revised Code, respectively, 51911  
if the auction only involves the property of the members of the 51912  
organization and the auction is part of a fair that is organized 51913  
by an agricultural society under Chapter 1711. of the Revised Code 51914  
or by the Ohio expositions commission under Chapter 991. of the 51915  
Revised Code at which an auctioneer who is licensed under this 51916  
chapter physically conducts the auction; ~~or~~ 51917

(b) Sales at an auction sponsored by a charitable, religious, 51918  
or civic organization that is tax exempt under subsection 51919  
501(c)(3) of the Internal Revenue Code, or by a public school, 51920  
chartered nonpublic school, or community school, if no person in 51921  
the business of organizing, arranging, or conducting an auction 51922  
for compensation and no consignor of consigned items sold at the 51923  
auction, except such organization or school, receives compensation 51924

from the proceeds of the auction. As used in division (B)(5)(b) of 51925  
this section, "compensation" means money, a thing of value other 51926  
than participation in a charitable event, or a financial benefit. 51927

(c) Sales at an auction sponsored by an organization that is 51928  
tax exempt under subsection 501(c)(6) of the Internal Revenue Code 51929  
and that is a part of a national, regional, or state convention or 51930  
conference that advances or promotes the auction profession in 51931  
this state when the property to be sold is donated to or is the 51932  
property of the organization and the proceeds remain within the 51933  
organization or are donated to a charitable organization that is 51934  
tax exempt under subsection 501(c)(3) of the Internal Revenue 51935  
Code. 51936

(6) A person licensed as a livestock dealer under Chapter 51937  
943. of the Revised Code who exclusively sells livestock and uses 51938  
an auctioneer who is licensed under this chapter to conduct the 51939  
auction; 51940

(7) A person licensed as a motor vehicle auction owner under 51941  
Chapter 4517. of the Revised Code who exclusively sells motor 51942  
vehicles to a person licensed under Chapter 4517. of the Revised 51943  
Code and who uses an auctioneer who is licensed under this chapter 51944  
to conduct the auction; 51945

(8) A person who sells real or personal property by means of 51946  
the internet; 51947

(9) A bid calling contest that is approved by the commission 51948  
and that is conducted for the purposes of the advancement or 51949  
promotion of the auction profession in this state, ~~provided that~~ 51950  
~~no compensation is paid to the sponsor of or participants in the~~ 51951  
~~contest other than a prize or award for winning the contest;~~ 51952

(10) An auction at which the champion of a national or 51953  
international bid calling contest appears, provided that both of 51954  
the following apply: 51955

(a) The champion is not paid a commission.	51956
(b) The auction is conducted under the direct supervision of an auctioneer licensed under this chapter in order to ensure that the champion complies with this chapter and rules adopted under it.	51957 51958 51959 51960
(C)(1) No person shall advertise or hold oneself out as an auction firm, auctioneer, apprentice auctioneer, or special auctioneer without a license issued by the department of agriculture.	51961 51962 51963 51964
(2) Division (C)(1) of this section does not apply to an individual who is the subject of an advertisement regarding an auction conducted under division (B)(5)(b) of this section.	51965 51966 51967
<b>Sec. 4723.06.</b> (A) The board of nursing shall:	51968
(1) Administer and enforce the provisions of this chapter, including the taking of disciplinary action for violations of section 4723.28 of the Revised Code, any other provisions of this chapter, or rules adopted under this chapter;	51969 51970 51971 51972
(2) Develop criteria that an applicant must meet to be eligible to sit for the examination for licensure to practice as a registered nurse or as a licensed practical nurse;	51973 51974 51975
(3) Issue and renew nursing licenses, dialysis technician certificates, and community health worker certificates, as provided in this chapter;	51976 51977 51978
(4) Define the minimum standards for educational programs of the schools of registered nursing and schools of practical nursing in this state;	51979 51980 51981
(5) Survey, inspect, and grant full approval to prelicensure nursing education programs in this state that meet the standards established by rules adopted under section 4723.07 of the Revised Code. Prelicensure nursing education programs include, but are not	51982 51983 51984 51985

limited to, diploma, associate degree, baccalaureate degree, 51986  
master's degree, and doctor of nursing programs leading to initial 51987  
licensure to practice nursing as a registered nurse and practical 51988  
nurse programs leading to initial licensure to practice nursing as 51989  
a licensed practical nurse. 51990

(6) Grant conditional approval, by a vote of a quorum of the 51991  
board, to a new prelicensure nursing education program or a 51992  
program that is being reestablished after having ceased to 51993  
operate, if the program meets and maintains the minimum standards 51994  
of the board established by rules adopted under section 4723.07 of 51995  
the Revised Code. If the board does not grant conditional 51996  
approval, it shall hold an adjudication under Chapter 119. of the 51997  
Revised Code to consider conditional approval of the program. If 51998  
the board grants conditional approval, at the first meeting 51999  
following completion of the survey process required by division 52000  
(A)(5) of this section, the board shall determine whether to grant 52001  
full approval to the program. If the board does not grant full 52002  
approval or if it appears that the program has failed to meet and 52003  
maintain standards established by rules adopted under section 52004  
4723.07 of the Revised Code, the board shall hold an adjudication 52005  
under Chapter 119. of the Revised Code to consider the program. 52006  
Based on results of the adjudication, the board may continue or 52007  
withdraw conditional approval, or grant full approval. 52008

(7) Place on provisional approval, for a period of time 52009  
specified by the board, a program that has ceased to meet and 52010  
maintain the minimum standards of the board established by rules 52011  
adopted under section 4723.07 of the Revised Code. Prior to or at 52012  
the end of the period, the board shall reconsider whether the 52013  
program meets the standards and shall grant full approval if it 52014  
does. If it does not, the board may withdraw approval, pursuant to 52015  
an adjudication under Chapter 119. of the Revised Code. 52016

(8) Approve continuing education programs and courses under 52017

standards established in rules adopted under sections 4723.07, 52018  
4723.69, 4723.79, and 4723.88 of the Revised Code; 52019

(9) Establish a program for monitoring chemical dependency in 52020  
accordance with section 4723.35 of the Revised Code; 52021

(10) Establish the practice intervention and improvement 52022  
program in accordance with section 4723.282 of the Revised Code; 52023

(11) Issue and renew certificates of authority to practice 52024  
nursing as a certified registered nurse anesthetist, clinical 52025  
nurse specialist, certified nurse-midwife, or certified nurse 52026  
practitioner; 52027

(12) Approve under section 4723.46 of the Revised Code 52028  
national certifying organizations for examination and 52029  
certification of certified registered nurse anesthetists, clinical 52030  
nurse specialists, certified nurse-midwives, or certified nurse 52031  
practitioners; 52032

(13) Issue and renew certificates to prescribe in accordance 52033  
with sections 4723.48 and 4723.486 of the Revised Code; 52034

(14) Grant approval to the ~~planned classroom and clinical~~ 52035  
course of study in advanced pharmacology and related topics 52036  
required by section 4723.482 of the Revised Code to be eligible 52037  
for a certificate to prescribe; 52038

(15) Make an annual edition of the formulary established in 52039  
rules adopted under section 4723.50 of the Revised Code available 52040  
to the public either in printed form or by electronic means and, 52041  
as soon as possible after any revision of the formulary becomes 52042  
effective, make the revision available to the public in printed 52043  
form or by electronic means; 52044

(16) Provide guidance and make recommendations to the general 52045  
assembly, the governor, state agencies, and the federal government 52046  
with respect to the regulation of the practice of nursing and the 52047

enforcement of this chapter; 52048

(17) Make an annual report to the governor, which shall be 52049  
open for public inspection; 52050

(18) Maintain and have open for public inspection the 52051  
following records: 52052

(a) A record of all its meetings and proceedings; 52053

(b) A record of all applicants for, and holders of, licenses 52054  
and certificates issued by the board under this chapter or in 52055  
accordance with rules adopted under this chapter. The record shall 52056  
be maintained in a format determined by the board. 52057

(c) A list of education and training programs approved by the 52058  
board. 52059

(19) Deny approval to a person who submits or causes to be 52060  
submitted false, misleading, or deceptive statements, information, 52061  
or documentation to the board in the process of applying for 52062  
approval of a new education or training program. If the board 52063  
proposes to deny approval of a new education or training program, 52064  
it shall do so pursuant to an adjudication conducted under Chapter 52065  
119. of the Revised Code. 52066

(B) The board may fulfill the requirement of division (A)(8) 52067  
of this section by authorizing persons who meet the standards 52068  
established in rules adopted under section 4723.07 of the Revised 52069  
Code to approve continuing education programs and courses. Persons 52070  
so authorized shall approve continuing education programs and 52071  
courses in accordance with standards established in rules adopted 52072  
under section 4723.07 of the Revised Code. 52073

Persons seeking authorization to approve continuing education 52074  
programs and courses shall apply to the board and pay the 52075  
appropriate fee established under section 4723.08 of the Revised 52076  
Code. Authorizations to approve continuing education programs and 52077

courses shall expire, and may be renewed according to the schedule 52078  
established in rules adopted under section 4723.07 of the Revised 52079  
Code. 52080

In addition to approving continuing education programs under 52081  
division (A)(8) of this section, the board may sponsor continuing 52082  
education activities that are directly related to the statutes and 52083  
rules the board enforces. 52084

**Sec. 4723.08.** (A) The board of nursing may impose fees not to 52085  
exceed the following limits: 52086

(1) For application for licensure by examination to practice 52087  
nursing as a registered nurse or as a licensed practical nurse, 52088  
seventy-five dollars; 52089

(2) For application for licensure by endorsement to practice 52090  
nursing as a registered nurse or as a licensed practical nurse, 52091  
seventy-five dollars; 52092

(3) For application for a certificate of authority to 52093  
practice nursing as a certified registered nurse anesthetist, 52094  
clinical nurse specialist, certified nurse-midwife, or certified 52095  
nurse practitioner, one hundred dollars; 52096

(4) For application for a temporary dialysis technician 52097  
certificate, the amount specified in rules adopted under section 52098  
4723.79 of the Revised Code; 52099

(5) For application for a dialysis technician certificate, 52100  
the amount specified in rules adopted under section 4723.79 of the 52101  
Revised Code; 52102

(6) For application for a certificate to prescribe, fifty 52103  
dollars; 52104

(7) For providing, pursuant to division (B) of section 52105  
4723.271 of the Revised Code, written verification of a nursing 52106  
license, certificate of authority, certificate to prescribe, 52107



dialysis technician certificate, medication aide certificate, or	52108
community health worker certificate to another jurisdiction,	52109
fifteen dollars;	52110
(8) For providing, pursuant to division (A) of section	52111
4723.271 of the Revised Code, a replacement copy of a wall	52112
certificate suitable for framing as described in that division,	52113
twenty-five dollars;	52114
(9) For biennial renewal of a nursing license, sixty-five	52115
dollars;	52116
(10) For biennial renewal of a certificate of authority to	52117
practice nursing as a certified registered nurse anesthetist,	52118
clinical nurse specialist, certified nurse-midwife, or certified	52119
nurse practitioner, eighty-five dollars;	52120
(11) For renewal of a certificate to prescribe, fifty	52121
dollars;	52122
(12) For biennial renewal of a dialysis technician	52123
certificate, the amount specified in rules adopted under section	52124
4723.79 of the Revised Code;	52125
(13) For processing a late application for renewal of a	52126
nursing license, certificate of authority, or dialysis technician	52127
certificate, fifty dollars;	52128
(14) For application for authorization to approve continuing	52129
education programs and courses from an applicant accredited by a	52130
national accreditation system for nursing, five hundred dollars;	52131
(15) For application for authorization to approve continuing	52132
education programs and courses from an applicant not accredited by	52133
a national accreditation system for nursing, one thousand dollars;	52134
(16) For each year for which authorization to approve	52135
continuing education programs and courses is renewed, one hundred	52136
fifty dollars;	52137

(17) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	52138 52139 52140
(18) For reinstatement of a lapsed license or certificate issued under this chapter, one hundred dollars except as provided in section 5903.10 of the Revised Code;	52141 52142 52143
<del>(19) For written verification of a license or certificate when the verification is performed for purposes other than providing verification to another jurisdiction, five dollars;</del>	52144 52145 52146
<del>(20)</del> For processing a check returned to the board by a financial institution, twenty-five dollars;	52147 52148
<del>(21)</del> <u>(20)</u> The amounts specified in rules adopted under section 4723.88 of the Revised Code pertaining to the issuance of certificates to community health workers, including fees for application for a certificate, biennial renewal of a certificate, processing a late application for renewal of a certificate, reinstatement of a lapsed certificate, application for approval of a community health worker training program for community health workers, and biennial renewal of the approval of a training program for community health workers.	52149 52150 52151 52152 52153 52154 52155 52156 52157
(B) Each quarter, for purposes of transferring funds under section 4743.05 of the Revised Code to the nurse education assistance fund created in section 3333.28 of the Revised Code, the board of nursing shall certify to the director of budget and management the number of biennial licenses renewed under this chapter during the preceding quarter and the amount equal to that number times five dollars.	52158 52159 52160 52161 52162 52163 52164
(C) The board may charge a participant in a board-sponsored continuing education activity an amount not exceeding fifteen dollars for each activity.	52165 52166 52167
(D) The board may contract for services pertaining to the	52168

process of providing written verification of a license or 52169  
certificate when the verification is performed for purposes other 52170  
than providing verification to another jurisdiction. The contract 52171  
may include provisions pertaining to the collection of the fee 52172  
charged for providing the written verification. As part of these 52173  
provisions, the board may permit the contractor to retain a 52174  
portion of the fees as compensation, before any amounts are 52175  
deposited into the state treasury. 52176

**Sec. 4723.482.** (A) Except as provided in divisions (C) and 52177  
(D) of this section, an applicant shall include with the 52178  
application submitted under section 4723.48 of the Revised Code 52179  
all of the following: 52180

(1) Evidence of holding a current, valid certificate of 52181  
authority to practice as a clinical nurse specialist, certified 52182  
nurse-midwife, or certified nurse practitioner that was issued by 52183  
meeting the requirements of division (A) of section 4723.41 of the 52184  
Revised Code; 52185

(2) Evidence of successfully completing the course of study 52186  
in advanced pharmacology and related topics in accordance with the 52187  
requirements specified in division (B) of this section; 52188

(3) The fee required by section 4723.08 of the Revised Code 52189  
for a certificate to prescribe; 52190

(4) Any additional information the board of nursing requires 52191  
pursuant to rules adopted under section 4723.50 of the Revised 52192  
Code. 52193

(B) With respect to the course of study in advanced 52194  
pharmacology and related topics that must be successfully 52195  
completed to obtain a certificate to prescribe, all of the 52196  
following requirements apply: 52197

(1) The course of study shall be completed not longer than 52198

three years before the application for the certificate to  
prescribe is filed.

~~(2) Except as provided in division (E) of this section, the  
course of study shall consist of planned classroom and clinical  
instruction. The total length of the course of study shall be not  
less than forty-five contact hours.~~

(3) The course of study shall meet the requirements to be  
approved by the board in accordance with standards established in  
rules adopted under section 4723.50 of the Revised Code.

(4) The content of the course of study shall be specific to  
the applicant's nursing specialty.

(5) The instruction provided in the course of study shall  
include all of the following:

(a) A minimum of thirty-six contact hours of instruction in  
advanced pharmacology that includes pharmacokinetic principles and  
clinical application and the use of drugs and therapeutic devices  
in the prevention of illness and maintenance of health;

(b) Instruction in the fiscal and ethical implications of  
prescribing drugs and therapeutic devices;

(c) Instruction in the state and federal laws that apply to  
the authority to prescribe;

(d) Instruction that is specific to schedule II controlled  
substances, including instruction in all of the following:

(i) Indications for the use of schedule II controlled  
substances in drug therapies;

(ii) The most recent guidelines for pain management  
therapies, as established by state and national organizations such  
as the Ohio pain initiative and the American pain society;

(iii) Fiscal and ethical implications of prescribing schedule  
II controlled substances;

(iv) State and federal laws that apply to the authority to prescribe schedule II controlled substances;	52229 52230
(v) Prevention of abuse and diversion of schedule II controlled substances, including identification of the risk of abuse and diversion, recognition of abuse and diversion, types of assistance available for prevention of abuse and diversion, and methods of establishing safeguards against abuse and diversion.	52231 52232 52233 52234 52235
(e) Any additional instruction required pursuant to rules adopted under section 4723.50 of the Revised Code.	52236 52237
(C) An applicant who practiced or is practicing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner in another jurisdiction or as an employee of the United States government, and is not seeking authority to prescribe drugs and therapeutic devices by meeting the requirements of division (A) or (D) of this section, shall include with the application submitted under section 4723.48 of the Revised Code all of the following:	52238 52239 52240 52241 52242 52243 52244 52245
(1) Evidence of holding a current, valid certificate of authority issued under this chapter to practice as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;	52246 52247 52248 52249
(2) The fee required by section 4723.08 of the Revised Code for a certificate to prescribe;	52250 52251
(3) Either of the following:	52252
(a) Evidence of having held, for a continuous period of at least one year during the three years immediately preceding the date of application, valid authority issued by another jurisdiction to prescribe therapeutic devices and drugs, including at least some controlled substances;	52253 52254 52255 52256 52257
(b) Evidence of having been employed by the United States	52258

government and authorized, for a continuous period of at least one 52259  
year during the three years immediately preceding the date of 52260  
application, to prescribe therapeutic devices and drugs, including 52261  
at least some controlled substances, in conjunction with that 52262  
employment. 52263

(4) Evidence of having completed a two-hour course of 52264  
instruction approved by the board in the laws of this state that 52265  
govern drugs and prescriptive authority; 52266

(5) Any additional information the board requires pursuant to 52267  
rules adopted under section 4723.50 of the Revised Code. 52268

(D) An applicant who practiced or is practicing as a clinical 52269  
nurse specialist, certified nurse-midwife, or certified nurse 52270  
practitioner in another jurisdiction or as an employee of the 52271  
United States government, and is not seeking authority to 52272  
prescribe drugs and therapeutic devices by meeting the 52273  
requirements of division (A) or (C) of this section, shall include 52274  
with the application submitted under section 4723.48 of the 52275  
Revised Code all of the following: 52276

(1) Evidence of holding a current, valid certificate of 52277  
authority issued under this chapter to practice as a clinical 52278  
nurse specialist, certified nurse-midwife, or certified nurse 52279  
practitioner; 52280

(2) The fee required by section 4723.08 of the Revised Code 52281  
for a certificate to prescribe; 52282

(3) Either of the following: 52283

(a) Evidence of having held, for a continuous period of at 52284  
least one year during the three years immediately preceding the 52285  
date of application, valid authority issued by another 52286  
jurisdiction to prescribe therapeutic devices and drugs, excluding 52287  
controlled substances; 52288

(b) Evidence of having been employed by the United States government and authorized, for a continuous period of at least one year during the three years immediately preceding the date of application, to prescribe therapeutic devices and drugs, excluding controlled substances, in conjunction with that employment.

(4) Any additional information the board requires pursuant to rules adopted under section 4723.50 of the Revised Code.

~~(E) In the case of an applicant who meets the requirements of division (C) or (D) of this section other than the requirements of division (C)(3) or (D)(3) of this section and is seeking authority to prescribe drugs and therapeutic devices by meeting the requirements of division (A) of this section, the applicant may complete the instruction that is specific to schedule II controlled substances, as required by division (B)(5)(d) of this section, through an internet based course of study in lieu of completing the instruction through a course of study consisting of planned classroom and clinical instruction.~~

**Sec. 4723.50.** (A) In accordance with Chapter 119. of the Revised Code, the board of nursing shall adopt rules as necessary to implement the provisions of this chapter pertaining to the authority of clinical nurse specialists, certified nurse-midwives, and certified nurse practitioners to prescribe drugs and therapeutic devices and the issuance and renewal of certificates to prescribe.

The board shall adopt rules that are consistent with the recommendations the board receives from the committee on prescriptive governance pursuant to section 4723.492 of the Revised Code. After reviewing a recommendation submitted by the committee, the board may either adopt the recommendation as a rule or ask the committee to reconsider and resubmit the recommendation. The board shall not adopt any rule that does not

conform to a recommendation made by the committee. 52320

(B) The board shall adopt rules under this section that do 52321  
all of the following: 52322

(1) Establish a formulary listing the types of drugs and 52323  
therapeutic devices that may be prescribed by a clinical nurse 52324  
specialist, certified nurse-midwife, or certified nurse 52325  
practitioner. The formulary may include controlled substances, as 52326  
defined in section 3719.01 of the Revised Code. The formulary 52327  
shall not permit the prescribing of any drug or device to perform 52328  
or induce an abortion. 52329

(2) Establish safety standards to be followed by a clinical 52330  
nurse specialist, certified nurse-midwife, or certified nurse 52331  
practitioner when personally furnishing to patients complete or 52332  
partial supplies of antibiotics, antifungals, scabicides, 52333  
contraceptives, prenatal vitamins, antihypertensives, drugs and 52334  
devices used in the treatment of diabetes, drugs and devices used 52335  
in the treatment of asthma, and drugs used in the treatment of 52336  
dyslipidemia; 52337

(3) Establish criteria for the components of the standard 52338  
care arrangements described in section 4723.431 of the Revised 52339  
Code that apply to the authority to prescribe, including the 52340  
components that apply to the authority to prescribe schedule II 52341  
controlled substances. The rules shall be consistent with that 52342  
section and include all of the following: 52343

(a) Quality assurance standards; 52344

(b) Standards for periodic review by a collaborating 52345  
physician or podiatrist of the records of patients treated by the 52346  
clinical nurse specialist, certified nurse-midwife, or certified 52347  
nurse practitioner; 52348

(c) Acceptable travel time between the location at which the 52349  
clinical nurse specialist, certified nurse-midwife, or certified 52350



nurse practitioner is engaging in the prescribing components of 52351  
the nurse's practice and the location of the nurse's collaborating 52352  
physician or podiatrist; 52353

(d) Any other criteria recommended by the committee on 52354  
prescriptive governance. 52355

(4) Establish standards and procedures for issuance and 52356  
renewal of a certificate to prescribe, including specification of 52357  
any additional information the board may require under division 52358  
(A)(4), (C)(5), or (D)~~(5)~~(4) of section 4723.482 ~~or~~ division 52359  
(B)(3) of section 4723.485, or division (B)(3) of section 4723.486 52360  
of the Revised Code; 52361

(5) Establish standards for board approval of the course of 52362  
study in advanced pharmacology and related topics required by 52363  
section 4723.482 of the Revised Code; 52364

(6) Establish requirements for board approval of the two-hour 52365  
course of instruction in the laws of this state as required under 52366  
division (C)(4) of section 4723.482 of the Revised Code and 52367  
division (B)(2) of section 4723.484 of the Revised Code; 52368

(7) Establish standards and procedures for the appropriate 52369  
conduct of an externship as described in section 4723.484 of the 52370  
Revised Code, including the following: 52371

(a) Standards and procedures to be used in evaluating an 52372  
individual's participation in an externship; 52373

(b) Standards and procedures for the supervision that a 52374  
physician must provide during an externship, including supervision 52375  
provided by working with the participant and supervision provided 52376  
by making timely reviews of the records of patients treated by the 52377  
participant. The manner in which supervision must be provided may 52378  
vary according to the location where the participant is practicing 52379  
and with the participant's level of experience. 52380

Sec. 4723.88. The board of nursing, in accordance with 52381  
Chapter 119. of the Revised Code, shall adopt rules to administer 52382  
and enforce sections 4723.81 to 4723.87 of the Revised Code. The 52383  
rules shall establish all of the following: 52384

(A) Standards and procedures for issuance of community health 52385  
worker certificates; 52386

(B) Standards for evaluating the competency of an individual 52387  
who applies to receive a certificate on the basis of having been 52388  
employed in a capacity substantially the same as a community 52389  
health worker before the board implemented the certification 52390  
program; 52391

(C) Standards and procedures for renewal of community health 52392  
worker certificates, including the continuing education 52393  
requirements that must be met for renewal; 52394

(D) Standards governing the performance of activities related 52395  
to nursing care that are delegated by a registered nurse to 52396  
certified community health workers. In establishing the standards, 52397  
the board shall specify limits on the number of certified 52398  
community health workers a registered nurse may supervise at any 52399  
one time. 52400

(E) Standards and procedures for assessing the quality of the 52401  
services that are provided by certified community health workers; 52402

(F) Standards and procedures for denying, suspending, and 52403  
revoking a community health worker certificate, including reasons 52404  
for imposing the sanctions that are substantially similar to the 52405  
reasons that sanctions are imposed under section 4723.28 of the 52406  
Revised Code; 52407

(G) Standards and procedures for approving and renewing the 52408  
board's approval of training programs that prepare individuals to 52409  
become certified community health workers. In establishing the 52410

standards, the board shall specify the minimum components that 52411  
must be included in a training program, shall require that all 52412  
approved training programs offer the standardized curriculum, and 52413  
shall ensure that the curriculum enables individuals to use the 52414  
training as a basis for entering programs leading to other 52415  
careers, including nursing education programs. 52416

(H) Standards for approval of continuing education programs 52417  
and courses for certified community health workers; 52418

(I) Standards and procedures for withdrawing the board's 52419  
approval of a training program, refusing to renew the approval of 52420  
a training program, and placing a training program on provisional 52421  
approval; 52422

(J) Amounts for each fee that may be imposed under division 52423  
(A) ~~(21)~~ (20) of section 4723.08 of the Revised Code; 52424

(K) Any other standards or procedures the board considers 52425  
necessary and appropriate for the administration and enforcement 52426  
of sections 4723.81 to 4723.87 of the Revised Code. 52427

**Sec. 4725.40.** As used in sections 4725.40 to 4725.59 of the 52428  
Revised Code: 52429

(A) "Optical aid" means both of the following: 52430

(1) Spectacles or other instruments or devices that are not 52431  
contact lenses, if the spectacles or other instruments or devices 52432  
may aid or correct human vision and have been prescribed by a 52433  
physician or optometrist licensed by any state; 52434

(2) Contact lenses, regardless of whether they address visual 52435  
function, if they are designed to fit over the cornea of the eye 52436  
or are otherwise designed for use in or on the eye or orbit. 52437

All contact lenses shall be dispensed only in accordance with 52438  
a valid written prescription designated for contact lenses, 52439  
including the following: 52440

- (a) Zero-powered plano contact lenses; 52441
- (b) Cosmetic contact lenses; 52442
- (c) Performance-enhancing contact lenses; 52443
- (d) Any other contact devices determined by the Ohio optical dispensers board to be contact lenses. 52444  
52445
- (B) "Optical dispensing" means interpreting but not altering 52446  
a prescription of a licensed physician or optometrist and 52447  
designing, adapting, fitting, or replacing the prescribed optical 52448  
aids, pursuant to such prescription, to or for the intended 52449  
wearer; duplicating lenses, other than contact lenses, accurately 52450  
as to power without a prescription; and duplicating 52451  
nonprescription eyewear and parts of eyewear. "Optical dispensing" 52452  
does not include selecting frames, transacting a sale, 52453  
transferring an optical aid to the wearer after an optician has 52454  
completed fitting it, placing an order for the delivery of an 52455  
optical aid, or providing instruction in the general care and use 52456  
of an optical aid, including placement, removal, hygiene, or 52457  
cleaning. 52458
- (C) "Licensed dispensing optician" means a person holding a 52459  
current, valid license issued under sections 4725.47 to 4725.51 of 52460  
the Revised Code that authorizes the person to engage in optical 52461  
dispensing. Nothing in this chapter shall be construed to permit a 52462  
licensed dispensing optician to alter the specifications of a 52463  
prescription. 52464
- (D) "Licensed spectacle dispensing optician" means a licensed 52465  
dispensing optician authorized to engage in both of the following: 52466
- (1) The dispensing of optical aids other than contact lenses; 52467
- (2) The dispensing of prepackaged soft contact lenses in 52468  
accordance with section 4725.411 of the Revised Code. 52469
- (E) "Licensed contact lens dispensing optician" means a 52470

licensed dispensing optician authorized to engage only in the 52471  
dispensing of contact lenses. 52472

(F) "Licensed spectacle-contact lens dispensing optician" 52473  
means a licensed dispensing optician authorized to engage in the 52474  
dispensing of any optical aid. 52475

(G) "Apprentice" means any person dispensing optical aids 52476  
under the direct supervision of a licensed dispensing optician. 52477

(H) "Prescription" means the written or verbal directions or 52478  
instructions as specified by a physician or optometrist licensed 52479  
by any state for preparing an optical aid for a patient. 52480

(I) "Supervision" means the provision of direction and 52481  
control through personal inspection and evaluation of work. 52482

(J) "Licensed ocularist" means a person holding a current, 52483  
valid license issued under sections 4725.48 to 4725.51 of the 52484  
Revised Code to engage in the practice of designing, fabricating, 52485  
and fitting artificial eyes or prostheses associated with the 52486  
appearance or function of the human eye. 52487

**Sec. 4725.411.** Beginning January 1, 2016, a licensed 52488  
spectacle dispensing optician may dispense prepackaged soft 52489  
contact lenses if ~~the~~ both of the following are the case: 52490

(A) The licensed spectacle dispensing optician has completed 52491  
two hours of study in contact lens dispensing approved by the Ohio 52492  
optical dispensers board under section 4725.51 of the Revised 52493  
Code. 52494

(B) The only action necessary is to match the description of 52495  
the contact lenses that is on the packaging to a written 52496  
prescription. 52497

**Sec. 4725.51.** (A) Each license issued under sections 4725.40 52498  
to 4725.59 of the Revised Code shall expire on the first day of 52499

January in the year after it was issued. Each person holding a 52500  
valid, current license may apply to the Ohio optical dispensers 52501  
board for the extension of the license under the standard renewal 52502  
procedures of Chapter 4745. of the Revised Code. Each application 52503  
for renewal shall be accompanied by a renewal fee the board shall 52504  
establish by rule. In addition, the application shall contain 52505  
evidence that the applicant has completed continuing education 52506  
within the immediately preceding one-year period as follows: 52507

(1) Licensed spectacle dispensing opticians shall have 52508  
pursued both of the following, approved by the board: 52509

(a) Four hours of study in spectacle dispensing; 52510

(b) Two hours of study in ~~the form of~~ contact lens dispensing 52511  
~~described in section 4725.411 of the Revised Code.~~ 52512

(2) Licensed contact lens dispensing opticians shall have 52513  
pursued eight hours of study in contact lens dispensing, approved 52514  
by the board. 52515

(3) Licensed spectacle-contact lens dispensing opticians 52516  
shall have pursued both of the following, approved by the board: 52517

(a) Four hours of study in spectacle dispensing; 52518

(b) Eight hours of study in contact lens dispensing. 52519

(4) Licensed ocularists shall have pursued courses of study 52520  
as prescribed by rule of the board. 52521

(B) No person who fails to renew the person's license under 52522  
division (A) of this section shall be required to take a 52523  
qualifying examination under section 4725.48 of the Revised Code 52524  
as a condition of renewal, provided that the application for 52525  
renewal and proof of the requisite continuing education hours are 52526  
submitted within ninety days from the date the license expired and 52527  
the applicant pays the annual renewal fee and a penalty of 52528  
seventy-five dollars. The board may provide, by rule, for an 52529

extension of the grace period for licensed dispensing opticians 52530  
who are serving in the armed forces of the United States or a 52531  
reserve component of the armed forces of the United States, 52532  
including the Ohio national guard or the national guard of any 52533  
other state and for waiver of the continuing education 52534  
requirements or the penalty in cases of hardship or illness. 52535

(C) The board shall approve continuing education programs and 52536  
shall adopt rules as necessary for approving the programs. The 52537  
rules shall permit programs to be conducted either in person or 52538  
through electronic means. Approved programs shall be scheduled, 52539  
sponsored, and conducted in accordance with the board's rules. 52540

**Sec. 4727.01.** As used in this chapter: 52541

(A) "Pawnbroker" means a person engaged in the business of 52542  
lending money on deposit or pledges of personal property, other 52543  
than securities, printed evidence of indebtedness, titles, deeds, 52544  
or bills of sale, at a total charge, rate of interest, or discount 52545  
or other remuneration in excess of eight per cent per annum, and 52546  
includes a person engaged in the business of purchasing personal 52547  
property from another person with an agreement that the personal 52548  
property will be made available to that other person for 52549  
repurchase within an agreed-to time period and for an amount 52550  
greater than the price originally paid to that other person for 52551  
the purchase of the personal property. 52552

(B) "License" and "pawnbroker's license" includes both a 52553  
standard license and a license plus. 52554

(C) "License plus" means a license issued by the 52555  
superintendent of financial institutions to a person who meets the 52556  
requirements of this chapter for a license plus. 52557

(D) "Licensee" means a pawnbroker who holds a standard 52558  
license or a license plus. 52559

(E) "Licensee plus" means a pawnbroker who holds a license plus. 52560  
52561

(F) "Standard license" means a license issued by the superintendent of financial institutions to a person who meets the requirements of this chapter for a standard license. 52562  
52563  
52564

(G) "Standard licensee" means a pawnbroker who holds a standard license. 52565  
52566

(H) "Superintendent of financial institutions" includes the deputy superintendent for consumer finance as provided in section 1181.21 of the Revised Code. 52567  
52568  
52569

**Sec. 4727.02.** (A)(1) No person shall act as a pawnbroker, or advertise, transact, or solicit business as a pawnbroker, without first having obtained either a standard license or a license plus from the superintendent of financial institutions. 52570  
52571  
52572  
52573

(2) No person shall act as a licensee plus, or advertise, transact, or solicit business as a licensee plus, without first having obtained a license plus from the superintendent of financial institutions. 52574  
52575  
52576  
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(B) A pawnbroker shall not employ an individual to write a pawn transaction, buy or sell merchandise, or supervise another employee who writes pawn transactions or buys or sells merchandise, that has been convicted of a felony involving dishonesty or breach of trust. 52578  
52579  
52580  
52581  
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**Sec. 4727.03.** (A) As used in this section, "experience and fitness in the capacity involved" means that the applicant for a pawnbroker's license demonstrates sufficient financial responsibility, reputation, and experience in the pawnbroker business, or in a related business, to act as a pawnbroker in compliance with this chapter. "Experience and fitness in the capacity involved" shall be determined by all of the following: 52583  
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52585  
52586  
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52589



(1) Prior or current ownership or management of, or 52590  
employment in, a pawnshop; 52591

(2) Demonstration to the satisfaction of the superintendent 52592  
of financial institutions of a thorough working knowledge of all 52593  
pawnbroker laws and rules as they relate to the actual operation 52594  
of a pawnshop and the license being sought. 52595

A demonstration shall include a demonstration of an ability 52596  
to properly complete forms, knowledge of how to properly calculate 52597  
interest and storage charges, and knowledge of legal notice and 52598  
forfeiture procedures. The final determination of whether an 52599  
applicant's demonstration is adequate rests with the 52600  
superintendent. 52601

(3) A submission by the applicant and any stockholders, 52602  
owners, managers, directors, or officers of the pawnshop, and 52603  
employees of the applicant to a police record check; ~~and~~ 52604

(4) Liquid assets in a minimum amount of one hundred thousand 52605  
dollars at the time of applying for initial licensure and 52606  
demonstration of the ability to maintain the liquid assets ~~at a~~, 52607  
as follows: 52608

(a) A minimum amount of fifty thousand dollars for an 52609  
applicant for a standard license for the duration of holding a 52610  
valid ~~pawnbroker's~~ standard license; 52611

(b) A minimum amount of one hundred thousand dollars for an 52612  
applicant for a license plus for the duration of holding a valid 52613  
license plus. 52614

(B) The superintendent may grant a license to act as a 52615  
pawnbroker to any person of good character and having experience 52616  
and fitness in the capacity involved to engage in the business of 52617  
pawnbroking relating to the license being sought upon the payment 52618  
to the superintendent of a license fee determined by the 52619  
superintendent pursuant to section 1321.20 of the Revised Code. A 52620

license is not transferable or assignable. 52621

(C) The superintendent may consider an application withdrawn 52622  
and may retain the investigation fee required under division (D) 52623  
of this section if both of the following are true: 52624

(1) An application for a license does not contain all of the 52625  
information required under division (B) of this section. 52626

(2) The information is not submitted to the superintendent 52627  
within ninety days after the superintendent requests the 52628  
information from the applicant in writing. 52629

(D) The superintendent shall require an applicant for a 52630  
~~pawnbroker's~~ license to pay to the superintendent a nonrefundable 52631  
initial investigation fee of two hundred dollars for a standard 52632  
licensee and three hundred dollars for a licensee plus, which is 52633  
for the exclusive use of the state. 52634

~~(E)(1) Except as otherwise provided in division (E)(2) of 52635  
this section, a pawnbroker's license issued by the superintendent 52636  
expires on the thirtieth day of June next following the date of 52637  
its issuance, and may be renewed annually by the thirtieth day of 52638  
June in accordance with the standard renewal procedure set forth 52639  
in Chapter 4745. of the Revised Code. Fifty per cent of the annual 52640  
license fee shall be for the use of the state, and fifty per cent 52641  
shall be paid by the state to the municipal corporation, or if 52642  
outside the limits of any municipal corporation, to the county, in 52643  
which the office of the licensee is located. All such fees payable 52644  
to municipal corporations or counties shall be paid annually. 52645~~

~~(2) A pawnbroker's license issued or renewed by the 52646  
superintendent on or after January 1, 2006, expires on the 52647  
thirtieth day of June in the even-numbered year next following the 52648  
date of its issuance or renewal, as applicable, and may be renewed 52649  
biennially by the thirtieth day of June in accordance with the 52650  
standard renewal procedure set forth in Chapter 4745. of the 52651~~

Revised Code. Fifty per cent of the biennial license fee shall be 52652  
for the use of the state, and fifty per cent shall be paid by the 52653  
state to the municipal corporation, or if outside the limits of 52654  
any municipal corporation, to the county, in which the office of 52655  
the licensee is located. All such fees payable to municipal 52656  
corporations or counties shall be paid biennially. 52657

(F) The fee for renewal of a license shall be equivalent to 52658  
the fee for an initial license established by the superintendent 52659  
pursuant to section 1321.20 of the Revised Code. Any licensee who 52660  
wishes to renew the ~~pawnbroker's~~ licensee's license but who fails 52661  
to do so on or before the date the license expires shall reapply 52662  
for licensure in the same manner and pursuant to the same 52663  
requirements as for initial licensure, unless the licensee pays to 52664  
the superintendent on or before the thirty-first day of August of 52665  
the year the license expires, a late renewal penalty of one 52666  
hundred dollars in addition to the regular renewal fee. Any 52667  
licensee who fails to renew the license on or before the date the 52668  
license expires is prohibited from acting as a pawnbroker until 52669  
the license is renewed or a new license is issued under this 52670  
section. Any licensee who renews a license between the first day 52671  
of July and the thirty-first day of August of the year the license 52672  
expires is not relieved from complying with this division. The 52673  
superintendent may refuse to issue to or renew the license of any 52674  
licensee who violates this division. 52675

(G) No license shall be granted to any person not a resident 52676  
of or the principal office of which is not located in the 52677  
municipal corporation or county designated in such license unless 52678  
that applicant, in writing and in due form approved by and filed 52679  
with the superintendent, first appoints an agent, a resident of 52680  
the state, and city or county where the office is to be located, 52681  
upon whom all judicial and other process, or legal notice, 52682  
directed to the applicant may be served. In case of the death, 52683

removal from the state, or any legal disability or any 52684  
disqualification of any such agent, service of such process or 52685  
notice may be made upon the superintendent. 52686

The superintendent may, upon notice to the licensee and 52687  
reasonable opportunity to be heard, suspend or revoke any license 52688  
or assess a penalty against the licensee if the licensee, or the 52689  
licensee's officers, agents, or employees, has violated this 52690  
chapter. Any penalty shall be appropriate to the violation but in 52691  
no case shall the penalty be less than two hundred nor more than 52692  
two thousand dollars. Whenever, for any cause, a license is 52693  
suspended or revoked, the superintendent shall not issue another 52694  
license to the licensee nor to the legal spouse of the licensee, 52695  
nor to any business entity of which the licensee is an officer or 52696  
member or partner, nor to any person employed by the licensee, 52697  
until the expiration of at least two years from the date of 52698  
revocation or suspension of the license. The superintendent shall 52699  
deposit all penalties allocated pursuant to this section into the 52700  
state treasury to the credit of the consumer finance fund. 52701

Any proceedings for the revocation or suspension of a license 52702  
or to assess a penalty against a licensee are subject to Chapter 52703  
119. of the Revised Code. 52704

(H) If a licensee surrenders or chooses not to renew the 52705  
~~pawnbroker's~~ licensee's license, the licensee shall notify the 52706  
superintendent thirty days prior to the date on which the licensee 52707  
intends to close the licensee's business as a pawnbroker. Prior to 52708  
the date, the licensee shall do either of the following with 52709  
respect to all active loans: 52710

(1) Dispose of an active loan by selling the loan to another 52711  
person holding a valid ~~pawnbroker's~~ license issued under this 52712  
section; 52713

(2) Reduce the rate of interest on pledged articles held as 52714

security for a loan to eight per cent per annum or less effective 52715  
on the date that the ~~pawnbroker's~~ license is no longer valid. 52716

**Sec. 4727.04.** (A) An application for a pawnbroker's license 52717  
shall state fully the name and address of the applicant and of 52718  
every member, partner, stockholder, or owner of an applicant, and 52719  
the location of the office or place of business in which the 52720  
business is conducted; ~~and in.~~ In the case of a corporation, shall 52721  
also state the date and place of its incorporation, the name and 52722  
address of its manager, the names and addresses of its directors, 52723  
the name and address of the agent as provided in section 4727.03 52724  
of the Revised Code, and any other information required by the 52725  
superintendent of financial institutions. The application also 52726  
shall indicate whether the applicant is seeking a standard license 52727  
or a license plus. 52728

The license shall be kept posted in a conspicuous place in 52729  
the office where the business is transacted. No person so licensed 52730  
shall transact or solicit business under any other name or at any 52731  
location other than at the address stated in the person's license. 52732  
No licensee may move the licensee's business location without 52733  
prior notification to the superintendent of at least thirty days. 52734  
If the licensee moves out of the municipal corporation or county 52735  
in which the licensee was originally licensed, the licensee shall 52736  
pay an additional license fee equivalent to the fee for an initial 52737  
license to be distributed in accordance with section 4727.03 of 52738  
the Revised Code. 52739

(B) The superintendent may issue to a pawnbroker licensed 52740  
under this chapter a temporary exhibition permit pursuant to 52741  
division (C)(1) of section 4728.04 of the Revised Code. 52742

(1) A licensee who wishes to be issued a temporary permit 52743  
pursuant to division (C)(1) of section 4728.04 of the Revised Code 52744  
shall make request for such issuance by letter addressed to the 52745

superintendent. The letter of request shall contain the licensee's name, permanent business address, and license number.

(2) Upon receipt of a temporary exhibition permit, the permit holder shall conspicuously display the permit at the place where the permit holder transacts business at any auction, convention, exhibition, fair, or show.

(3) Every permit holder who wishes to participate in an auction, convention, exhibition, fair, or show, at least two weeks prior to its opening, shall notify the superintendent and the chief of police of the municipal corporation in which the event is to take place, or if the event is to take place outside of any municipal corporation, then the sheriff of the county in which the event is to take place. Such notification shall be by letter and shall include the permit holder's name, permanent business address, and permit number, and the place where the event is scheduled to be held.

(C) Every licensee shall post at the main door of the licensee's place of business the hours or times when the establishment is open for business. No licensee shall collect interest and storage on any loan for any regular business day that the establishment is not open for business as posted, unless prior notice of a closing is posted on the door or the closing is occasioned by an act of God, unforeseen emergency, or other event beyond the control of the licensee. A licensee shall notify the superintendent of any change in the posted hours of operation.

(D) No licensee shall fail to observe the posted hours of operation pursuant to division (C) of this section except as authorized by that division.

**Sec. 4727.06.** (A) No ~~pawnbroker~~ standard licensee shall charge, receive, or demand interest for any loan in excess of five per cent per month or fraction of a month on the unpaid principal.

Interest shall be computed on a monthly basis on the amount of the principal remaining unpaid on the first day of the month and shall not be compounded.

(B) In addition to the rate of interest limitation imposed pursuant to division (A) of this section, the standard licensee may charge no more than:

(1) Four dollars per month or fraction of a month for all pledged articles held as security or stored for a loan, to be agreed to in writing at the time the loan is made;

(2) Four dollars plus the actual cost of shipping, when the standard licensee is to deliver or forward the pledged article by express or parcel post to the pledgor;

(3) Two dollars for the loss of the original statement issued to the pledgor by the standard licensee pursuant to section 4727.07 of the Revised Code upon redemption of the pledged articles;

(4) Two dollars for the cost of notifying a pledgor by mail that the pledged articles may be forfeited to the standard licensee pursuant to section 4727.11 of the Revised Code.

(C) A standard licensee who complies with the requirements or procedures of this state pursuant to the application of the "Brady Handgun Violence Protection Act," 107 Stat. 1536 (1993), 18 U.S.C.A. 922, as amended, may charge any fee the standard licensee is required by law to pay in order to comply with such requirements or procedures. The standard licensee may charge no more than two dollars for providing services in compliance with such requirements or procedures.

(D) A pledgor of a standard licensee may pay a portion of the outstanding principal loan balance at any time. A pledgor may redeem a pawn loan at any time after seventy-two hours have passed

since the pledge was made. A pledgor of a standard licensee may 52807  
not prepay interest or storage charges, except when the pledgor 52808  
redeems the pledged property. 52809

Sec. 4727.061. (A) No licensee plus shall charge, contract 52810  
for, or receive interest for any loan in excess of three per cent 52811  
per month or fraction of a month on the unpaid principal. Interest 52812  
shall be computed on a monthly basis on the amount of the 52813  
principal remaining unpaid on the first day of the month and shall 52814  
not be compounded. 52815

(B) A licensee plus may charge, contract for, and receive a 52816  
reasonable fee, not to exceed one-tenth of the value of the loan 52817  
per month or fraction of a month for investigating a title, 52818  
appraising pledged or purchased items, storing and insuring 52819  
property, closing a loan, losses and other expenses, and 52820  
incidental costs associated with servicing loans. Such a fee when 52821  
made and collected shall not be considered interest for any 52822  
purpose. 52823

(C) No licensee plus shall directly or indirectly charge, 52824  
receive, or contract for any interest and or fees greater than 52825  
that allowed by divisions (A) and (B) of this section. 52826

(D) A pledgor of a licensee plus may pay a portion of the 52827  
outstanding principal loan balance at any time. A pledgor may 52828  
redeem a pawn loan at any time after seventy-two hours have passed 52829  
since the pledge was made. A pledgor of a licensee plus may prepay 52830  
interest or fee charges. 52831

Sec. 4727.062. A licensee plus shall waive any unpaid 52832  
interest charges imposed under section 4727.061 of the Revised 52833  
Code and hold, except as provided in sections 4727.12 and 4727.23 52834  
to 4727.26 of the Revised Code, pledged property that is the 52835  
subject of a pawn transaction on the licensee plus's business 52836



premises until sixty days after the pledgor or the pledgor's 52837  
spouse or dependent returns to the United States if the licensee 52838  
plus receives a copy of military orders indicating that both of 52839  
the following apply: 52840

(A) The pledgor, or pledgor's spouse or dependent, is a 52841  
member of the United States armed forces or in the military 52842  
service of a state; 52843

(B) After the pawn transaction was entered into, the pledgor, 52844  
or pledgor's spouse or dependent was or is to be deployed for 52845  
service relating to a military conflict. 52846

**Sec. 4727.07.** Every pawnbroker shall give to the pledgor or 52847  
seller a statement upon which shall be legibly written in ink, 52848  
printed, or typed, the name and address of the licensee making the 52849  
loan or purchase, the amount of the loan or purchase price, the 52850  
rate of interest, the time and date when the loan is made, or 52851  
goods sold, and the date when payable; and also shall give the 52852  
pledgor a receipt for each payment of principal, storage charge, 52853  
or interest. All moneys received for any loan shall first be 52854  
applied to any interest and storage charge on a loan, and any 52855  
remaining moneys shall then be applied to the amount of unpaid 52856  
principal of the loan existing on the date on which the moneys are 52857  
received. The statement also shall contain a full and accurate 52858  
description of the articles pledged or sold, including any serial 52859  
and model numbers or identifying marks thereon. In the case of 52860  
pawn loans, the statement shall contain a full disclosure of all 52861  
charges for storage, and on the back of the receipt shall be 52862  
printed in type either a copy of section 4727.06 of the Revised 52863  
Code for standard licensee or a copy of section 4727.061 of the 52864  
Revised Code for a licensee plus. The licensee shall retain a copy 52865  
of the statement for two years from the date of the last entry of 52866  
the loan or purchase account. Every statement shall be numbered 52867

and maintained consecutively, commencing with the number "one," 52868  
but the licensee may maintain statements in ~~an active and inactive~~ 52869  
~~file~~ separate files. 52870

**Sec. 4727.08.** (A) Every person licensed as a pawnbroker shall 52871  
keep and use separate pawn forms and purchase forms to be approved 52872  
by the superintendent of financial institutions. 52873

(B) The licensee shall record on the appropriate form for 52874  
each pawn or purchase all of the following information: 52875

(1) The date and time of the pledging or purchasing; 52876

(2) The amount of the loan or the purchase price; 52877

(3) The rate of interest and the charges to be paid on the 52878  
loan; 52879

(4) The time within which the pledgor is to redeem the 52880  
pledged property; 52881

(5) The name, age, and address of the pledgor or seller; 52882

(6) A driver's license number, military identification 52883  
number, or other personal identification number; 52884

(7) A physical description of the pledgor or seller; 52885

(8) An accurate description of the pledged or purchased 52886  
property, including the name of the manufacturer, any serial and 52887  
model numbers, any identifying features, and any identifying 52888  
letters or marks; 52889

(9) Any other disclosures required by federal law; 52890

(10) The name of the licensee, and if applicable, the 52891  
employee identification number of the employee involved in the 52892  
transaction. 52893

(C) A copy of each form, including statements created 52894  
pursuant to section 4727.07 of the Revised Code and all other 52895

forms specific to those circumstances enumerated below, used in a 52896  
pawn or purchase shall be kept at all times in numerical order ~~in~~ 52897  
~~an active or inactive file~~ by transaction number in separate 52898  
files, as appropriate, and the licensee shall account for all form 52899  
numbers. The licensee may have forms specific to the following 52900  
circumstances, and if so, may maintain the forms separately: 52901

(1) New loans; 52902

(2) Loan redemptions; 52903

(3) Loan extensions; 52904

(4) Partial payments on loans; 52905

(5) Forfeited loans; 52906

(6) Merchandise purchase receipts; 52907

(7) Merchandise sales receipts; 52908

(8) Lost ticket affidavits; 52909

(9) Requested police copies not picked up by appropriate law 52910  
enforcement agency; 52911

(10) Other circumstances encountered by the licensee. 52912

(D) The records and forms, at all times, shall be kept at the 52913  
licensed location and available for inspection by the 52914  
superintendent and by the chief of police of the municipal 52915  
corporation or township in which the licensee's place of business 52916  
is located or, if the place of business is not located within a 52917  
municipal corporation or a township that has a chief of police, by 52918  
the sheriff of the county in which the place of business is 52919  
located. Upon demand of any of them, the licensee shall produce 52920  
and show any records, forms, pledges, or purchases which are in 52921  
the licensee's possession. 52922

(E) Except in the case of a pledged motor vehicle, 52923  
watercraft, or outboard motor, the licensee shall keep all pledges 52924

and purchases at the licensee's place of business unless a 52925  
pledgor, in writing, agrees otherwise at the time the pledge is 52926  
made. If the item pledged for the pawn loan is a motor vehicle, 52927  
watercraft, or outboard motor, the licensee shall take possession 52928  
of both the motor vehicle, watercraft, or outboard motor and the 52929  
certificate of title to the motor vehicle, watercraft, or outboard 52930  
motor and shall keep the certificate at the licensee's place of 52931  
business but, upon notification to the pledgor, may keep the motor 52932  
vehicle, watercraft, or outboard motor at a location other than 52933  
the licensee's place of business. No pledge shall be removed from 52934  
the place of business for the licensee's personal use or gain. 52935

(F) Every person licensed as a pawnbroker under this chapter 52936  
shall keep and use an intelligible set of books and records in the 52937  
English language in complying with this chapter with respect to 52938  
recording the details of each purchase or loan. Except as provided 52939  
in division (J) of this section, all information required to be 52940  
recorded by this chapter shall be entered in a bound book or on 52941  
loose-leaf, permanent forms used exclusively for that purpose. 52942  
Forms shall be identical and consecutively numbered, and each 52943  
shall contain two or more pages. One part of each form shall be 52944  
detachable and, when completed, shall serve as the statement to be 52945  
given by the licensee to the pledgor or seller as provided by 52946  
section 4727.07 of the Revised Code, ~~the.~~ The remaining part of 52947  
the form shall be retained in the licensee's permanent records. 52948  
All forms shall be accounted for. 52949

(G) No licensee shall require a borrower to affix the 52950  
borrower's signature to a blank or partially filled out pawn form 52951  
or other record. 52952

(H) Every licensee shall preserve the licensee's books, 52953  
forms, accounts, and records for at least two years after making 52954  
the final entry regarding any purchase or pledge of property 52955  
recorded therein. 52956

(I) All pawn and purchase forms, legal notices, and payment receipt forms shall reflect the name under which the licensee is registered with the superintendent and the complete address of the place of business.

(J) Notwithstanding any other provision of this chapter, a licensee may use other methods of recording data, keeping records, and keeping books, such as electronic or computerized methods, in lieu of the methods described in this section, provided written printouts or hard copies of the required data are readily available in a form approved, in advance, by the superintendent.

**Sec. 4727.09.** (A) A person licensed as a pawnbroker shall, every day, furnish the following information to the chief of police of the municipal corporation or township in which the licensee's place of business is located or, if the place of business is not located within a municipal corporation or a township that has a chief of police, to the sheriff of the county in which the place of business is located:

(1) A description of all property pledged with or purchased by the licensee;

(2) The number of the pawn or purchase form the licensee used to document the pledge or purchase;

(3) The name of the licensee and, if applicable, the employee identification number of the employee involved in the transaction.

(B) A licensee shall provide the property description and form number required by division (A) of this section on the form furnished by the law enforcement officer requesting the information. The completed form may be communicated by electronic transfer or be in a magnetic media format.

(C)(1) A licensee plus may provide the property description and form number required by division (A) of this section on a form

approved by the superintendent of financial institutions for the 52987  
law enforcement database reporting system described in division 52988  
(D) of this section. The completed form may be communicated by 52989  
electronic transfer or a digital media format. 52990

(2) No fee shall be assessed to a licensee plus, a pledgor, 52991  
or a seller for compliance with this division. 52992

(3) If the form is communicated electronically pursuant to 52993  
this division, a licensee plus may issue to a pledgor the notice 52994  
regarding redemption of property as described in division (E) of 52995  
section 4727.11 of the Revised Code. 52996

(D) The superintendent shall approve a secure law enforcement 52997  
database reporting system for use by a licensee plus to make 52998  
records available to law enforcement officers as required under 52999  
division (C) of this section. All information submitted to the 53000  
database shall be purged two years from the date of the 53001  
transaction. 53002

(E) Except for information collected pursuant to divisions 53003  
(A)(1) and (2) of this section, information furnished to law 53004  
enforcement by a person licensed as a pawnbroker under this 53005  
chapter is confidential and is not a public record under section 53006  
149.43 of the Revised Code. 53007

(F) For the purposes of this section, a licensee need provide 53008  
only the information required by division (A) of this section. 53009

**Sec. 4727.11.** (A)(1) If a pledgor fails to pay interest to a 53010  
~~person licensed as a pawnbroker~~ standard licensee on a pawn loan 53011  
for two months from the date of the loan or the date on which the 53012  
last interest payment is due, the standard licensee shall notify 53013  
the pledgor by mail, with proof of mailing, to the last place of 53014  
address given by the pledgor, that unless the pledgor redeems the 53015  
pledged property or pays all interest due and storage charges 53016

within thirty days from the date the notice is mailed, the pledged 53017  
property shall be forfeited to the licensee. If the pledgor fails 53018  
to redeem or pay all interest due and storage charges within the 53019  
period specified in the notice, the licensee becomes the owner of 53020  
the pledged property. 53021

(2) Except as provided in division (E) of this section, if a 53022  
pledgor fails to pay interest to a licensee plus on a pawn loan 53023  
for two months from the date on which the last interest payment is 53024  
due, the licensee plus shall notify the pledgor by mail or 53025  
electronically, if the pledgor agrees to such communication at the 53026  
time the loan is made, to the last place of address or electronic 53027  
mail address given by the pledgor, that unless the pledgor redeems 53028  
the pledged property or pays all interest and fees due within 53029  
thirty days from the date the notice is mailed or electronically 53030  
mailed, the pledged property shall be forfeited to the licensee 53031  
plus. If the pledgor fails to redeem or pay all interest and fees 53032  
due within the period specified in the notice, the licensee plus 53033  
becomes the owner of the pledged property. 53034

(B) In the event that any article or property is redeemed by 53035  
a person other than the pledgor, the pledgor shall sign the 53036  
pledgor's copy of the statement required under section 4727.07 of 53037  
the Revised Code, which copy shall be presented by the person to 53038  
the licensee. The licensee shall verify the name of the person 53039  
redeeming the article or property, and shall record the person's 53040  
name and driver's license number, or other personal identification 53041  
number, on the licensee's copy of the statement, and shall require 53042  
the person to sign this copy. 53043

(C) In the event that any articles or property pledged are 53044  
lost or rendered inoperable due to negligence of the licensee, the 53045  
licensee shall replace the articles or property with identical 53046  
articles or property, except that if the licensee cannot 53047

reasonably obtain identical articles or property, the licensee 53048  
shall replace the articles or property with like articles or 53049  
property. 53050

(D) When an account is paid in full, the licensee shall 53051  
return the pledged article immediately to the pledgor. In the 53052  
event the pledgor sells, transfers, or assigns the pledge, the 53053  
licensee shall verify the name of the person redeeming the pledge 53054  
and record that person's name, driver's license number, and 53055  
signature on the permanent copy of the statement of pledge 53056  
required pursuant to section 4727.07 of the Revised Code. The 53057  
licensee also shall obtain the signature of the pledgor, or other 53058  
person redeeming the pledge, ~~upon a separate record of the~~ 53059  
~~transaction,~~ that acknowledges the total dollar amount paid for 53060  
redemption and the date of redemption. All records shall be kept 53061  
in the licensee's place of business. 53062

(E) If a licensee plus electronically files the information 53063  
required by division (A) of section 4727.09 of the Revised Code 53064  
pursuant to division (C) of that section, the licensee plus may 53065  
issue the notice described in division (A) of this section to a 53066  
pledgor who fails to pay interest on a pawn loan for one month 53067  
from the date of the loan or the date on which the last interest 53068  
payment is due. 53069

**Sec. 4727.12.** (A) A person licensed as a pawnbroker shall 53070  
retain any and all goods or articles pledged with the licensee 53071  
until the expiration of seventy-two hours after the pledge is 53072  
made, ~~and~~. A standard licensee shall retain any goods or articles 53073  
purchased by the standard licensee until the expiration of fifteen 53074  
days after the purchase is made. The A licensee plus shall retain 53075  
any goods or articles purchased by the licensee plus until the 53076  
expiration of twenty days after the purchase is made. A standard 53077  
licensee or a licensee plus may dispose of such goods or articles 53078



sooner with the written permission of the chief of police of the 53079  
municipal corporation or township in which the licensee's place of 53080  
business is located or, if the place of business is not located 53081  
within a municipal corporation or township that has a chief of 53082  
police, with the written permission of the sheriff of the county 53083  
in which the business is located. 53084

(B)(1) If the chief of police or sheriff to whom ~~the~~ a 53085  
standard licensee makes available the information required by 53086  
section 4727.09 of the Revised Code has probable cause to believe 53087  
that the article described therein is stolen property, the chief 53088  
or sheriff shall notify the standard licensee in writing. Upon 53089  
receipt of such a notice, the standard licensee shall retain the 53090  
article until the expiration of thirty days after the day on which 53091  
the standard licensee is first required to make available the 53092  
information required by section 4727.09 of the Revised Code, 53093  
unless the chief or sheriff notifies the licensee in writing that 53094  
the standard licensee is not required to retain the article until 53095  
such expiration. 53096

~~(C)~~(2) If the chief or sheriff receives a report that 53097  
property has been stolen and determines the identity of the true 53098  
owner of the allegedly stolen property that has been purchased or 53099  
pawned and is held by a standard licensee, and informs the 53100  
standard licensee of the true owner's identity, the standard 53101  
licensee may restore the allegedly stolen property to the true 53102  
owner directly. 53103

If a standard licensee fails to restore the allegedly stolen 53104  
property, the true owner may recover the property from the 53105  
licensee in an action at law. 53106

~~(D)~~(3) If the standard licensee returns the allegedly stolen 53107  
property to the true owner, the standard licensee may charge the 53108  
person who pledged or sold the allegedly stolen property to the 53109

standard licensee, and any person who acted in consort with the 53110  
pledgor or the seller to defraud the standard licensee, the amount 53111  
the standard licensee paid or loaned for the allegedly stolen 53112  
property, plus interest and storage charges provided for in 53113  
section 4727.06 of the Revised Code. 53114

(4) Sections 4727.23 to 4727.26 of the Revised Code govern 53115  
instances in which a person claims property in the licensee plus's 53116  
possession has been misappropriated. 53117

(C)(1) When a law enforcement officer has reasonable 53118  
suspicion to believe that property in the possession of a licensee 53119  
plus pawnshop in the law enforcement officer's jurisdiction has 53120  
been misappropriated, the law enforcement officer may issue a 53121  
police hold order that directs the licensee plus not to release or 53122  
dispose of the property until the police hold order terminates or 53123  
a court orders the release or disposal of the property. The law 53124  
enforcement officer shall request the licensee plus or the 53125  
licensee plus's designee to sign the police hold order. 53126

(2) If a licensee plus or the licensee plus's designee signs 53127  
the police hold order described in division (C)(1) of this 53128  
section, the hold order takes effect when the licensee plus or 53129  
designee receives the police hold order. 53130

If a licensee plus or designee refuses to sign the police 53131  
hold order described in division (C)(1) of this section, the hold 53132  
order begins when the refusal occurs. 53133

(D)(1) When property in the possession of a licensee plus may 53134  
be needed as evidence in a pending court action involving a 53135  
criminal charge, a law enforcement agency may issue an evidentiary 53136  
hold order to a licensee plus that prohibits the licensee plus 53137  
from releasing or disposing of the property until the evidentiary 53138  
hold order terminates or a court orders the release or disposal of 53139  
the property. 53140

(2) A licensee plus who receives an evidentiary hold order 53141  
under division (D)(1) of this section shall hold the property 53142  
until the court notifies the licensee plus in writing of the 53143  
disposition of the action. The court shall notify the licensee 53144  
plus within fifteen days after the disposition of the action for 53145  
which the property may be needed as evidence. 53146

(E)(1) The law enforcement agency or officer issuing a hold 53147  
order described in division (C) or (D) of this section shall issue 53148  
the order in writing and include all of the following: 53149

(a) The name of the licensee plus; 53150

(b) A complete description of the property being held, 53151  
including the model number and serial number, if any; 53152

(c) The expiration date of the hold order. 53153

(2) In addition to the information required by division 53154  
(E)(1) of this section, if the hold order is a police hold order 53155  
as described in division (C) of this section, the law enforcement 53156  
officer issuing the order shall include all of the following in 53157  
the order: 53158

(a) The name, title, and identification number of the law 53159  
enforcement officer issuing the police hold order, and the name 53160  
and address of the law enforcement agency for which the law 53161  
enforcement officer is acting; 53162

(b) The number, if any, assigned by the law enforcement 53163  
agency to the case; 53164

(3) In addition to the information required by division 53165  
(E)(1) of this section, if the hold order is an evidentiary hold 53166  
order as described in division (D) of this section, the law 53167  
enforcement agency issuing the order shall include both of the 53168  
following in the order: 53169

(a) The name and address of the law enforcement agency 53170

issuing the evidentiary hold order; 53171

(b) The number and caption of the court action. 53172

(F)(1) An initial police hold order as described in this 53173  
section shall not exceed sixty days. However, a law enforcement 53174  
officer may extend the police hold order for one additional 53175  
successive sixty-day period by giving written notification to the 53176  
licensee plus before expiration of the sixty-day period. 53177

(2) A law enforcement officer shall not issue a new police 53178  
hold order for the same property after the additional sixty-day 53179  
period allowed under this section. However, the termination of the 53180  
police hold order does not affect an existing evidentiary hold 53181  
order on the same property or prevent the issuance of an 53182  
evidentiary hold order for the same property. 53183

(3) A law enforcement agency or officer may release a police 53184  
hold order before the end of a sixty-day period by issuing a 53185  
written release to the licensee plus. 53186

**Sec. 4727.13.** (A)(1) The superintendent of financial 53187  
institutions shall adopt rules in accordance with Chapter 119. of 53188  
the Revised Code for the administration and enforcement of this 53189  
chapter. 53190

(2) The superintendent may adopt rules that allow for remote 53191  
examinations of electronic data held by a licensee plus under this 53192  
chapter. 53193

(3) The superintendent may adopt rules describing the data to 53194  
be used in a secure law enforcement database reporting system for 53195  
use by a licensee plus to make records available to law 53196  
enforcement officers as required under division (C) of section 53197  
4727.09 of the Revised Code. 53198

(4) The superintendent shall adopt rules implementing the 53199  
issuing of licenses plus to new licensees plus and the transition 53200

of pawnbrokers holding standard licenses on the effective date of 53201  
this amendment to licenses plus. 53202

(B) The superintendent shall enforce this chapter, make all 53203  
reasonable effort to discover alleged violators, notify the proper 53204  
prosecuting officer whenever the superintendent has reasonable 53205  
grounds to believe that a violation has occurred, act as 53206  
complainant in the prosecution thereof, and aid such officers to 53207  
the best of the superintendent's ability in such prosecutions. The 53208  
superintendent shall employ such deputies as may be necessary to 53209  
make the investigations and inspections, and otherwise perform the 53210  
duties imposed by such sections. 53211

(C) The superintendent may issue a cease and desist order 53212  
against any person the superintendent reasonably suspects has 53213  
violated, is currently violating, or is about to violate this 53214  
chapter. The superintendent may apply to a court of common pleas 53215  
for an order compelling a person to comply with any cease and 53216  
desist order or any subpoena issued by the superintendent. 53217

(D) The superintendent may obtain from the court of common 53218  
pleas any form of injunctive relief against any person that has 53219  
violated, is currently violating, or is about to violate this 53220  
chapter. 53221

(E) To enforce this chapter, the superintendent may issue a 53222  
subpoena to any person to compel the production of any item, 53223  
record, or writing, including an electronic writing, and may issue 53224  
a subpoena to any person to compel the appearance and rendering of 53225  
testimony. 53226

(F) The superintendent may examine and investigate the 53227  
business, including the business location and any books, records, 53228  
writings, including electronic writings, safes, files, or storage 53229  
areas located in or utilized by the business location, of any 53230  
person the superintendent reasonably suspects to be advertising, 53231

transacting, or soliciting business as a pawnbroker. The 53232  
superintendent may request the attendance and assistance of the 53233  
appropriate chief of police of a municipal corporation or 53234  
township, the county sheriff, or the state highway patrol during 53235  
the examination and investigation of the business. 53236

(G)(1) The superintendent may adopt rules that require a 53237  
licensee to file a biennial report with the superintendent before 53238  
the first day of March of the filing year disclosing all relevant 53239  
pawn transaction activity occurring during the previous two 53240  
calendar years. 53241

(2) If the superintendent requires a licensee to file a 53242  
biennial report, the biennial report must provide all of the 53243  
following: 53244

(a) The number of pawn transactions made by the licensee 53245  
during the previous calendar year and the aggregate amount 53246  
financed on the pawn transactions; 53247

(b) The number of pledged property items redeemed during the 53248  
previous calendar year and the amount financed on the redeemed 53249  
property; 53250

(c) The number of items surrendered to law enforcement; 53251

(d) The total dollar amount of pawn loans surrendered to law 53252  
enforcement; 53253

(e) The number of pawn loans that were not redeemed; 53254

(f) The total dollar amount of pawn loans not redeemed; 53255

(g) The total number of full-time equivalent employees at the 53256  
pawnshop as of the last day of December of the preceding year. 53257

(G) Information furnished to the superintendent in accordance 53258  
with this section is confidential and is not a public record under 53259  
section 149.43 of the Revised Code, except that the superintendent 53260  
may prepare a report containing aggregate numbers from all 53261

licensees, and, if prepared, the report shall be a public record. 53262

~~See.~~ **Sec. 4727.19.** (A) Effective with the two-year period 53263  
that begins June 30, ~~2000~~ 2014, and every two-year period 53264  
thereafter, each ~~person licensed as a pawnbroker~~ standard licensee 53265  
under this chapter shall complete by the end of the period at 53266  
least twelve hours and each licensee plus shall complete fourteen 53267  
hours of continuing education instruction offered in a course or 53268  
program approved by the superintendent of financial institutions 53269  
after consultation with an industry representative selected by the 53270  
superintendent. 53271

(B) Any person licensed under this chapter who has more than 53272  
three employees shall designate an individual to the 53273  
superintendent as a salesperson. Effective with the two-year 53274  
period that begins June 30, 2000, and every two-year period 53275  
thereafter, a salesperson shall complete by the end of the period 53276  
at least eight hours of continuing education instruction offered 53277  
in a course or program approved by the superintendent in 53278  
consultation with a designated industry representative. 53279

(C) Each location of those persons licensed under this 53280  
chapter who have three or more employees shall have at least one 53281  
salesperson who meets the continuing education requirements of 53282  
this section. 53283

(D) The superintendent, in accordance with ~~chapter~~ Chapter 53284  
119. of the Revised Code, may suspend, revoke, or refuse to renew 53285  
the license of any licensee who fails to comply with this section. 53286

(E) The superintendent, in accordance with ~~chapter~~ Chapter 53287  
119. of the Revised Code, may adopt rules regarding continuing 53288  
education fees, locations, times, frequency, and waivers of 53289  
requirements. 53290

**Sec. 4727.20.** (A) No ~~person licensed as a pawnbroker~~ under 53291

~~this chapter~~ standard licensee shall conduct business in this 53292  
state, unless the standard licensee does either of the following: 53293

(1) Maintains liquid assets in a minimum amount of fifty 53294  
thousand dollars; 53295

(2) Obtains a surety bond issued by a bonding company or 53296  
insurance company authorized to do business in this state. The 53297  
bond shall be in favor of the superintendent of financial 53298  
institutions and in the penal sum of at least twenty-five thousand 53299  
dollars. The standard licensee shall file a copy of the bond with 53300  
the superintendent. The bond shall be for the exclusive benefit of 53301  
any person injured by a standard licensee's violation of this 53302  
chapter. The aggregate liability of the surety for any and all 53303  
breaches of the conditions of the bond shall not exceed the penal 53304  
sum of the bond. 53305

(B) No licensee plus shall conduct business in this state, 53306  
unless the licensee plus does either of the following: 53307

(1) Maintains liquid assets in a minimum amount of one 53308  
hundred thousand dollars; 53309

(2) Obtains a surety bond issued by a bonding company or 53310  
insurance company authorized to do business in this state. The 53311  
bond shall be in favor of the superintendent of financial 53312  
institutions and in the penal sum of at least two hundred thousand 53313  
dollars. The licensee plus shall file a copy of the bond with the 53314  
superintendent. The bond shall be for the exclusive benefit of any 53315  
person injured by a licensee's violation of this chapter. The 53316  
aggregate liability of the surety for any and all breaches of the 53317  
conditions of the bond shall not exceed the penal sum of the bond. 53318

(C) The licensee shall give notice to the superintendent by 53319  
certified mail, return receipt requested, of any action that is 53320  
brought against the licensee and of any judgment that is entered 53321



against the licensee by a person injured by a violation of this 53322  
chapter. The notice shall provide details sufficient to identify 53323  
the action or judgment and shall be filed with the superintendent 53324  
within ten days after the commencement of the action or notice to 53325  
the licensee of entry of a judgment. The surety, within ten days 53326  
after it pays any claim or judgment, shall give notice to the 53327  
superintendent by certified mail, return receipt requested, of the 53328  
payment, with details sufficient to identify the person and the 53329  
claim or judgment paid. 53330

~~(C)~~(D) Whenever the penal sum of the surety bond is reduced 53331  
by one or more recoveries or payments, the licensee shall furnish 53332  
a new or additional bond under this section, so that the total or 53333  
aggregate penal sum of the bond or bonds equals the sum required 53334  
by this section, or shall furnish an endorsement executed by the 53335  
surety reinstating the bond to the required penal sum of the bond. 53336

~~(D)~~(E) The liability of the surety on the bond to the 53337  
superintendent and to any person injured by a violation of this 53338  
chapter is not affected in any way by any misrepresentation, 53339  
breach of warranty, or failure to pay the premium, by any act or 53340  
omission upon the part of the licensee, by the insolvency or 53341  
bankruptcy of the licensee, or by the insolvency of the licensee's 53342  
estate. The liability for any act or omission that occurs during 53343  
the term of the surety bond shall be maintained and in effect for 53344  
at least two years after the date on which the surety bond is 53345  
terminated or canceled. 53346

~~(E)~~(F) The licensee shall not cancel the surety bond except 53347  
upon notice to the superintendent by certified mail, return 53348  
receipt requested. The cancellation is not effective prior to 53349  
thirty days after the superintendent receives the notice. 53350

~~(F)~~(G) No licensee shall fail to comply with this section. 53351

**Sec. 4727.23.** (A) As used in sections 4727.23 to 4727.26 of 53352

the Revised Code, "claimant" means a person seeking the 53353  
restoration of misappropriated property under those sections. 53354

(B) If a claimant believes that property in the possession of 53355  
a licensee plus was misappropriated from the claimant, and if the 53356  
claimant wants to obtain possession of the property from the 53357  
licensee plus, the claimant shall notify the licensee plus of the 53358  
claim in writing. 53359

The claimant shall include in the notice of the claim a 53360  
complete and accurate description of the property and proof that 53361  
the claimant owns the property. If the claimant alleges that the 53362  
property was stolen, the claimant shall also include in the notice 53363  
a legible copy of a law enforcement agency's report indicating 53364  
that the property was misappropriated. 53365

(C) Except as provided in section 4727.24 of the Revised 53366  
Code, a licensee plus shall not, for thirty days after the 53367  
licensee plus receives notice of a claim under this section, 53368  
dispose of property that is the subject of a claim. 53369

**Sec. 4727.24.** (A) If a claimant and a licensee plus do not 53370  
resolve a claim within ten days after the licensee plus receives 53371  
the notice of the claim under section 4727.23 of the Revised Code, 53372  
the claimant may bring an action in a court of competent 53373  
jurisdiction to require the licensee plus to return the property 53374  
to the claimant. After the claimant notifies the licensee plus 53375  
that court action has been filed, the licensee plus shall not 53376  
dispose of the property until the court disposes of the action, 53377  
disposes of the property, or allows the licensee plus to dispose 53378  
of the property. 53379

(B) Subject to section 4727.25 of the Revised Code, if a 53380  
claimant wishes to resolve the claim with the licensee plus 53381  
instead of pursuing criminal charges and cooperating with the 53382  
prosecution of those charges, the claimant shall pay the licensee 53383

plus the amount of money financed or paid by the licensee plus to 53384  
the pledgor or sellor, as applicable. The licensee plus shall 53385  
return the property to the claimant upon receipt of payment of the 53386  
amount of money financed or paid. 53387

**Sec. 4727.25.** (A) If property in the possession of a licensee 53388  
plus was leased from a lessor to a pledgor or seller when the 53389  
pledgor or seller pledged or sold the property to the licensee 53390  
plus, but the property did not have a permanent label or other 53391  
conspicuous mark identifying it as the lessor's property, the 53392  
licensee plus shall return the property to the lessor-claimant if 53393  
the lessor-claimant does both of the following: 53394

(1) Provides the licensee plus with evidence that the 53395  
property is the lessor's property and was leased to the pledgor or 53396  
seller at the time the property was pledged or sold to the 53397  
licensee plus; 53398

(2) Pays the licensee plus either of the following: 53399

(a) The amount financed and the finance fee for the pawn 53400  
transaction, if the property was pledged to the licensee plus; 53401

(b) The amount that the licensee plus paid the seller if the 53402  
property was sold to the licensee plus. 53403

(B) A licensee plus is not liable to the pledgor or seller of 53404  
property that is recovered by a lessor under division (A) of this 53405  
section for returning the property to a lessor. 53406

**Sec. 4727.26.** (A) A pledgor or seller of property to a 53407  
licensee plus is liable to the licensee plus for the full amount 53408  
that the pledgor or seller received from the licensee plus, all 53409  
charges owed by the pledgor for the licensee plus transaction, and 53410  
attorney's fees and other costs as allowed by the rules of civil 53411  
procedure if all of the following conditions are satisfied: 53412

(1) The claimant files a police report and fully cooperates with the prosecution of an action against the pledgor or seller. 53413  
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(2) The claimant brings an action under section 4727.24 of the Revised Code against the licensee plus and, in that action, both of the following apply: 53415  
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(a) The court determines that the pledgor or seller misappropriated the property from the claimant. 53418  
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(b) The court orders the licensee plus to return the property to the claimant. 53420  
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(B) The licensee plus may bring the action authorized by this section against the pledgor or seller of the property in any court of competent jurisdiction. 53422  
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**Sec. 4727.99.** (A) Whoever knowingly violates sections 4727.03 to ~~4727.21~~ 4727.26 of the Revised Code is guilty of a misdemeanor of the third degree on a first offense and a misdemeanor of the second degree on each subsequent offense. 53425  
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(B) Whoever violates section 4727.02 of the Revised Code is guilty of a felony of the fifth degree. 53429  
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**Sec. 4729.51.** (A)(1) Except as provided in division (A)(2) of this section, no person other than a registered wholesale distributor of dangerous drugs shall possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs, except as follows: 53431  
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(a) A pharmacist who is a licensed terminal distributor of dangerous drugs or who is employed by a licensed terminal distributor of dangerous drugs may make occasional sales of dangerous drugs at wholesale; 53436  
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(b) A licensed terminal distributor of dangerous drugs having more than one establishment or place may transfer or deliver 53440  
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dangerous drugs from one establishment or place for which a 53442  
license has been issued to the terminal distributor to another 53443  
establishment or place for which a license has been issued to the 53444  
terminal distributor if the license issued for each establishment 53445  
or place is in effect at the time of the transfer or delivery. 53446

(2) A manufacturer of dangerous drugs may donate epinephrine 53447  
autoinjectors to any of the following: 53448

(a) The board of education of a city, local, exempted 53449  
village, or joint vocational school district; 53450

(b) A community school established under Chapter 3314. of the 53451  
Revised Code; 53452

(c) A STEM school established under Chapter 3326. of the 53453  
Revised Code; 53454

(d) A college-preparatory boarding school established under 53455  
Chapter 3328. of the Revised Code; 53456

(e) A chartered or nonchartered nonpublic school. 53457

(B)(1) No registered wholesale distributor of dangerous drugs 53458  
shall possess for sale, or sell, at wholesale, dangerous drugs to 53459  
any person other than the following: 53460

(a) Except as provided in division (B)(2)(a) of this section 53461  
and division (B) of section 4729.541 of the Revised Code, a 53462  
licensed health professional authorized to prescribe drugs; 53463

(b) An optometrist licensed under Chapter 4725. of the 53464  
Revised Code who holds a topical ocular pharmaceutical agents 53465  
certificate; 53466

(c) A registered wholesale distributor of dangerous drugs; 53467

(d) A manufacturer of dangerous drugs; 53468

(e) Subject to division (B)(3) of this section, a licensed 53469  
terminal distributor of dangerous drugs; 53470

(f) Carriers or warehouses for the purpose of carriage or storage;	53471 53472
(g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;	53473 53474
(h) An individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only with respect to insulin that will be used for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes and rules regulating the individual's profession;	53475 53476 53477 53478 53479 53480 53481 53482 53483
(i) An individual who holds a valid certificate issued by a nationally recognized S.C.U.B.A. diving certifying organization approved by the state board of pharmacy in rule, but only with respect to medical oxygen that will be used for the purpose of emergency care or treatment at the scene of a diving emergency;	53484 53485 53486 53487 53488
(j) Except as provided in division (B)(2)(b) of this section <u>and division (A) of section 4729.541 of the Revised Code</u> , a business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code if the entity has a sole shareholder who is a licensed health professional authorized to prescribe drugs and is authorized to provide the professional services being offered by the entity;	53489 53490 53491 53492 53493 53494 53495 53496 53497
(k) Except as provided in division (B)(2)(c) of this section <u>and division (A) of section 4729.541 of the Revised Code</u> , a business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company	53498 53499 53500 53501

formed under Chapter 1705. of the Revised Code, a partnership or a 53502  
limited liability partnership formed under Chapter 1775. of the 53503  
Revised Code, or a professional association formed under Chapter 53504  
1785. of the Revised Code, if, to be a shareholder, member, or 53505  
partner, an individual is required to be licensed, certified, or 53506  
otherwise legally authorized under Title XLVII of the Revised Code 53507  
to perform the professional service provided by the entity and 53508  
each such individual is a licensed health professional authorized 53509  
to prescribe drugs; 53510

(l) With respect to epinephrine autoinjectors that may be 53511  
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 53512  
or 3328.29 of the Revised Code, any of the following: the board of 53513  
education of a city, local, exempted village, or joint vocational 53514  
school district; a chartered or nonchartered nonpublic school; a 53515  
community school established under Chapter 3314. of the Revised 53516  
Code; a STEM school established under Chapter 3326. of the Revised 53517  
Code; or a college-preparatory boarding school established under 53518  
Chapter 3328. of the Revised Code; 53519

(m) With respect to epinephrine autoinjectors that may be 53520  
possessed under section 5101.76 of the Revised Code, any of the 53521  
following: a residential camp, as defined in section 2151.011 of 53522  
the Revised Code; a child day camp, as defined in section 5104.01 53523  
of the Revised Code; or a child day camp operated by any county, 53524  
township, municipal corporation, township park district created 53525  
under section 511.18 of the Revised Code, park district created 53526  
under section 1545.04 of the Revised Code, or joint recreation 53527  
district established under section 755.14 of the Revised Code; 53528

(n) With respect to naloxone that may be possessed under 53529  
section 2925.61 of the Revised Code, a law enforcement agency and 53530  
its peace officers. 53531

(2) No registered wholesale distributor of dangerous drugs 53532  
shall possess for sale, or sell, at wholesale, dangerous drugs to 53533

any of the following: 53534

(a) A prescriber who is employed by a pain management clinic 53535  
that is not licensed as a terminal distributor of dangerous drugs 53536  
with a pain management clinic classification issued under section 53537  
4729.552 of the Revised Code; 53538

(b) A business entity described in division (B)(1)(j) of this 53539  
section that is, or is operating, a pain management clinic without 53540  
a license as a terminal distributor of dangerous drugs with a pain 53541  
management clinic classification issued under section 4729.552 of 53542  
the Revised Code; 53543

(c) A business entity described in division (B)(1)(k) of this 53544  
section that is, or is operating, a pain management clinic without 53545  
a license as a terminal distributor of dangerous drugs with a pain 53546  
management clinic classification issued under section 4729.552 of 53547  
the Revised Code. 53548

(3) No registered wholesale distributor of dangerous drugs 53549  
shall possess dangerous drugs for sale at wholesale, or sell such 53550  
drugs at wholesale, to a licensed terminal distributor of 53551  
dangerous drugs, except as follows: 53552

(a) In the case of a terminal distributor with a category I 53553  
license, only dangerous drugs described in category I, as defined 53554  
in division (A)(1) of section 4729.54 of the Revised Code; 53555

(b) In the case of a terminal distributor with a category II 53556  
license, only dangerous drugs described in category I and category 53557  
II, as defined in divisions (A)(1) and (2) of section 4729.54 of 53558  
the Revised Code; 53559

(c) In the case of a terminal distributor with a category III 53560  
license, dangerous drugs described in category I, category II, and 53561  
category III, as defined in divisions (A)(1), (2), and (3) of 53562  
section 4729.54 of the Revised Code; 53563



(d) In the case of a terminal distributor with a limited category I, II, or III license, only the dangerous drugs specified in the certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code.

(C)(1) Except as provided in division (C)(4) of this section, no person shall sell, at retail, dangerous drugs.

(2) Except as provided in division (C)(4) of this section, no person shall possess for sale, at retail, dangerous drugs.

(3) Except as provided in division (C)(4) of this section, no person shall possess dangerous drugs.

(4) Divisions (C)(1), (2), and (3) of this section do not apply to a registered wholesale distributor of dangerous drugs, or a licensed terminal distributor of dangerous drugs, ~~or~~.

Divisions (C)(1), (2), and (3) of this section do not apply to a person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code.

Divisions (C)(1), (2), and (3) of this section do not apply to an individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only to the extent that the individual possesses insulin or personally supplies insulin solely for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes and rules regulating the individual's profession.

Divisions (C)(1), (2), and (3) of this section do not apply to an individual who holds a valid certificate issued by a nationally recognized S.C.U.B.A. diving certifying organization

approved by the state board of pharmacy in rule, but only to the 53595  
extent that the individual possesses medical oxygen or personally 53596  
supplies medical oxygen for the purpose of emergency care or 53597  
treatment at the scene of a diving emergency. 53598

Division (C)(3) of this section does not apply to the board 53599  
of education of a city, local, exempted village, or joint 53600  
vocational school district, a school building operated by a school 53601  
district board of education, a chartered or nonchartered nonpublic 53602  
school, a community school, a STEM school, or a 53603  
college-preparatory boarding school for the purpose of possessing 53604  
epinephrine autoinjectors under section 3313.7110, 3313.7111, 53605  
3314.143, 3326.28, or 3328.29 of the Revised Code. 53606

Division (C)(3) of this section does not apply to a 53607  
residential camp, as defined in section 2151.011 of the Revised 53608  
Code, a child day camp, as defined in section 5104.01 of the 53609  
Revised Code, or a child day camp operated by any county, 53610  
township, municipal corporation, township park district created 53611  
under section 511.18 of the Revised Code, park district created 53612  
under section 1545.04 of the Revised Code, or joint recreation 53613  
district established under section 755.14 of the Revised Code for 53614  
the purpose of possessing epinephrine autoinjectors under section 53615  
5101.76 of the Revised Code. 53616

Division (C)(3) of this section does not apply to a law 53617  
enforcement agency or the agency's peace officers if the agency or 53618  
officers possess naloxone for administration to individuals who 53619  
are apparently experiencing opioid-related overdoses. 53620

(D) No licensed terminal distributor of dangerous drugs shall 53621  
purchase for the purpose of resale dangerous drugs from any person 53622  
other than a registered wholesale distributor of dangerous drugs, 53623  
except as follows: 53624

(1) A licensed terminal distributor of dangerous drugs may 53625

make occasional purchases of dangerous drugs for resale from a 53626  
pharmacist who is a licensed terminal distributor of dangerous 53627  
drugs or who is employed by a licensed terminal distributor of 53628  
dangerous drugs; 53629

(2) A licensed terminal distributor of dangerous drugs having 53630  
more than one establishment or place may transfer or receive 53631  
dangerous drugs from one establishment or place for which a 53632  
license has been issued to the terminal distributor to another 53633  
establishment or place for which a license has been issued to the 53634  
terminal distributor if the license issued for each establishment 53635  
or place is in effect at the time of the transfer or receipt. 53636

(E) No licensed terminal distributor of dangerous drugs shall 53637  
engage in the sale or other distribution of dangerous drugs at 53638  
retail or maintain possession, custody, or control of dangerous 53639  
drugs for any purpose other than the distributor's personal use or 53640  
consumption, at any establishment or place other than that or 53641  
those described in the license issued by the state board of 53642  
pharmacy to such terminal distributor. 53643

(F) Nothing in this section shall be construed to interfere 53644  
with the performance of official duties by any law enforcement 53645  
official authorized by municipal, county, state, or federal law to 53646  
collect samples of any drug, regardless of its nature or in whose 53647  
possession it may be. 53648

(G) Notwithstanding anything to the contrary in this section, 53649  
the board of education of a city, local, exempted village, or 53650  
joint vocational school district may deliver epinephrine 53651  
autoinjectors to a school under its control for the purpose of 53652  
possessing epinephrine autoinjectors under section 3313.7110 of 53653  
the Revised Code. 53654

**Sec. 4729.53.** (A) The state board of pharmacy shall not 53655  
register any person as a wholesale distributor of dangerous drugs 53656

unless the applicant for registration furnishes satisfactory proof 53657  
to the board of ~~pharmacy~~ that he the applicant meets all of the 53658  
following: 53659

(1) ~~That if~~ If the applicant has been convicted of a 53660  
violation of any federal, state, or local law relating to drug 53661  
samples, wholesale or retail drug distribution, or distribution of 53662  
controlled substances or of a felony, or if a federal, state, or 53663  
local governmental entity has suspended or revoked any current or 53664  
prior license or registration of the applicant for the manufacture 53665  
or sale of any dangerous drugs, including controlled substances, 53666  
the applicant, to the satisfaction of the board, assures that ~~he~~ 53667  
the applicant has in place adequate safeguards to prevent the 53668  
recurrence of any such violations~~+~~. 53669

(2) The applicant's past experience in the manufacture or 53670  
distribution of dangerous drugs, including controlled substances, 53671  
is acceptable to the board. 53672

(3) The applicant is equipped as to land, buildings, 53673  
equipment, and personnel to properly carry on the business of a 53674  
wholesale distributor of dangerous drugs, including providing 53675  
adequate security for and proper storage conditions and handling 53676  
for dangerous drugs, and is complying with the requirements under 53677  
this chapter and the rules adopted pursuant thereto for 53678  
maintaining and making available records to properly identified 53679  
board officials and federal, state, and local law enforcement 53680  
agencies. 53681

(4) Personnel employed by the applicant have the appropriate 53682  
education or experience, as determined by the board, to assume 53683  
responsibility for positions related to compliance with this 53684  
chapter and the rules adopted pursuant thereto. 53685

(5) The applicant has designated the name and address of a 53686  
person to whom communications from the board may be directed and 53687

upon whom the notices and citations provided for in section 53688  
4729.56 of the Revised Code may be served. 53689

(6) Adequate safeguards are assured to prevent the sale of 53690  
dangerous drugs to any person other than those named in division 53691  
(B) of section 4729.51 of the Revised Code. 53692

(7) Any other requirement or qualification the board, by rule 53693  
adopted in accordance with Chapter 119. of the Revised Code, 53694  
considers relevant to and consistent with the public safety and 53695  
health. 53696

(B) ~~The~~ In addition to the causes described in section 53697  
4729.56 of the Revised Code for refusing to grant or renew a 53698  
registration certificate, the board may refuse to register or 53699  
renew the registration certificate of any person if the board 53700  
determines that the granting of the registration certificate or 53701  
its renewal is not in the public interest. 53702

**Sec. 4729.541.** (A)(1) Except as provided in divisions 53703  
~~(B)(A)(2)~~ and ~~(C)(3)~~ of this section, a business entity described 53704  
in division (B)(1)(j) or (k) of section 4729.51 of the Revised 53705  
Code may possess, have custody or control of, and distribute the 53706  
dangerous drugs in category I, category II, and category III, as 53707  
defined in section 4729.54 of the Revised Code, without holding a 53708  
terminal distributor of dangerous drugs license issued under that 53709  
section. 53710

~~(B)(2)~~ If a business entity described in division (B)(1)(j) 53711  
or (k) of section 4729.51 of the Revised Code is a pain management 53712  
clinic or is operating a pain management clinic, the entity shall 53713  
hold a license as a terminal distributor of dangerous drugs with a 53714  
pain management clinic classification issued under section 53715  
4729.552 of the Revised Code. 53716

~~(C) Beginning April 1, 2015, a~~ (3) A business entity 53717

described in division (B)(1)(j) or (k) of section 4729.51 of the Revised Code shall hold a license as a terminal distributor of dangerous drugs in order to possess, have custody or control of, and distribute either of the following:

~~(1)(a)~~ Dangerous drugs that are compounded or used for the purpose of compounding;

~~(2)(b)~~ Controlled substances containing buprenorphine that are used for the purpose of treating drug dependence or addiction.

(B) A licensed health professional authorized to prescribe drugs who does not practice in the form of a business entity described in division (B)(1)(j) or (k) of section 4729.51 of the Revised Code shall hold a license as a terminal distributor of dangerous drugs in order to possess, have custody or control of, and distribute, including personally furnish, either of the following:

(1) Dangerous drugs that are compounded or used for the purpose of compounding;

(2) Controlled substances containing buprenorphine that are used for the purpose of treating drug dependence or addiction.

**Sec. 4729.56.** (A) In accordance with Chapter 119. of the Revised Code, the board of pharmacy may suspend, revoke, or refuse to grant or renew any registration certificate issued to a wholesale distributor of dangerous drugs pursuant to section 4729.52 of the Revised Code or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or one thousand dollars if the acts committed are not classified as an offense by the Revised Code for any of the following causes:

(1) Making any false material statements in an application for registration as a wholesale distributor of dangerous drugs;

(2) Violating any federal, state, or local drug law; any 53748  
provision of this chapter or Chapter 2925., 3715., or 3719. of the 53749  
Revised Code; or any rule of the board; 53750

(3) A conviction of a felony; 53751

(4) ~~Ceasing~~ Failing to satisfy the qualifications for 53752  
registration under section 4729.53 of the Revised Code or the 53753  
rules of the board or ceasing to satisfy the qualifications after 53754  
the registration is granted or renewed. 53755

(B) Upon the suspension or revocation of the registration 53756  
certificate of any wholesale distributor of dangerous drugs, the 53757  
distributor shall immediately surrender ~~his~~ the distributor's 53758  
registration certificate to the board. 53759

(C) If the board suspends, revokes, or refuses to renew any 53760  
registration certificate issued to a wholesale distributor of 53761  
dangerous drugs and determines that there is clear and convincing 53762  
evidence of a danger of immediate and serious harm to any person, 53763  
the board may place under seal all dangerous drugs owned by or in 53764  
the possession, custody, or control of the affected wholesale 53765  
distributor of dangerous drugs. Except as provided in this 53766  
division, the board shall not dispose of the dangerous drugs 53767  
sealed under this division until the wholesale distributor of 53768  
dangerous drugs exhausts all of ~~his~~ the distributor's appeal 53769  
rights under Chapter 119. of the Revised Code. The court involved 53770  
in such an appeal may order the board, during the pendency of the 53771  
appeal, to sell sealed dangerous drugs that are perishable. The 53772  
board shall deposit the proceeds of the sale with the court. 53773

**Sec. 4729.80.** (A) If the state board of pharmacy establishes 53774  
and maintains a drug database pursuant to section 4729.75 of the 53775  
Revised Code, the board is authorized or required to provide 53776  
information from the database in accordance with the following: 53777

(1) On receipt of a request from a designated representative 53778  
of a government entity responsible for the licensure, regulation, 53779  
or discipline of health care professionals with authority to 53780  
prescribe, administer, or dispense drugs, the board may provide to 53781  
the representative information from the database relating to the 53782  
professional who is the subject of an active investigation being 53783  
conducted by the government entity. 53784

(2) On receipt of a request from a federal officer, or a 53785  
state or local officer of this or any other state, whose duties 53786  
include enforcing laws relating to drugs, the board shall provide 53787  
to the officer information from the database relating to the 53788  
person who is the subject of an active investigation of a drug 53789  
abuse offense, as defined in section 2925.01 of the Revised Code, 53790  
being conducted by the officer's employing government entity. 53791

(3) Pursuant to a subpoena issued by a grand jury, the board 53792  
shall provide to the grand jury information from the database 53793  
relating to the person who is the subject of an investigation 53794  
being conducted by the grand jury. 53795

(4) Pursuant to a subpoena, search warrant, or court order in 53796  
connection with the investigation or prosecution of a possible or 53797  
alleged criminal offense, the board shall provide information from 53798  
the database as necessary to comply with the subpoena, search 53799  
warrant, or court order. 53800

(5) On receipt of a request from a prescriber or the 53801  
prescriber's delegate approved by the board, the board shall 53802  
provide to the prescriber a report of information from the 53803  
database relating to a patient who is either a current patient of 53804  
the prescriber or a potential patient of the prescriber based on a 53805  
referral of the patient to the prescriber, if all of the following 53806  
conditions are met: 53807

(a) The prescriber certifies in a form specified by the board 53808



that it is for the purpose of providing medical treatment to the 53809  
patient who is the subject of the request; 53810

(b) The prescriber has not been denied access to the database 53811  
by the board. 53812

(6) On receipt of a request from a pharmacist or the 53813  
pharmacist's delegate approved by the board, the board shall 53814  
provide to the pharmacist information from the database relating 53815  
to a current patient of the pharmacist, if the pharmacist 53816  
certifies in a form specified by the board that it is for the 53817  
purpose of the pharmacist's practice of pharmacy involving the 53818  
patient who is the subject of the request and the pharmacist has 53819  
not been denied access to the database by the board. 53820

(7) On receipt of a request from an individual seeking the 53821  
individual's own database information in accordance with the 53822  
procedure established in rules adopted under section 4729.84 of 53823  
the Revised Code, the board may provide to the individual the 53824  
individual's own database information. 53825

(8) On receipt of a request from ~~the~~ a medical director or a 53826  
pharmacy director of a managed care organization that has entered 53827  
into a contract with the department of medicaid under section 53828  
5167.10 of the Revised Code and a data security agreement with the 53829  
board required by section 5167.14 of the Revised Code, the board 53830  
shall provide to the medical director or the pharmacy director 53831  
information from the database relating to a medicaid recipient 53832  
enrolled in the managed care organization, including information 53833  
in the database related to prescriptions for the recipient that 53834  
were not covered or reimbursed under a program administered by the 53835  
department of medicaid. 53836

(9) On receipt of a request from the medicaid director, the 53837  
board shall provide to the director information from the database 53838  
relating to a recipient of a program administered by the 53839

department of medicaid, including information in the database 53840  
related to prescriptions for the recipient that were not covered 53841  
or paid by a program administered by the department. 53842

(10) On receipt of a request from ~~the~~ a medical director of a 53843  
managed care organization that has entered into a contract with 53844  
the administrator of workers' compensation under division (B)(4) 53845  
of section 4121.44 of the Revised Code and a data security 53846  
agreement with the board required by section 4121.447 of the 53847  
Revised Code, the board shall provide to the medical director 53848  
information from the database relating to a claimant under Chapter 53849  
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 53850  
managed care organization, including information in the database 53851  
related to prescriptions for the claimant that were not covered or 53852  
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 53853  
Revised Code, if the administrator of workers' compensation 53854  
confirms, upon request from the board, that the claimant is 53855  
assigned to the managed care organization. 53856

(11) On receipt of a request from the administrator of 53857  
workers' compensation, the board shall provide to the 53858  
administrator information from the database relating to a claimant 53859  
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 53860  
including information in the database related to prescriptions for 53861  
the claimant that were not covered or reimbursed under Chapter 53862  
4121., 4123., 4127., or 4131. of the Revised Code. 53863

(12) On receipt of a request from a prescriber or the 53864  
prescriber's delegate approved by the board, the board shall 53865  
provide to the prescriber information from the database relating 53866  
to a patient's mother, if the prescriber certifies in a form 53867  
specified by the board that it is for the purpose of providing 53868  
medical treatment to a newborn or infant patient diagnosed as 53869  
opioid dependent and the prescriber has not been denied access to 53870  
the database by the board. 53871

(13) On receipt of a request from the director of health, the board shall provide to the director information from the database relating to the duties of the director or the department of health in implementing the Ohio violent death reporting system established under section 3701.93 of the Revised Code. 53872  
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(14) On receipt of a request from a requestor described in division (A)(1), (2), (5), or (6) of this section who is from or participating with another state's prescription monitoring program, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state. 53877  
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(B) The state board of pharmacy shall maintain a record of each individual or entity that requests information from the database pursuant to this section. In accordance with rules adopted under section 4729.84 of the Revised Code, the board may use the records to document and report statistics and law enforcement outcomes. 53884  
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The board may provide records of an individual's requests for database information to the following: 53890  
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(1) A designated representative of a government entity that is responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs who is involved in an active investigation being conducted by the government entity of the individual who submitted the requests for database information; 53892  
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(2) A federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs and who is involved in an active investigation being conducted by the officer's employing government entity of the individual who submitted the requests for database information. 53898  
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(C) Information contained in the database and any information 53903  
obtained from it is not a public record. Information contained in 53904  
the records of requests for information from the database is not a 53905  
public record. Information that does not identify a person may be 53906  
released in summary, statistical, or aggregate form. 53907

(D) A pharmacist or prescriber shall not be held liable in 53908  
damages to any person in any civil action for injury, death, or 53909  
loss to person or property on the basis that the pharmacist or 53910  
prescriber did or did not seek or obtain information from the 53911  
database. 53912

**Sec. 4729.86.** If the state board of pharmacy establishes and 53913  
maintains a drug database pursuant to section 4729.75 of the 53914  
Revised Code, all of the following apply: 53915

(A)(1) No person identified in divisions (A)(1) to ~~(12)~~(13) 53916  
or (B) of section 4729.80 of the Revised Code shall disseminate 53917  
any written or electronic information the person receives from the 53918  
drug database or otherwise provide another person access to the 53919  
information that the person receives from the database, except as 53920  
follows: 53921

(a) When necessary in the investigation or prosecution of a 53922  
possible or alleged criminal offense; 53923

(b) When a person provides the information to the prescriber 53924  
or pharmacist for whom the person is approved by the board to 53925  
serve as a delegate of the prescriber or pharmacist for purposes 53926  
of requesting and receiving information from the drug database 53927  
under division (A)(5) or (6) of section 4729.80 of the Revised 53928  
Code; 53929

(c) When a prescriber or pharmacist provides the information 53930  
to a person who is approved by the board to serve as such a 53931  
delegate of the prescriber or pharmacist; 53932

(d) ~~When a prescriber or pharmacist provides the information to a patient or patient's personal representative;~~ 53933  
53934

~~(e)~~ When a prescriber or pharmacist includes the information in a medical record, as defined in section 3701.74 of the Revised Code. 53935  
53936  
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(2) No person shall provide false information to the state board of pharmacy with the intent to obtain or alter information contained in the drug database. 53938  
53939  
53940

(3) No person shall obtain drug database information by any means except as provided under section 4729.80 or 4729.81 of the Revised Code. 53941  
53942  
53943

(B) A person shall not use information obtained pursuant to division (A) of section 4729.80 of the Revised Code as evidence in any civil or administrative proceeding. 53944  
53945  
53946

(C)(1) Except as provided in division (C)(2) of this section, after providing notice and affording an opportunity for a hearing in accordance with Chapter 119. of the Revised Code, the board may restrict a person from obtaining further information from the drug database if any of the following is the case: 53947  
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53949  
53950  
53951

(a) The person violates division (A)(1), (2), or (3) of this section; 53952  
53953

(b) The person is a requestor identified in division (A)~~(13)~~(14) of section 4729.80 of the Revised Code and the board determines that the person's actions in another state would have constituted a violation of division (A)(1), (2), or (3) of this section; 53954  
53955  
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(c) The person fails to comply with division (B) of this section, regardless of the jurisdiction in which the failure to comply occurred; 53959  
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53961

(d) The person creates, by clear and convincing evidence, a 53962

threat to the security of information contained in the database. 53963

(2) If the board determines that allegations regarding a 53964  
person's actions warrant restricting the person from obtaining 53965  
further information from the drug database without a prior 53966  
hearing, the board may summarily impose the restriction. A 53967  
telephone conference call may be used for reviewing the 53968  
allegations and taking a vote on the summary restriction. The 53969  
summary restriction shall remain in effect, unless removed by the 53970  
board, until the board's final adjudication order becomes 53971  
effective. 53972

(3) The board shall determine the extent to which the person 53973  
is restricted from obtaining further information from the 53974  
database. 53975

**Sec. 4730.14.** (A) A certificate to practice as a physician 53976  
assistant shall expire biennially and may be renewed in accordance 53977  
with this section. A person seeking to renew a certificate to 53978  
practice as a physician assistant shall, on or before the 53979  
thirty-first day of January of each even-numbered year, apply for 53980  
renewal of the certificate. The state medical board shall send 53981  
renewal notices at least one month prior to the expiration date. 53982

Applications shall be submitted to the board on forms the 53983  
board shall prescribe and furnish. Each application shall be 53984  
accompanied by a biennial renewal fee of one hundred dollars. The 53985  
board shall deposit the fees in accordance with section 4731.24 of 53986  
the Revised Code. 53987

The applicant shall report any criminal offense that 53988  
constitutes grounds for refusing to issue a certificate to 53989  
practice under section 4730.25 of the Revised Code to which the 53990  
applicant has pleaded guilty, of which the applicant has been 53991  
found guilty, or for which the applicant has been found eligible 53992  
for intervention in lieu of conviction, since last signing an 53993

application for a certificate to practice as a physician 53994  
assistant. 53995

(B) To be eligible for renewal, a physician assistant shall 53996  
certify to the board both of the following: 53997

(1) That the physician assistant has maintained certification 53998  
by the national commission on certification of physician 53999  
assistants or a successor organization that is recognized by the 54000  
board by meeting the standards to hold current certification from 54001  
the commission or its successor, including completion of 54002  
continuing medical education requirements and passing periodic 54003  
recertification examinations; 54004

(2) Except as provided in division (F) of this section and 54005  
section 5903.12 of the Revised Code, that the physician assistant 54006  
has completed during the current certification period not less 54007  
than one hundred hours of continuing medical education acceptable 54008  
to the board. 54009

(C) The board shall adopt rules in accordance with Chapter 54010  
119. of the Revised Code specifying the types of continuing 54011  
medical education that must be completed to fulfill the board's 54012  
requirements under division (B)(2) of this section. Except when 54013  
additional continuing medical education is required to renew a 54014  
certificate to prescribe, as specified in section 4730.49 of the 54015  
Revised Code, the board shall not adopt rules that require a 54016  
physician assistant to complete in any certification period more 54017  
than one hundred hours of continuing medical education acceptable 54018  
to the board. In fulfilling the board's requirements, a physician 54019  
assistant may use continuing medical education courses or programs 54020  
completed to maintain certification by the national commission on 54021  
certification of physician assistants or a successor organization 54022  
that is recognized by the board if the standards for acceptable 54023  
courses and programs of the commission or its successor are at 54024  
least equivalent to the standards established by the board. 54025

(D) If an applicant submits a complete renewal application 54026  
and qualifies for renewal pursuant to division (B) of this 54027  
section, the board shall issue to the applicant a renewed 54028  
certificate to practice as a physician assistant. 54029

(E) The board may require a random sample of physician 54030  
assistants to submit materials documenting certification by the 54031  
national commission on certification of physician assistants or a 54032  
successor organization that is recognized by the board and 54033  
completion of the required number of hours of continuing medical 54034  
education. 54035

(F) The board shall provide for pro rata reductions by month 54036  
of the number of hours of continuing education that must be 54037  
completed for individuals who are in their first certification 54038  
period, who have been disabled due to illness or accident, or who 54039  
have been absent from the country. The board shall adopt rules, in 54040  
accordance with Chapter 119. of the Revised Code, as necessary to 54041  
implement this division. 54042

~~(G)(1) A certificate to practice that is not renewed on or 54043  
before its expiration date is automatically suspended on its 54044  
expiration date. Continued practice after suspension of the 54045  
certificate shall be considered as practicing in violation of 54046  
division (A) of section 4730.02 of the Revised Code. 54047~~

~~(2) If a certificate has been suspended pursuant to division 54048  
(G)(1) of this section for two years or less, it may be 54049  
reinstated. The board shall reinstate a certificate suspended for 54050  
failure to renew upon an applicant's submission of a renewal 54051  
application, the biennial renewal fee, and any applicable monetary 54052  
penalty. 54053~~

~~If a certificate has been suspended pursuant to division 54054  
(G)(1) of this division for more than two years, it may be 54055  
restored. In accordance with section 4730.28 of the Revised Code, 54056~~



~~the board may restore a certificate suspended for failure to renew  
upon an applicant's submission of a restoration application, the  
biennial renewal fee, and any applicable monetary penalty and  
compliance with sections 4776.01 to 4776.04 of the Revised Code.  
The board shall not restore to an applicant a certificate to  
practice as a physician assistant unless the board, in its  
discretion, decides that the results of the criminal records check  
do not make the applicant ineligible for a certificate issued  
pursuant to section 4730.12 of the Revised Code.~~

~~The penalty for reinstatement shall be fifty dollars and the  
penalty for restoration shall be one hundred dollars. The board  
shall deposit penalties in accordance with section 4731.24 of the  
Revised Code.~~

~~(H) If an individual certifies that the individual has  
completed the number of hours and type of continuing medical  
education required for renewal or reinstatement of a certificate  
to practice as a physician assistant, and the board finds through  
a random sample conducted under division (E) of this section or  
through any other means that the individual did not complete the  
requisite continuing medical education, the The board may impose a  
civil penalty of not more than five thousand dollars if, through a  
random sample it conducts under this section or through other  
means, it finds that an individual certified that the individual  
completed the number of hours and type of continuing medical  
education required for renewal of a certificate to practice as a  
physician assistant when the individual did not fulfill the  
requirement. The board's finding shall be made pursuant to an  
adjudication under Chapter 119. of the Revised Code and by an  
affirmative vote of not fewer than six members.~~

A civil penalty imposed under this division may be in  
addition to or in lieu of any other action the board may take  
under section 4730.25 of the Revised Code. The board ~~shall deposit~~

civil penalties in accordance with section 4731.24 shall not 54089  
conduct an adjudication under Chapter 119. of the Revised Code if 54090  
the board imposes only a civil penalty. 54091

Pursuant to section 4730.25 of the Revised Code, the board 54092  
may suspend an individual's certificate to practice as a physician 54093  
assistant for failure to renew the certificate and comply with 54094  
this section. If an individual continues to practice after 54095  
suspension, that activity constitutes practicing in violation of 54096  
section 4730.02 of the Revised Code. If the certificate has been 54097  
suspended for two years or less, it may be reinstated. The board 54098  
shall reinstate a certificate to practice as a physician assistant 54099  
for failure to renew on an applicant's submission of a renewal 54100  
application, the biennial renewal fee, and the applicable monetary 54101  
penalty. If the certificate has been suspended for more than two 54102  
years, it may be restored. Subject to section 4730.28 of the 54103  
Revised Code, the board may restore a certificate to practice as a 54104  
physician assistant suspended for failure to renew on an 54105  
applicant's submission of a restoration application, the biennial 54106  
renewal fee, and the applicable monetary penalty and compliance 54107  
with sections 4776.01 to 4776.04 of the Revised Code. The board 54108  
shall not restore an applicant's certificate to practice as a 54109  
physician assistant unless the board decides that the results of 54110  
the criminal records check do not make the applicant ineligible 54111  
for a certificate issued pursuant to section 4730.12 of the 54112  
Revised Code. 54113

The monetary penalty for reinstatement is fifty dollars. The 54114  
monetary penalty for restoration is one hundred dollars. 54115

Amounts received from payment of civil penalties and monetary 54116  
penalties imposed under this division shall be deposited in 54117  
accordance with section 4731.24 of the Revised Code. 54118

**Sec. 4730.252.** (A)(1) If a physician assistant violates any 54119

section of this chapter other than section 4730.14 of the Revised Code or violates any rule adopted under this chapter, the state medical board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined by the board in accordance with the guidelines adopted under division (A)(2) of this section. The civil penalty may be in addition to any other action the board may take under section 4730.25 of the Revised Code. 54120  
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(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or amendment of the guidelines requires the approval of not fewer than six board members. 54129  
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Under the guidelines, no civil penalty amount shall exceed twenty thousand dollars. 54133  
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(B) Amounts received from payment of civil penalties imposed under this section shall be deposited by the board in accordance with section 4731.24 of the Revised Code. Amounts received from payment of civil penalties imposed for violations of division (B)(5) of section 4730.25 of the Revised Code shall be used by the board solely for investigations, enforcement, and compliance monitoring. 54135  
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**Sec. 4731.15.** (A)(1) The state medical board also shall regulate the following limited branches of medicine: massage therapy and cosmetic therapy, and to the extent specified in section 4731.151 of the Revised Code, naprapathy and mechanotherapy. The board shall adopt rules governing the limited branches of medicine under its jurisdiction. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 54142  
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(2) As used in this chapter: 54149

(a) "Cosmetic therapy" means the permanent removal of hair 54150  
from the human body through the use of electric modalities 54151  
approved by the board for use in cosmetic therapy, and 54152  
additionally may include the systematic friction, stroking, 54153  
slapping, and kneading or tapping of the face, neck, scalp, or 54154  
shoulders. 54155

(b) "Massage therapy" means the treatment of disorders of the 54156  
human body by the manipulation of soft tissue through the 54157  
systematic external application of massage techniques including 54158  
touch, stroking, friction, vibration, percussion, kneading, 54159  
stretching, compression, and joint movements within the normal 54160  
physiologic range of motion; and adjunctive thereto, the external 54161  
application of water, heat, cold, topical preparations, and 54162  
mechanical devices. 54163

(B) A certificate to practice a limited branch of medicine 54164  
issued by the state medical board is valid for a two-year period, 54165  
except when an initial certificate is issued for a shorter period 54166  
or when division (C)(2) of this section is applicable. The 54167  
certificate may be renewed in accordance with division (C) of this 54168  
section. 54169

(C)(1) Except as provided in division (C)(2) of this section, 54170  
all of the following apply with respect to the renewal of 54171  
certificates to practice a limited branch of medicine: 54172

(a) Each person seeking to renew a certificate to practice a 54173  
limited branch of medicine shall apply for biennial registration 54174  
with the state medical board on a renewal application form 54175  
prescribed by the board. An applicant for renewal shall pay a 54176  
biennial registration fee of one hundred dollars. 54177

(b) At least six months before a certificate expires, the 54178  
board shall mail or cause to be mailed a renewal notice to the 54179  
certificate holder's last known address. 54180

(c) At least three months before a certificate expires, the certificate holder shall submit the renewal application and biennial registration fee to the board.

(2) Beginning with the 2009 registration period, the board shall implement a staggered renewal system that is substantially similar to the staggered renewal system the board uses under division ~~(B)~~(A) of section 4731.281 of the Revised Code.

(D) All persons who hold a certificate to practice a limited branch of medicine issued by the state medical board shall provide the board written notice of any change of address. The notice shall be submitted to the board not later than thirty days after the change of address.

(E) A certificate to practice a limited branch of medicine shall be automatically suspended if the certificate holder fails to renew the certificate in accordance with division (C) of this section. Continued practice after the suspension of the certificate to practice shall be considered as practicing in violation of sections 4731.34 and 4731.41 of the Revised Code.

If a certificate to practice has been suspended pursuant to this division for two years or less, it may be reinstated. The board shall reinstate the certificate upon an applicant's submission of a renewal application and payment of the biennial registration fee and the applicable monetary penalty. With regard to reinstatement of a certificate to practice cosmetic therapy, the applicant also shall submit with the application a certification that the number of hours of continuing education necessary to have a suspended certificate reinstated have been completed, as specified in rules the board shall adopt in accordance with Chapter 119. of the Revised Code. The penalty for reinstatement shall be twenty-five dollars.

If a certificate has been suspended pursuant to this division

for more than two years, it may be restored. Subject to section 54212  
4731.222 of the Revised Code, the board may restore the 54213  
certificate upon an applicant's submission of a restoration 54214  
application, the biennial registration fee, and the applicable 54215  
monetary penalty and compliance with sections 4776.01 to 4776.04 54216  
of the Revised Code. The board shall not restore to an applicant a 54217  
certificate to practice unless the board, in its discretion, 54218  
decides that the results of the criminal records check do not make 54219  
the applicant ineligible for a certificate issued pursuant to 54220  
section 4731.17 of the Revised Code. The penalty for restoration 54221  
is fifty dollars. 54222

**Sec. 4731.22.** (A) The state medical board, by an affirmative 54223  
vote of not fewer than six of its members, may limit, revoke, or 54224  
suspend an individual's certificate to practice, refuse to grant a 54225  
certificate to an individual, refuse to register an individual, 54226  
refuse to reinstate a certificate, or reprimand or place on 54227  
probation the holder of a certificate if the individual or 54228  
certificate holder is found by the board to have committed fraud 54229  
during the administration of the examination for a certificate to 54230  
practice or to have committed fraud, misrepresentation, or 54231  
deception in applying for or securing any certificate to practice 54232  
or certificate of registration issued by the board. 54233

(B) The board, by an affirmative vote of not fewer than six 54234  
members, shall, to the extent permitted by law, limit, revoke, or 54235  
suspend an individual's certificate to practice, refuse to 54236  
register an individual, refuse to reinstate a certificate, or 54237  
reprimand or place on probation the holder of a certificate for 54238  
one or more of the following reasons: 54239

(1) Permitting one's name or one's certificate to practice or 54240  
certificate of registration to be used by a person, group, or 54241  
corporation when the individual concerned is not actually 54242

directing the treatment given; 54243

(2) Failure to maintain minimal standards applicable to the 54244  
selection or administration of drugs, or failure to employ 54245  
acceptable scientific methods in the selection of drugs or other 54246  
modalities for treatment of disease; 54247

(3) Selling, giving away, personally furnishing, prescribing, 54248  
or administering drugs for other than legal and legitimate 54249  
therapeutic purposes or a plea of guilty to, a judicial finding of 54250  
guilt of, or a judicial finding of eligibility for intervention in 54251  
lieu of conviction of, a violation of any federal or state law 54252  
regulating the possession, distribution, or use of any drug; 54253

(4) Willfully betraying a professional confidence. 54254

For purposes of this division, "willfully betraying a 54255  
professional confidence" does not include providing any 54256  
information, documents, or reports ~~to a child fatality review~~ 54257  
~~board~~ under sections 307.621 to 307.629 of the Revised Code to a 54258  
child fatality review board; does not include providing any 54259  
information, documents, or reports to the director of health 54260  
pursuant to guidelines established under section 3701.70 of the 54261  
Revised Code; does not include a report to a drug task force or 54262  
law enforcement agency under section 4731.62 of the Revised Code; 54263  
and does not include the making of a report of an employee's use 54264  
of a drug of abuse, or a report of a condition of an employee 54265  
other than one involving the use of a drug of abuse, to the 54266  
employer of the employee as described in division (B) of section 54267  
2305.33 of the Revised Code. Nothing in this division affects the 54268  
immunity from civil liability conferred by ~~that~~ section 2305.33 or 54269  
4731.62 of the Revised Code upon a physician who makes ~~either type~~ 54270  
~~of a report~~ in accordance with ~~division (B) either~~ either ~~of that section~~ 54271  
those sections. As used in this division, "employee," "employer," 54272  
and "physician" have the same meanings as in section 2305.33 of 54273  
the Revised Code. 54274

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was



committed;	54306
(11) A plea of guilty to, a judicial finding of guilt of, or	54307
a judicial finding of eligibility for intervention in lieu of	54308
conviction for, a misdemeanor committed in the course of practice;	54309
(12) Commission of an act in the course of practice that	54310
constitutes a misdemeanor in this state, regardless of the	54311
jurisdiction in which the act was committed;	54312
(13) A plea of guilty to, a judicial finding of guilt of, or	54313
a judicial finding of eligibility for intervention in lieu of	54314
conviction for, a misdemeanor involving moral turpitude;	54315
(14) Commission of an act involving moral turpitude that	54316
constitutes a misdemeanor in this state, regardless of the	54317
jurisdiction in which the act was committed;	54318
(15) Violation of the conditions of limitation placed by the	54319
board upon a certificate to practice;	54320
(16) Failure to pay license renewal fees specified in this	54321
chapter;	54322
(17) Except as authorized in section 4731.31 of the Revised	54323
Code, engaging in the division of fees for referral of patients,	54324
or the receiving of a thing of value in return for a specific	54325
referral of a patient to utilize a particular service or business;	54326
(18) Subject to section 4731.226 of the Revised Code,	54327
violation of any provision of a code of ethics of the American	54328
medical association, the American osteopathic association, the	54329
American podiatric medical association, or any other national	54330
professional organizations that the board specifies by rule. The	54331
state medical board shall obtain and keep on file current copies	54332
of the codes of ethics of the various national professional	54333
organizations. The individual whose certificate is being suspended	54334
or revoked shall not be found to have violated any provision of a	54335

code of ethics of an organization not appropriate to the 54336  
individual's profession. 54337

For purposes of this division, a "provision of a code of 54338  
ethics of a national professional organization" does not include 54339  
any provision that would preclude the making of a report by a 54340  
physician of an employee's use of a drug of abuse, or of a 54341  
condition of an employee other than one involving the use of a 54342  
drug of abuse, to the employer of the employee as described in 54343  
division (B) of section 2305.33 of the Revised Code. Nothing in 54344  
this division affects the immunity from civil liability conferred 54345  
by that section upon a physician who makes either type of report 54346  
in accordance with division (B) of that section. As used in this 54347  
division, "employee," "employer," and "physician" have the same 54348  
meanings as in section 2305.33 of the Revised Code. 54349

(19) Inability to practice according to acceptable and 54350  
prevailing standards of care by reason of mental illness or 54351  
physical illness, including, but not limited to, physical 54352  
deterioration that adversely affects cognitive, motor, or 54353  
perceptive skills. 54354

In enforcing this division, the board, upon a showing of a 54355  
possible violation, may compel any individual authorized to 54356  
practice by this chapter or who has submitted an application 54357  
pursuant to this chapter to submit to a mental examination, 54358  
physical examination, including an HIV test, or both a mental and 54359  
a physical examination. The expense of the examination is the 54360  
responsibility of the individual compelled to be examined. Failure 54361  
to submit to a mental or physical examination or consent to an HIV 54362  
test ordered by the board constitutes an admission of the 54363  
allegations against the individual unless the failure is due to 54364  
circumstances beyond the individual's control, and a default and 54365  
final order may be entered without the taking of testimony or 54366  
presentation of evidence. If the board finds an individual unable 54367

to practice because of the reasons set forth in this division, the 54368  
board shall require the individual to submit to care, counseling, 54369  
or treatment by physicians approved or designated by the board, as 54370  
a condition for initial, continued, reinstated, or renewed 54371  
authority to practice. An individual affected under this division 54372  
shall be afforded an opportunity to demonstrate to the board the 54373  
ability to resume practice in compliance with acceptable and 54374  
prevailing standards under the provisions of the individual's 54375  
certificate. For the purpose of this division, any individual who 54376  
applies for or receives a certificate to practice under this 54377  
chapter accepts the privilege of practicing in this state and, by 54378  
so doing, shall be deemed to have given consent to submit to a 54379  
mental or physical examination when directed to do so in writing 54380  
by the board, and to have waived all objections to the 54381  
admissibility of testimony or examination reports that constitute 54382  
a privileged communication. 54383

(20) Except when civil penalties are imposed under section 54384  
4731.225 or ~~4731.281~~ 4731.282 of the Revised Code, and subject to 54385  
section 4731.226 of the Revised Code, violating or attempting to 54386  
violate, directly or indirectly, or assisting in or abetting the 54387  
violation of, or conspiring to violate, any provisions of this 54388  
chapter or any rule promulgated by the board. 54389

This division does not apply to a violation or attempted 54390  
violation of, assisting in or abetting the violation of, or a 54391  
conspiracy to violate, any provision of this chapter or any rule 54392  
adopted by the board that would preclude the making of a report by 54393  
a physician of an employee's use of a drug of abuse, or of a 54394  
condition of an employee other than one involving the use of a 54395  
drug of abuse, to the employer of the employee as described in 54396  
division (B) of section 2305.33 of the Revised Code. Nothing in 54397  
this division affects the immunity from civil liability conferred 54398  
by that section upon a physician who makes either type of report 54399

in accordance with division (B) of that section. As used in this 54400  
division, "employee," "employer," and "physician" have the same 54401  
meanings as in section 2305.33 of the Revised Code. 54402

(21) The violation of section 3701.79 of the Revised Code or 54403  
of any abortion rule adopted by the public health council pursuant 54404  
to section 3701.341 of the Revised Code; 54405

(22) Any of the following actions taken by an agency 54406  
responsible for authorizing, certifying, or regulating an 54407  
individual to practice a health care occupation or provide health 54408  
care services in this state or another jurisdiction, for any 54409  
reason other than the nonpayment of fees: the limitation, 54410  
revocation, or suspension of an individual's license to practice; 54411  
acceptance of an individual's license surrender; denial of a 54412  
license; refusal to renew or reinstate a license; imposition of 54413  
probation; or issuance of an order of censure or other reprimand; 54414

(23) The violation of section 2919.12 of the Revised Code or 54415  
the performance or inducement of an abortion upon a pregnant woman 54416  
with actual knowledge that the conditions specified in division 54417  
(B) of section 2317.56 of the Revised Code have not been satisfied 54418  
or with a heedless indifference as to whether those conditions 54419  
have been satisfied, unless an affirmative defense as specified in 54420  
division (H)(2) of that section would apply in a civil action 54421  
authorized by division (H)(1) of that section; 54422

(24) The revocation, suspension, restriction, reduction, or 54423  
termination of clinical privileges by the United States department 54424  
of defense or department of veterans affairs or the termination or 54425  
suspension of a certificate of registration to prescribe drugs by 54426  
the drug enforcement administration of the United States 54427  
department of justice; 54428

(25) Termination or suspension from participation in the 54429  
medicare or medicaid programs by the department of health and 54430

human services or other responsible agency for any act or acts 54431  
that also would constitute a violation of division (B)(2), (3), 54432  
(6), (8), or (19) of this section; 54433

(26) Impairment of ability to practice according to 54434  
acceptable and prevailing standards of care because of habitual or 54435  
excessive use or abuse of drugs, alcohol, or other substances that 54436  
impair ability to practice. 54437

For the purposes of this division, any individual authorized 54438  
to practice by this chapter accepts the privilege of practicing in 54439  
this state subject to supervision by the board. By filing an 54440  
application for or holding a certificate to practice under this 54441  
chapter, an individual shall be deemed to have given consent to 54442  
submit to a mental or physical examination when ordered to do so 54443  
by the board in writing, and to have waived all objections to the 54444  
admissibility of testimony or examination reports that constitute 54445  
privileged communications. 54446

If it has reason to believe that any individual authorized to 54447  
practice by this chapter or any applicant for certification to 54448  
practice suffers such impairment, the board may compel the 54449  
individual to submit to a mental or physical examination, or both. 54450  
The expense of the examination is the responsibility of the 54451  
individual compelled to be examined. Any mental or physical 54452  
examination required under this division shall be undertaken by a 54453  
treatment provider or physician who is qualified to conduct the 54454  
examination and who is chosen by the board. 54455

Failure to submit to a mental or physical examination ordered 54456  
by the board constitutes an admission of the allegations against 54457  
the individual unless the failure is due to circumstances beyond 54458  
the individual's control, and a default and final order may be 54459  
entered without the taking of testimony or presentation of 54460  
evidence. If the board determines that the individual's ability to 54461  
practice is impaired, the board shall suspend the individual's 54462

certificate or deny the individual's application and shall require 54463  
the individual, as a condition for initial, continued, reinstated, 54464  
or renewed certification to practice, to submit to treatment. 54465

Before being eligible to apply for reinstatement of a 54466  
certificate suspended under this division, the impaired 54467  
practitioner shall demonstrate to the board the ability to resume 54468  
practice in compliance with acceptable and prevailing standards of 54469  
care under the provisions of the practitioner's certificate. The 54470  
demonstration shall include, but shall not be limited to, the 54471  
following: 54472

(a) Certification from a treatment provider approved under 54473  
section 4731.25 of the Revised Code that the individual has 54474  
successfully completed any required inpatient treatment; 54475

(b) Evidence of continuing full compliance with an aftercare 54476  
contract or consent agreement; 54477

(c) Two written reports indicating that the individual's 54478  
ability to practice has been assessed and that the individual has 54479  
been found capable of practicing according to acceptable and 54480  
prevailing standards of care. The reports shall be made by 54481  
individuals or providers approved by the board for making the 54482  
assessments and shall describe the basis for their determination. 54483

The board may reinstate a certificate suspended under this 54484  
division after that demonstration and after the individual has 54485  
entered into a written consent agreement. 54486

When the impaired practitioner resumes practice, the board 54487  
shall require continued monitoring of the individual. The 54488  
monitoring shall include, but not be limited to, compliance with 54489  
the written consent agreement entered into before reinstatement or 54490  
with conditions imposed by board order after a hearing, and, upon 54491  
termination of the consent agreement, submission to the board for 54492  
at least two years of annual written progress reports made under 54493

penalty of perjury stating whether the individual has maintained sobriety.	54494 54495
(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code;	54496 54497
(28) Except as provided in division (N) of this section:	54498
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;	54499 54500 54501 54502 54503 54504
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.	54505 54506 54507 54508 54509
(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	54510 54511 54512
(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's file;	54513 54514 54515 54516 54517
(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;	54518 54519 54520 54521
(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist,	54522 54523

certified nurse-midwife, or certified nurse practitioner with whom 54524  
the physician or podiatrist is in collaboration pursuant to 54525  
section 4731.27 of the Revised Code or failure to fulfill the 54526  
responsibilities of collaboration after entering into a standard 54527  
care arrangement; 54528

(33) Failure to comply with the terms of a consult agreement 54529  
entered into with a pharmacist pursuant to section 4729.39 of the 54530  
Revised Code; 54531

(34) Failure to cooperate in an investigation conducted by 54532  
the board under division (F) of this section, including failure to 54533  
comply with a subpoena or order issued by the board or failure to 54534  
answer truthfully a question presented by the board in an 54535  
investigative interview, an investigative office conference, at a 54536  
deposition, or in written interrogatories, except that failure to 54537  
cooperate with an investigation shall not constitute grounds for 54538  
discipline under this section if a court of competent jurisdiction 54539  
has issued an order that either quashes a subpoena or permits the 54540  
individual to withhold the testimony or evidence in issue; 54541

(35) Failure to supervise an oriental medicine practitioner 54542  
or acupuncturist in accordance with Chapter 4762. of the Revised 54543  
Code and the board's rules for providing that supervision; 54544

(36) Failure to supervise an anesthesiologist assistant in 54545  
accordance with Chapter 4760. of the Revised Code and the board's 54546  
rules for supervision of an anesthesiologist assistant; 54547

(37) Assisting suicide, as defined in section 3795.01 of the 54548  
Revised Code; 54549

(38) Failure to comply with the requirements of section 54550  
2317.561 of the Revised Code; 54551

(39) Failure to supervise a radiologist assistant in 54552  
accordance with Chapter 4774. of the Revised Code and the board's 54553  
rules for supervision of radiologist assistants; 54554



(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	54555 54556 54557
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	54558 54559 54560 54561
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	54562 54563 54564 54565
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	54566 54567 54568 54569
(44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code;	54570 54571 54572 54573
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	54574 54575 54576 54577 54578
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	54579 54580 54581 54582
(47) Failure to comply with the requirement regarding maintaining notes described in division (B) of section 2919.191 of the Revised Code or failure to satisfy the requirements of section	54583 54584 54585

2919.191 of the Revised Code prior to performing or inducing an 54586  
abortion upon a pregnant woman; 54587

(48) Failure to comply with the requirements in section 54588  
3719.061 of the Revised Code before issuing for a minor a 54589  
prescription for an opioid analgesic, as defined in section 54590  
3719.01 of the Revised Code. 54591

(C) Disciplinary actions taken by the board under divisions 54592  
(A) and (B) of this section shall be taken pursuant to an 54593  
adjudication under Chapter 119. of the Revised Code, except that 54594  
in lieu of an adjudication, the board may enter into a consent 54595  
agreement with an individual to resolve an allegation of a 54596  
violation of this chapter or any rule adopted under it. A consent 54597  
agreement, when ratified by an affirmative vote of not fewer than 54598  
six members of the board, shall constitute the findings and order 54599  
of the board with respect to the matter addressed in the 54600  
agreement. If the board refuses to ratify a consent agreement, the 54601  
admissions and findings contained in the consent agreement shall 54602  
be of no force or effect. 54603

A telephone conference call may be utilized for ratification 54604  
of a consent agreement that revokes or suspends an individual's 54605  
certificate to practice. The telephone conference call shall be 54606  
considered a special meeting under division (F) of section 121.22 54607  
of the Revised Code. 54608

If the board takes disciplinary action against an individual 54609  
under division (B) of this section for a second or subsequent plea 54610  
of guilty to, or judicial finding of guilt of, a violation of 54611  
section 2919.123 of the Revised Code, the disciplinary action 54612  
shall consist of a suspension of the individual's certificate to 54613  
practice for a period of at least one year or, if determined 54614  
appropriate by the board, a more serious sanction involving the 54615  
individual's certificate to practice. Any consent agreement 54616  
entered into under this division with an individual that pertains 54617

to a second or subsequent plea of guilty to, or judicial finding 54618  
of guilt of, a violation of that section shall provide for a 54619  
suspension of the individual's certificate to practice for a 54620  
period of at least one year or, if determined appropriate by the 54621  
board, a more serious sanction involving the individual's 54622  
certificate to practice. 54623

(D) For purposes of divisions (B)(10), (12), and (14) of this 54624  
section, the commission of the act may be established by a finding 54625  
by the board, pursuant to an adjudication under Chapter 119. of 54626  
the Revised Code, that the individual committed the act. The board 54627  
does not have jurisdiction under those divisions if the trial 54628  
court renders a final judgment in the individual's favor and that 54629  
judgment is based upon an adjudication on the merits. The board 54630  
has jurisdiction under those divisions if the trial court issues 54631  
an order of dismissal upon technical or procedural grounds. 54632

(E) The sealing of conviction records by any court shall have 54633  
no effect upon a prior board order entered under this section or 54634  
upon the board's jurisdiction to take action under this section 54635  
if, based upon a plea of guilty, a judicial finding of guilt, or a 54636  
judicial finding of eligibility for intervention in lieu of 54637  
conviction, the board issued a notice of opportunity for a hearing 54638  
prior to the court's order to seal the records. The board shall 54639  
not be required to seal, destroy, redact, or otherwise modify its 54640  
records to reflect the court's sealing of conviction records. 54641

(F)(1) The board shall investigate evidence that appears to 54642  
show that a person has violated any provision of this chapter or 54643  
any rule adopted under it. Any person may report to the board in a 54644  
signed writing any information that the person may have that 54645  
appears to show a violation of any provision of this chapter or 54646  
any rule adopted under it. In the absence of bad faith, any person 54647  
who reports information of that nature or who testifies before the 54648  
board in any adjudication conducted under Chapter 119. of the 54649

Revised Code shall not be liable in damages in a civil action as a 54650  
result of the report or testimony. Each complaint or allegation of 54651  
a violation received by the board shall be assigned a case number 54652  
and shall be recorded by the board. 54653

(2) Investigations of alleged violations of this chapter or 54654  
any rule adopted under it shall be supervised by the supervising 54655  
member elected by the board in accordance with section 4731.02 of 54656  
the Revised Code and by the secretary as provided in section 54657  
4731.39 of the Revised Code. The president may designate another 54658  
member of the board to supervise the investigation in place of the 54659  
supervising member. No member of the board who supervises the 54660  
investigation of a case shall participate in further adjudication 54661  
of the case. 54662

(3) In investigating a possible violation of this chapter or 54663  
any rule adopted under this chapter, or in conducting an 54664  
inspection under division (E) of section 4731.054 of the Revised 54665  
Code, the board may question witnesses, conduct interviews, 54666  
administer oaths, order the taking of depositions, inspect and 54667  
copy any books, accounts, papers, records, or documents, issue 54668  
subpoenas, and compel the attendance of witnesses and production 54669  
of books, accounts, papers, records, documents, and testimony, 54670  
except that a subpoena for patient record information shall not be 54671  
issued without consultation with the attorney general's office and 54672  
approval of the secretary and supervising member of the board. 54673

(a) Before issuance of a subpoena for patient record 54674  
information, the secretary and supervising member shall determine 54675  
whether there is probable cause to believe that the complaint 54676  
filed alleges a violation of this chapter or any rule adopted 54677  
under it and that the records sought are relevant to the alleged 54678  
violation and material to the investigation. The subpoena may 54679  
apply only to records that cover a reasonable period of time 54680  
surrounding the alleged violation. 54681

(b) On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and

proceedings in a manner that protects the confidentiality of 54713  
patients and persons who file complaints with the board. The board 54714  
shall not make public the names or any other identifying 54715  
information about patients or complainants unless proper consent 54716  
is given or, in the case of a patient, a waiver of the patient 54717  
privilege exists under division (B) of section 2317.02 of the 54718  
Revised Code, except that consent or a waiver of that nature is 54719  
not required if the board possesses reliable and substantial 54720  
evidence that no bona fide physician-patient relationship exists. 54721

The board may share any information it receives pursuant to 54722  
an investigation or inspection, including patient records and 54723  
patient record information, with law enforcement agencies, other 54724  
licensing boards, and other governmental agencies that are 54725  
prosecuting, adjudicating, or investigating alleged violations of 54726  
statutes or administrative rules. An agency or board that receives 54727  
the information shall comply with the same requirements regarding 54728  
confidentiality as those with which the state medical board must 54729  
comply, notwithstanding any conflicting provision of the Revised 54730  
Code or procedure of the agency or board that applies when it is 54731  
dealing with other information in its possession. In a judicial 54732  
proceeding, the information may be admitted into evidence only in 54733  
accordance with the Rules of Evidence, but the court shall require 54734  
that appropriate measures are taken to ensure that confidentiality 54735  
is maintained with respect to any part of the information that 54736  
contains names or other identifying information about patients or 54737  
complainants whose confidentiality was protected by the state 54738  
medical board when the information was in the board's possession. 54739  
Measures to ensure confidentiality that may be taken by the court 54740  
include sealing its records or deleting specific information from 54741  
its records. 54742

(6) On a quarterly basis, the board shall prepare a report 54743  
that documents the disposition of all cases during the preceding 54744

three months. The report shall contain the following information 54745  
for each case with which the board has completed its activities: 54746

(a) The case number assigned to the complaint or alleged 54747  
violation; 54748

(b) The type of certificate to practice, if any, held by the 54749  
individual against whom the complaint is directed; 54750

(c) A description of the allegations contained in the 54751  
complaint; 54752

(d) The disposition of the case. 54753

The report shall state how many cases are still pending and 54754  
shall be prepared in a manner that protects the identity of each 54755  
person involved in each case. The report shall be a public record 54756  
under section 149.43 of the Revised Code. 54757

(G) If the secretary and supervising member determine both of 54758  
the following, they may recommend that the board suspend an 54759  
individual's certificate to practice without a prior hearing: 54760

(1) That there is clear and convincing evidence that an 54761  
individual has violated division (B) of this section; 54762

(2) That the individual's continued practice presents a 54763  
danger of immediate and serious harm to the public. 54764

Written allegations shall be prepared for consideration by 54765  
the board. The board, upon review of those allegations and by an 54766  
affirmative vote of not fewer than six of its members, excluding 54767  
the secretary and supervising member, may suspend a certificate 54768  
without a prior hearing. A telephone conference call may be 54769  
utilized for reviewing the allegations and taking the vote on the 54770  
summary suspension. 54771

The board shall issue a written order of suspension by 54772  
certified mail or in person in accordance with section 119.07 of 54773  
the Revised Code. The order shall not be subject to suspension by 54774

the court during pendency of any appeal filed under section 119.12 54775  
of the Revised Code. If the individual subject to the summary 54776  
suspension requests an adjudicatory hearing by the board, the date 54777  
set for the hearing shall be within fifteen days, but not earlier 54778  
than seven days, after the individual requests the hearing, unless 54779  
otherwise agreed to by both the board and the individual. 54780

Any summary suspension imposed under this division shall 54781  
remain in effect, unless reversed on appeal, until a final 54782  
adjudicative order issued by the board pursuant to this section 54783  
and Chapter 119. of the Revised Code becomes effective. The board 54784  
shall issue its final adjudicative order within seventy-five days 54785  
after completion of its hearing. A failure to issue the order 54786  
within seventy-five days shall result in dissolution of the 54787  
summary suspension order but shall not invalidate any subsequent, 54788  
final adjudicative order. 54789

(H) If the board takes action under division (B)(9), (11), or 54790  
(13) of this section and the judicial finding of guilt, guilty 54791  
plea, or judicial finding of eligibility for intervention in lieu 54792  
of conviction is overturned on appeal, upon exhaustion of the 54793  
criminal appeal, a petition for reconsideration of the order may 54794  
be filed with the board along with appropriate court documents. 54795  
Upon receipt of a petition of that nature and supporting court 54796  
documents, the board shall reinstate the individual's certificate 54797  
to practice. The board may then hold an adjudication under Chapter 54798  
119. of the Revised Code to determine whether the individual 54799  
committed the act in question. Notice of an opportunity for a 54800  
hearing shall be given in accordance with Chapter 119. of the 54801  
Revised Code. If the board finds, pursuant to an adjudication held 54802  
under this division, that the individual committed the act or if 54803  
no hearing is requested, the board may order any of the sanctions 54804  
identified under division (B) of this section. 54805

(I) The certificate to practice issued to an individual under 54806



this chapter and the individual's practice in this state are 54807  
automatically suspended as of the date of the individual's second 54808  
or subsequent plea of guilty to, or judicial finding of guilt of, 54809  
a violation of section 2919.123 of the Revised Code, or the date 54810  
the individual pleads guilty to, is found by a judge or jury to be 54811  
guilty of, or is subject to a judicial finding of eligibility for 54812  
intervention in lieu of conviction in this state or treatment or 54813  
intervention in lieu of conviction in another jurisdiction for any 54814  
of the following criminal offenses in this state or a 54815  
substantially equivalent criminal offense in another jurisdiction: 54816  
aggravated murder, murder, voluntary manslaughter, felonious 54817  
assault, kidnapping, rape, sexual battery, gross sexual 54818  
imposition, aggravated arson, aggravated robbery, or aggravated 54819  
burglary. Continued practice after suspension shall be considered 54820  
practicing without a certificate. 54821

The board shall notify the individual subject to the 54822  
suspension by certified mail or in person in accordance with 54823  
section 119.07 of the Revised Code. If an individual whose 54824  
certificate is automatically suspended under this division fails 54825  
to make a timely request for an adjudication under Chapter 119. of 54826  
the Revised Code, the board shall do whichever of the following is 54827  
applicable: 54828

(1) If the automatic suspension under this division is for a 54829  
second or subsequent plea of guilty to, or judicial finding of 54830  
guilt of, a violation of section 2919.123 of the Revised Code, the 54831  
board shall enter an order suspending the individual's certificate 54832  
to practice for a period of at least one year or, if determined 54833  
appropriate by the board, imposing a more serious sanction 54834  
involving the individual's certificate to practice. 54835

(2) In all circumstances in which division (I)(1) of this 54836  
section does not apply, enter a final order permanently revoking 54837  
the individual's certificate to practice. 54838

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's certificate to practice. The

telephone conference call shall be considered a special meeting 54871  
under division (F) of section 121.22 of the Revised Code. 54872  
Reinstatement of a certificate surrendered to the board requires 54873  
an affirmative vote of not fewer than six members of the board. 54874

(2) An application for a certificate made under the 54875  
provisions of this chapter may not be withdrawn without approval 54876  
of the board. 54877

(3) Failure by an individual to renew a certificate of 54878  
registration in accordance with this chapter shall not remove or 54879  
limit the board's jurisdiction to take any disciplinary action 54880  
under this section against the individual. 54881

(4) At the request of the board, a certificate holder shall 54882  
immediately surrender to the board a certificate that the board 54883  
has suspended, revoked, or permanently revoked. 54884

(N) Sanctions shall not be imposed under division (B)(28) of 54885  
this section against any person who waives deductibles and 54886  
copayments as follows: 54887

(1) In compliance with the health benefit plan that expressly 54888  
allows such a practice. Waiver of the deductibles or copayments 54889  
shall be made only with the full knowledge and consent of the plan 54890  
purchaser, payer, and third-party administrator. Documentation of 54891  
the consent shall be made available to the board upon request. 54892

(2) For professional services rendered to any other person 54893  
authorized to practice pursuant to this chapter, to the extent 54894  
allowed by this chapter and rules adopted by the board. 54895

(O) Under the board's investigative duties described in this 54896  
section and subject to division (F) of this section, the board 54897  
shall develop and implement a quality intervention program 54898  
designed to improve through remedial education the clinical and 54899  
communication skills of individuals authorized under this chapter 54900  
to practice medicine and surgery, osteopathic medicine and 54901

surgery, and podiatric medicine and surgery. In developing and 54902  
implementing the quality intervention program, the board may do 54903  
all of the following: 54904

(1) Offer in appropriate cases as determined by the board an 54905  
educational and assessment program pursuant to an investigation 54906  
the board conducts under this section; 54907

(2) Select providers of educational and assessment services, 54908  
including a quality intervention program panel of case reviewers; 54909

(3) Make referrals to educational and assessment service 54910  
providers and approve individual educational programs recommended 54911  
by those providers. The board shall monitor the progress of each 54912  
individual undertaking a recommended individual educational 54913  
program. 54914

(4) Determine what constitutes successful completion of an 54915  
individual educational program and require further monitoring of 54916  
the individual who completed the program or other action that the 54917  
board determines to be appropriate; 54918

(5) Adopt rules in accordance with Chapter 119. of the 54919  
Revised Code to further implement the quality intervention 54920  
program. 54921

An individual who participates in an individual educational 54922  
program pursuant to this division shall pay the financial 54923  
obligations arising from that educational program. 54924

**Sec. 4731.222.** (A) This section applies to both of the 54925  
following: 54926

(1) An applicant seeking restoration of a certificate issued 54927  
under this chapter that has been in a suspended or inactive state 54928  
for any cause for more than two years; 54929

(2) An applicant seeking issuance of a certificate pursuant 54930  
to section 4731.17, 4731.29, 4731.295, 4731.57, or 4731.571 of the 54931

Revised Code who for more than two years has not been engaged in 54932  
the practice of medicine and surgery, osteopathic medicine and 54933  
surgery, podiatric medicine and surgery, or a limited branch of 54934  
medicine as any of the following: 54935

(a) An active practitioner; 54936

(b) A participant in a program of graduate medical education, 54937  
as defined in section 4731.091 of the Revised Code; 54938

(c) A student in a college of podiatry determined by the 54939  
state medical board to be in good standing; 54940

(d) A student in a school, college, or institution giving 54941  
instruction in a limited branch of medicine determined by the 54942  
board to be in good standing under section 4731.16 of the Revised 54943  
Code. 54944

(B) Before restoring a certificate to good standing for or 54945  
issuing a certificate to an applicant subject to this section, the 54946  
state medical board may impose terms and conditions including any 54947  
one or more of the following: 54948

(1) Requiring the applicant to pass an oral or written 54949  
examination, or both, to determine the applicant's present fitness 54950  
to resume practice; 54951

(2) Requiring the applicant to obtain additional training and 54952  
to pass an examination upon completion of such training; 54953

(3) Requiring an assessment of the applicant's physical 54954  
skills for purposes of determining whether the applicant's 54955  
coordination, fine motor skills, and dexterity are sufficient for 54956  
performing medical evaluations and procedures in a manner that 54957  
meets the minimal standards of care; 54958

(4) Requiring an assessment of the applicant's skills in 54959  
recognizing and understanding diseases and conditions; 54960

(5) Requiring the applicant to undergo a comprehensive 54961

physical examination, which may include an assessment of physical 54962  
abilities, evaluation of sensory capabilities, or screening for 54963  
the presence of neurological disorders; 54964

(6) Restricting or limiting the extent, scope, or type of 54965  
practice of the applicant. 54966

The board shall consider the moral background and the 54967  
activities of the applicant during the period of suspension or 54968  
inactivity, in accordance with section 4731.08, 4731.19, or 54969  
4731.52 of the Revised Code. The board shall not restore a 54970  
certificate under this section unless the applicant complies with 54971  
sections 4776.01 to 4776.04 of the Revised Code. 54972

**Sec. 4731.225.** (A) If the holder of a certificate issued 54973  
under this chapter violates division (A), (B), or (C) of section 54974  
4731.66 or section 4731.69 of the Revised Code, or if any other 54975  
person violates division (B) or (C) of section 4731.66 or section 54976  
4731.69 of the Revised Code, the state medical board, pursuant to 54977  
an adjudication under Chapter 119. of the Revised Code and an 54978  
affirmative vote of not fewer than six of its members, shall: 54979

~~(A)~~(1) For a first violation, impose a civil penalty of not 54980  
more than five thousand dollars; 54981

~~(B)~~(2) For each subsequent violation, impose a civil penalty 54982  
of not more than twenty thousand dollars and, if the violator is a 54983  
certificate holder, proceed under division (B)(27) of section 54984  
4731.22 of the Revised Code. 54985

(B)(1) If the holder of a certificate issued under this 54986  
chapter violates any section of this chapter other than section 54987  
4731.281 of the Revised Code or the sections specified in division 54988  
(A) of this section, or violates any rule adopted under this 54989  
chapter, the board may, pursuant to an adjudication under Chapter 54990  
119. of the Revised Code and an affirmative vote of not fewer than 54991

six of its members, impose a civil penalty. The amount of the 54992  
civil penalty shall be determined by the board in accordance with 54993  
the guidelines adopted under division (B)(2) of this section. The 54994  
civil penalty may be in addition to any other action the board may 54995  
take under section 4731.22 of the Revised Code. 54996

(2) The board shall adopt and may amend guidelines regarding 54997  
the amounts of civil penalties to be imposed under this section. 54998  
Adoption or amendment of the guidelines requires the approval of 54999  
not fewer than six board members. 55000

Under the guidelines, no civil penalty amount shall exceed 55001  
twenty thousand dollars. 55002

(C) Amounts received from payment of civil penalties imposed 55003  
under this section shall be deposited by the board in accordance 55004  
with section 4731.24 of the Revised Code. Amounts received from 55005  
payment of civil penalties imposed for violations of division 55006  
(B)(26) of section 4731.22 of the Revised Code shall be used by 55007  
the board solely for investigations, enforcement, and compliance 55008  
monitoring. 55009

**Sec. 4731.24.** Except as provided in sections 4731.281 and 55010  
4731.40 of the Revised Code, all receipts of the state medical 55011  
board, from any source, shall be deposited in the state treasury. 55012  
~~Until July 1, 1998, the funds shall be deposited to the credit of~~ 55013  
~~the occupational licensing and regulatory fund. On and after July~~ 55014  
~~1, 1998, the~~ The funds shall be deposited to the credit of the 55015  
state medical board operating fund, which is hereby created ~~on~~ 55016  
~~July 1, 1998. All~~ Except as provided in sections 4730.252, 55017  
4731.225, 4760.133, 4762.133, 4774.133, and 4778.141 of the 55018  
Revised Code, all funds deposited into the state treasury under 55019  
this section shall be used solely for the administration and 55020  
enforcement of this chapter and Chapters 4730., 4760., 4762., 55021  
4774., and 4778. of the Revised Code by the board. 55022

~~Sec. 4731.281. (A) On or before the deadline established 55023  
under division (B) of this section for applying for renewal of a 55024  
certificate of registration, each person holding a certificate 55025  
under this chapter to practice medicine and surgery, osteopathic 55026  
medicine and surgery, or podiatric medicine and surgery shall 55027  
certify to the state medical board that in the preceding two years 55028  
the person has completed one hundred hours of continuing medical 55029  
education. The certification shall be made upon the application 55030  
for biennial registration submitted pursuant to division (B) of 55031  
this section. The board shall adopt rules providing for pro rata 55032  
reductions by month of the number of hours of continuing education 55033  
required for persons who are in their first registration period, 55034  
who have been disabled due to illness or accident, or who have 55035  
been absent from the country. 55036~~

~~In determining whether a course, program, or activity 55037  
qualifies for credit as continuing medical education, the board 55038  
shall approve all continuing medical education taken by persons 55039  
holding a certificate to practice medicine and surgery that is 55040  
certified by the Ohio state medical association, all continuing 55041  
medical education taken by persons holding a certificate to 55042  
practice osteopathic medicine and surgery that is certified by the 55043  
Ohio osteopathic association, and all continuing medical education 55044  
taken by persons holding a certificate to practice podiatric 55045  
medicine and surgery that is certified by the Ohio podiatric 55046  
medical association. Each person holding a certificate to practice 55047  
under this chapter shall be given sufficient choice of continuing 55048  
education programs to ensure that the person has had a reasonable 55049  
opportunity to participate in continuing education programs that 55050  
are relevant to the person's medical practice in terms of subject 55051  
matter and level. 55052~~

~~The board may require a random sample of persons holding a 55053  
certificate to practice under this chapter to submit materials 55054~~



~~documenting completion of the continuing medical education 55055  
requirement during the preceding registration period, but this 55056  
provision shall not limit the board's authority to investigate 55057  
pursuant to section 4731.22 of the Revised Code. 55058~~

~~(B)(1) Every person holding a certificate under this chapter 55059  
to practice medicine and surgery, osteopathic medicine and 55060  
surgery, or podiatric medicine and surgery wishing to renew that 55061  
certificate shall apply to the board for a certificate of 55062  
registration upon an application furnished by the board, and pay 55063  
to the board at the time of application a fee of three hundred 55064  
five dollars, according to the following schedule: 55065~~

~~(a) Persons whose last name begins with the letters "A" 55066  
through "B," on or before April 1, 2001, and the first day of 55067  
April of every odd-numbered year thereafter; 55068~~

~~(b) Persons whose last name begins with the letters "C" 55069  
through "D," on or before January 1, 2001, and the first day of 55070  
January of every odd-numbered year thereafter; 55071~~

~~(c) Persons whose last name begins with the letters "E" 55072  
through "G," on or before October 1, 2000, and the first day of 55073  
October of every even-numbered year thereafter; 55074~~

~~(d) Persons whose last name begins with the letters "H" 55075  
through "K," on or before July 1, 2000, and the first day of July 55076  
of every even-numbered year thereafter; 55077~~

~~(e) Persons whose last name begins with the letters "L" 55078  
through "M," on or before April 1, 2000, and the first day of 55079  
April of every even-numbered year thereafter; 55080~~

~~(f) Persons whose last name begins with the letters "N" 55081  
through "R," on or before January 1, 2000, and the first day of 55082  
January of every even-numbered year thereafter; 55083~~

~~(g) Persons whose last name begins with the letter "S," on or 55084~~

before October 1, 1999, and the first day of October of every 55085  
odd-numbered year thereafter; 55086

(h) Persons whose last name begins with the letters "T" 55087  
through "Z," on or before July 1, 1999, and the first day of July 55088  
of every odd-numbered year thereafter. 55089

The board shall deposit the fee in accordance with section 55090  
4731.24 of the Revised Code, except that the board shall deposit 55091  
twenty dollars of the fee into the state treasury to the credit of 55092  
the physician loan repayment fund created by section 3702.78 of 55093  
the Revised Code. 55094

(2) The board shall mail or cause to be mailed to every 55095  
person registered to practice medicine and surgery, osteopathic 55096  
medicine and surgery, or podiatric medicine and surgery, a notice 55097  
of registration renewal addressed to the person's last known 55098  
address or may cause the notice to be sent to the person through 55099  
the secretary of any recognized medical, osteopathic, or podiatric 55100  
society, according to the following schedule: 55101

(a) To persons whose last name begins with the letters "A" 55102  
through "B," on or before January 1, 2001, and the first day of 55103  
January of every odd-numbered year thereafter; 55104

(b) To persons whose last name begins with the letters "C" 55105  
through "D," on or before October 1, 2000, and the first day of 55106  
October of every even-numbered year thereafter; 55107

(c) To persons whose last name begins with the letters "E" 55108  
through "G," on or before July 1, 2000, and the first day of July 55109  
of every even-numbered year thereafter; 55110

(d) To persons whose last name begins with the letters "H" 55111  
through "K," on or before April 1, 2000, and the first day of 55112  
April of every even-numbered year thereafter; 55113

(e) To persons whose last name begins with the letters "L" 55114

through "M," on or before January 1, 2000, and the first day of 55115  
January of every even-numbered year thereafter; 55116

(f) To persons whose last name begins with the letters "N" 55117  
through "R," on or before October 1, 1999, and the first day of 55118  
October of every odd-numbered year thereafter; 55119

(g) To persons whose last name begins with the letter "S," on 55120  
or before July 1, 1999, and the first day of July of every 55121  
odd-numbered year thereafter; 55122

(h) To persons whose last name begins with the letters "T" 55123  
through "Z," on or before April 1, 1999, and the first day of 55124  
April of every odd-numbered year thereafter. 55125

(3) Failure of any person to receive a notice of renewal from 55126  
the board shall not excuse the person from the requirements 55127  
contained in this section. 55128

(4) The board's notice shall inform the applicant of the 55129  
renewal procedure. The board shall provide the application for 55130  
registration renewal in a form determined by the board. 55131

(5) The applicant shall provide in the application the 55132  
applicant's full name, principal practice address and residence 55133  
address, the number of the applicant's certificate to practice, 55134  
and any other information required by the board. 55135

(6)(a) Except as provided in division ~~(B)~~(A)(6)(b) of this 55136  
section, in the case of an applicant who prescribes or personally 55137  
furnishes opioid analgesics or benzodiazepines, as defined in 55138  
section 3719.01 of the Revised Code, the applicant shall certify 55139  
to the board whether the applicant has been granted access to the 55140  
drug database established and maintained by the state board of 55141  
pharmacy pursuant to section 4729.75 of the Revised Code. 55142

(b) The requirement in division ~~(B)~~(A)(6)(a) of this section 55143  
does not apply if any of the following is the case: 55144

(i) The state board of pharmacy notifies the state medical board pursuant to section 4729.861 of the Revised Code that the applicant has been restricted from obtaining further information from the drug database.

(ii) The state board of pharmacy no longer maintains the drug database.

(iii) The applicant does not practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery in this state.

(c) If an applicant certifies to the state medical board that the applicant has been granted access to the drug database and the board finds through an audit or other means that the applicant has not been granted access, the board may take action under section 4731.22 of the Revised Code.

(7) The applicant shall include with the application a list of the names and addresses of any clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners with whom the applicant is currently collaborating, as defined in section 4723.01 of the Revised Code. Every person registered under this section shall give written notice to the state medical board of any change of principal practice address or residence address or in the list within thirty days of the change.

(8) The applicant shall report any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last filing an application for a certificate of registration.

(9) The applicant shall execute and deliver the application to the board in a manner prescribed by the board.

~~(C)~~(B) The board shall issue to any person holding a certificate under this chapter to practice medicine and surgery,

osteopathic medicine and surgery, or podiatric medicine and 55176  
surgery, upon application and qualification therefor in accordance 55177  
with this section, a certificate of registration under the seal of 55178  
the board. A certificate of registration shall be valid for a 55179  
two-year period. 55180

~~(D) Failure of any certificate holder to register and comply 55181  
with this section shall operate automatically to suspend the 55182  
holder's certificate to practice. Continued practice after the 55183  
suspension of the certificate to practice shall be considered as 55184  
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 55185  
the Revised Code. If the certificate has been suspended pursuant 55186  
to this division for two years or less, it may be reinstated. The 55187  
board shall reinstate a certificate to practice suspended for 55188  
failure to register upon an applicant's submission of a renewal 55189  
application, the biennial registration fee, and the applicable 55190  
monetary penalty. The penalty for reinstatement shall be fifty 55191  
dollars. If the certificate has been suspended pursuant to this 55192  
division for more than two years, it may be restored. Subject to 55193  
section 4731.222 of the Revised Code, the board may restore a 55194  
certificate to practice suspended for failure to register upon an 55195  
applicant's submission of a restoration application, the biennial 55196  
registration fee, and the applicable monetary penalty and 55197  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 55198  
The board shall not restore to an applicant a certificate to 55199  
practice unless the board, in its discretion, decides that the 55200  
results of the criminal records check do not make the applicant 55201  
ineligible for a certificate issued pursuant to section 4731.14, 55202  
4731.56, or 4731.57 of the Revised Code. The penalty for 55203  
restoration shall be one hundred dollars. The board shall deposit 55204  
the penalties in accordance with section 4731.24 of the Revised 55205  
Code. 55206~~

~~(E) If an individual certifies completion of the number of 55207~~

~~hours and type of continuing medical education required to receive 55208  
a certificate of registration or reinstatement of a certificate to 55209  
practice, and the board finds through the random samples it 55210  
conducts under this section or through any other means that the 55211  
individual did not complete the requisite continuing medical 55212  
education, the board may impose a civil penalty of not more than 55213  
five thousand dollars. The board's finding shall be made pursuant 55214  
to an adjudication under Chapter 119. of the Revised Code and by 55215  
an affirmative vote of not fewer than six members. 55216~~

~~A civil penalty imposed under this division may be in 55217  
addition to or in lieu of any other action the board may take 55218  
under section 4731.22 of the Revised Code. The board shall deposit 55219  
civil penalties in accordance with section 4731.24 of the Revised 55220  
Code. 55221~~

(F)(C) Pursuant to section 4731.22 of the Revised Code, the 55222  
board may suspend an individual's certificate to practice for 55223  
failure to register and comply with this section. If an individual 55224  
continues to practice after suspension, that activity constitutes 55225  
practicing in violation of section 4731.41 or 4731.60 of the 55226  
Revised Code. If the certificate has been suspended for two years 55227  
or less, it may be reinstated. The board shall reinstate a 55228  
certificate to practice for failure to register on an applicant's 55229  
submission of a renewal application, the biennial registration 55230  
fee, and the applicable monetary penalty. If the certificate has 55231  
been suspended for more than two years, it may be restored. 55232  
Subject to section 4731.222 of the Revised Code, the board may 55233  
restore a certificate to practice suspended for failure to 55234  
register on an applicant's submission of a restoration 55235  
application, the biennial registration fee, and the applicable 55236  
monetary penalty and compliance with sections 4776.01 to 4776.04 55237  
of the Revised Code. The board shall not restore to an applicant a 55238  
certificate to practice unless the board, in its discretion, 55239

decides that the results of the criminal records check required by 55240  
section 4776.02 of the Revised Code do not make the applicant 55241  
ineligible for a certificate issued pursuant to section 4731.14, 55242  
4731.56, or 4731.57 of the Revised Code. 55243

The monetary penalty for reinstatement is one hundred 55244  
dollars. The monetary penalty for restoration is two hundred 55245  
dollars. 55246

Amounts received from payment of civil penalties and monetary 55247  
penalties imposed under this division shall be deposited in 55248  
accordance with section 4731.24 of the Revised Code. 55249

(D) The state medical board may obtain information not 55250  
protected by statutory or common law privilege from courts and 55251  
other sources concerning malpractice claims against any person 55252  
holding a certificate to practice under this chapter or practicing 55253  
as provided in section 4731.36 of the Revised Code. 55254

~~(G)~~(E) Each mailing sent by the board under division 55255  
~~(B)~~(A)(2) of this section to a person registered to practice 55256  
medicine and surgery or osteopathic medicine and surgery shall 55257  
inform the applicant of the reporting requirement established by 55258  
division (H) of section 3701.79 of the Revised Code. At the 55259  
discretion of the board, the information may be included on the 55260  
application for registration or on an accompanying page. 55261

~~Sec. 4731.282. Not later than ninety days after the effective~~ 55262  
~~date of this section, the state medical board shall approve one or~~ 55263  
~~more continuing medical education courses of study included within~~ 55264  
~~the programs certified by the Ohio state medical association and~~ 55265  
~~the Ohio osteopathic association pursuant to section 4731.281 of~~ 55266  
~~the Revised Code that assist doctors of medicine and doctors of~~ 55267  
~~osteopathic medicine in recognizing (A)(1) Except as provided in~~ 55268  
~~division (D) of this section, each person holding a certificate to~~ 55269  
~~practice medicine and surgery, osteopathic medicine and surgery,~~ 55270

or podiatric medicine and surgery issued by the state medical 55271  
board shall complete biennially not less than one hundred hours of 55272  
continuing medical education that has been approved by the board. 55273

(2) Each person holding a certificate to practice shall be 55275  
given sufficient choice of continuing education programs to ensure 55276  
that the person has had a reasonable opportunity to participate in 55277  
continuing education programs that are relevant to the person's 55278  
medical practice in terms of subject matter and level. 55279

(B) In determining whether a course, program, or activity 55280  
qualifies for credit as continuing medical education, the board 55281  
shall approve all of the following: 55282

(1) Continuing medical education completed by holders of 55283  
certificates to practice medicine and surgery that is certified by 55284  
the Ohio state medical association; 55285

(2) Continuing medical education completed by holders of 55286  
certificates to practice osteopathic medicine and surgery that is 55287  
certified by the Ohio osteopathic association; 55288

(3) Continuing medical education completed by holders of 55289  
certificates to practice podiatric medicine and surgery that is 55290  
certified by the Ohio podiatric medical association. 55291

(C) The board shall approve one or more continuing medical 55292  
education courses of study included within the programs certified 55293  
by the Ohio state medical association and the Ohio osteopathic 55294  
association under divisions (B)(1) and (2) of this section that 55295  
assist doctors of medicine and doctors of osteopathic medicine in 55296  
both of the following: 55297

(1) Recognizing the signs of domestic violence and its 55298  
relationship to child abuse. ~~Doctors are not required to take the~~ 55299  
courses; 55300



(2) Diagnosing and treating chronic pain, as defined in 55301  
section 4731.052 of the Revised Code. 55302

(D) The board shall adopt rules providing for pro rata 55303  
reductions by month of the number of hours of continuing education 55304  
that must be completed for certificate holders who are in their 55305  
first registration period, have been disabled by illness or 55306  
accident, or have been absent from the country. The board shall 55307  
adopt the rules in accordance with Chapter 119. of the Revised 55308  
Code. 55309

(E) The board may require a random sample of holders of 55310  
certificates to practice medicine and surgery, osteopathic 55311  
medicine and surgery, or podiatric medicine and surgery to submit 55312  
materials documenting completion of the required number of hours 55313  
of continuing medical education. This division does not limit the 55314  
board's authority to conduct investigations pursuant to section 55315  
4731.22 of the Revised Code. 55316

(F) The board may impose a civil penalty of not more than 55317  
five thousand dollars if, through a random sample conducted under 55318  
division (E) of this section or any other means, it finds that an 55319  
individual falsely certified that the individual completed the 55320  
number of hours and type of continuing medical education required 55321  
for renewal of a certificate of registration. If the civil penalty 55322  
is imposed in addition to any other action the board takes under 55323  
section 4731.22 of the Revised Code, the board's finding shall be 55324  
made pursuant to an adjudication under Chapter 119. of the Revised 55325  
Code and by an affirmative vote of not fewer than six of its 55326  
members. 55327

A civil penalty imposed under this division may be in 55328  
addition to or in lieu of any other action the board takes under 55329  
section 4731.22 of the Revised Code. The board shall deposit civil 55330  
penalties in accordance with section 4731.24 of the Revised Code. 55331

Sec. 4731.293. (A) The state medical board may issue, without 55332  
examination, a clinical research faculty certificate to any person 55333  
who applies for the certificate and provides to the board all of 55334  
the following: 55335

(1) Evidence satisfactory to the board of all of the 55336  
following: 55337

(a) That the applicant holds a current, unrestricted license 55338  
to practice medicine and surgery or osteopathic medicine and 55339  
surgery issued by another state or country; 55340

(b) That the applicant has been appointed to serve in this 55341  
state on the academic staff of a medical school accredited by the 55342  
liaison committee on medical education or an osteopathic medical 55343  
school accredited by the American osteopathic association; 55344

(c) That the applicant is an international medical graduate 55345  
who holds a medical degree from an educational institution listed 55346  
in the international medical education directory. 55347

(2) An affidavit and supporting documentation from the dean 55348  
of the medical school or the department director or chairperson of 55349  
a teaching hospital affiliated with the school that the applicant 55350  
is qualified to perform teaching and research activities and will 55351  
be permitted to work only under the authority of the department 55352  
director or chairperson of a teaching hospital affiliated with the 55353  
medical school where the applicant's teaching and research 55354  
activities will occur; 55355

(3) A description from the medical school or teaching 55356  
hospital of the scope of practice in which the applicant will be 55357  
involved, including the types of teaching, research, and 55358  
procedures in which the applicant will be engaged; 55359

(4) A description from the medical school or teaching 55360  
hospital of the type and amount of patient contact that will occur 55361

in connection with the applicant's teaching and research 55362  
activities. 55363

(B) An applicant for an initial clinical research faculty 55364  
certificate shall pay a fee of three hundred seventy-five dollars. 55365

(C) The holder of a clinical research faculty certificate may 55366  
practice medicine and surgery or osteopathic medicine and surgery 55367  
only as is incidental to the certificate holder's teaching or 55368  
research duties at the medical school or a teaching hospital 55369  
affiliated with the school. The board may revoke a certificate on 55370  
receiving proof satisfactory to the board that the certificate 55371  
holder has engaged in practice in this state outside the scope of 55372  
the certificate or that there are grounds for action against the 55373  
certificate holder under section 4731.22 of the Revised Code. 55374

(D) A clinical research faculty certificate is valid for 55375  
three years, except that the certificate ceases to be valid if the 55376  
holder's appointment to the academic staff of the school is no 55377  
longer valid or the certificate is revoked pursuant to division 55378  
(C) of this section. 55379

(E)(1) Three months before a clinical research faculty 55380  
certificate expires, the board shall mail or cause to be mailed to 55381  
the certificate holder a notice of renewal addressed to the 55382  
certificate holder's last known address. Failure of a certificate 55383  
holder to receive a notice of renewal from the board shall not 55384  
excuse the certificate holder from the requirements contained in 55385  
this section. The notice shall inform the certificate holder of 55386  
the renewal procedure. The notice also shall inform the 55387  
certificate holder of the reporting requirement established by 55388  
division (H) of section 3701.79 of the Revised Code. At the 55389  
discretion of the board, the information may be included on the 55390  
application for renewal or on an accompanying page. 55391

(2) A clinical research faculty certificate may be renewed 55392

for an additional three-year period. There is no limit on the 55393  
number of times a certificate may be renewed. A person seeking 55394  
renewal of a certificate shall apply to the board. The board shall 55395  
provide the application for renewal in a form determined by the 55396  
board. 55397

(3) An applicant is eligible for renewal if the applicant 55398  
does all of the following: 55399

(a) Pays a renewal fee of three hundred seventy-five dollars; 55400

(b) Reports any criminal offense to which the applicant has 55401  
pleaded guilty, of which the applicant has been found guilty, or 55402  
for which the applicant has been found eligible for intervention 55403  
in lieu of conviction, since last filing an application for a 55404  
clinical research faculty certificate; 55405

(c) Provides to the board an affidavit and supporting 55406  
documentation from the dean of the medical school or the 55407  
department director or chairperson of a teaching hospital 55408  
affiliated with the school that the applicant is in compliance 55409  
with the applicant's current clinical research faculty 55410  
certificate; 55411

(d) Provides evidence satisfactory to the board of all of the 55412  
following: 55413

(i) That the applicant continues to maintain a current, 55414  
unrestricted license to practice medicine and surgery or 55415  
osteopathic medicine and surgery issued by another state or 55416  
country; 55417

(ii) That the applicant's initial appointment to serve in 55418  
this state on the academic staff of a medical school is still 55419  
valid or has been renewed; 55420

(iii) That the applicant has completed one hundred fifty 55421  
hours of continuing medical education that meet the requirements 55422

set forth in section ~~4731.281~~ 4731.282 of the Revised Code. 55423

(4) Regardless of whether the certificate has expired, a 55424  
person who was granted a visiting medical faculty certificate 55425  
under this section as it existed immediately prior to ~~the~~ 55426  
~~effective date of this amendment~~ June 6, 2012, may apply for a 55427  
clinical research faculty certificate as a renewal. The board may 55428  
issue the clinical research faculty certificate if the applicant 55429  
meets the requirements of division (E)(3) of this section. The 55430  
board may not issue a clinical research faculty certificate if the 55431  
visiting medical faculty certificate was revoked. 55432

(F) The board shall maintain a register of all persons who 55433  
hold clinical research faculty certificates. 55434

(G) The board may adopt any rules it considers necessary to 55435  
implement this section. The rules shall be adopted in accordance 55436  
with Chapter 119. of the Revised Code. 55437

**Sec. 4731.295.** (A)(1) As used in this section, "indigent and 55438  
uninsured person" and "operation" have the same meanings as in 55439  
section 2305.234 of the Revised Code. 55440

(2) For the purposes of this section, a person shall be 55441  
considered retired from practice if the person's license or 55442  
certificate has expired with the person's intention of ceasing to 55443  
practice medicine and surgery or osteopathic medicine and surgery 55444  
for remuneration. 55445

(B) The state medical board may issue, without examination, a 55446  
volunteer's certificate to a person who is retired from practice 55447  
so that the person may provide medical services to indigent and 55448  
uninsured persons. The board shall deny issuance of a volunteer's 55449  
certificate to a person who is not qualified under this section to 55450  
hold a volunteer's certificate. 55451

(C) An application for a volunteer's certificate shall 55452

include all of the following: 55453

(1) A copy of the applicant's degree of medicine or 55454  
osteopathic medicine. 55455

(2) One of the following, as applicable: 55456

(a) A copy of the applicant's most recent license or 55457  
certificate authorizing the practice of medicine and surgery or 55458  
osteopathic medicine and surgery issued by a jurisdiction in the 55459  
United States that licenses persons to practice medicine and 55460  
surgery or osteopathic medicine and surgery. 55461

(b) A copy of the applicant's most recent license equivalent 55462  
to a license to practice medicine and surgery or osteopathic 55463  
medicine and surgery in one or more branches of the United States 55464  
armed services that the United States government issued. 55465

(3) Evidence of one of the following, as applicable: 55466

(a) That the applicant has maintained for at least ten years 55467  
prior to retirement full licensure in good standing in any 55468  
jurisdiction in the United States that licenses persons to 55469  
practice medicine and surgery or osteopathic medicine and surgery. 55470

(b) That the applicant has practiced for at least ten years 55471  
prior to retirement in good standing as a doctor of medicine and 55472  
surgery or osteopathic medicine and surgery in one or more of the 55473  
branches of the United States armed services. 55474

(4) A notarized statement from the applicant, on a form 55475  
prescribed by the board, that the applicant will not accept any 55476  
form of remuneration for any medical services rendered while in 55477  
possession of a volunteer's certificate. 55478

(D) The holder of a volunteer's certificate may provide 55479  
medical services only to indigent and uninsured persons. The 55480  
holder shall not accept any form of remuneration for providing 55481  
medical services while in possession of the certificate. Except in 55482

a medical emergency, the holder shall not perform any operation or 55483  
deliver babies. The board may revoke a volunteer's certificate on 55484  
receiving proof satisfactory to the board that the holder has 55485  
engaged in practice in this state outside the scope of the 55486  
certificate. 55487

(E)(1) A volunteer's certificate shall be valid for a period 55488  
of three years, unless earlier revoked under division (D) of this 55489  
section or pursuant to section 4731.22 of the Revised Code. A 55490  
volunteer's certificate may be renewed upon the application of the 55491  
holder. The board shall maintain a register of all persons who 55492  
hold volunteer's certificates. The board shall not charge a fee 55493  
for issuing or renewing a certificate pursuant to this section. 55494

(2) To be eligible for renewal of a volunteer's certificate 55495  
the holder of the certificate shall certify to the board 55496  
completion of one hundred fifty hours of continuing medical 55497  
education that meets the requirements of section ~~4731.281~~ 4731.282 55498  
of the Revised Code regarding certification by private 55499  
associations and approval by the board. The board may not renew a 55500  
certificate if the holder has not complied with the continuing 55501  
medical education requirements. Any entity for which the holder 55502  
provides medical services may pay for or reimburse the holder for 55503  
any costs incurred in obtaining the required continuing medical 55504  
education credits. 55505

(3) The board shall issue to each person who qualifies under 55506  
this section for a volunteer's certificate a wallet certificate 55507  
and a wall certificate that state that the certificate holder is 55508  
authorized to provide medical services pursuant to the laws of 55509  
this state. The holder shall keep the wallet certificate on the 55510  
holder's person while providing medical services and shall display 55511  
the wall certificate prominently at the location where the holder 55512  
primarily practices. 55513

(4) The holder of a volunteer's certificate issued pursuant 55514

to this section is subject to the immunity provisions in section 55515  
2305.234 of the Revised Code. 55516

(F) The board shall adopt rules in accordance with Chapter 55517  
119. of the Revised Code to administer and enforce this section. 55518

**Sec. 4731.296.** (A) For the purposes of this section, "the 55519  
practice of telemedicine" means the practice of medicine in this 55520  
state through the use of any communication, including oral, 55521  
written, or electronic communication, by a physician located 55522  
outside this state. 55523

(B) A person who wishes to practice telemedicine in this 55524  
state shall file an application with the state medical board, 55525  
together with a fee in the amount of the fee described in division 55526  
(D) of section 4731.29 of the Revised Code and shall comply with 55527  
sections 4776.01 to 4776.04 of the Revised Code. If the board, in 55528  
its discretion, decides that the results of the criminal records 55529  
check do not make the person ineligible for a telemedicine 55530  
certificate, the board may issue, without examination, a 55531  
telemedicine certificate to a person who meets all of the 55532  
following requirements: 55533

(1) The person holds a current, unrestricted license to 55534  
practice medicine and surgery or osteopathic medicine and surgery 55535  
issued by another state that requires license holders to complete 55536  
at least fifty hours of continuing medical education every two 55537  
years. 55538

(2) The person's principal place of practice is in that 55539  
state. 55540

(3) The person does not hold a certificate issued under this 55541  
chapter authorizing the practice of medicine and surgery or 55542  
osteopathic medicine and surgery in this state. 55543

(4) The person meets the same age, moral character, and 55544



educational requirements individuals must meet under sections 55545  
4731.08, 4731.09, 4731.091, and 4731.14 of the Revised Code and, 55546  
if applicable, demonstrates proficiency in spoken English in 55547  
accordance with division (E) of section 4731.29 of the Revised 55548  
Code. 55549

(C) The holder of a telemedicine certificate may engage in 55550  
the practice of telemedicine in this state. A person holding a 55551  
telemedicine certificate shall not practice medicine in person in 55552  
this state without obtaining a special activity certificate under 55553  
section 4731.294 of the Revised Code. 55554

(D) The board may revoke a certificate issued under this 55555  
section or take other disciplinary action against a certificate 55556  
holder pursuant to section 4731.22 of the Revised Code on 55557  
receiving proof satisfactory to the board that the certificate 55558  
holder has engaged in practice in this state outside the scope of 55559  
the certificate or that there are grounds for action against the 55560  
holder under section 4731.22 of the Revised Code. 55561

(E) A telemedicine certificate shall be valid for a period 55562  
specified by the board, and the initial renewal shall be in 55563  
accordance with a schedule established by the board. Thereafter, 55564  
the certificate shall be valid for two years. A certificate may be 55565  
renewed on application of the holder. 55566

To be eligible for renewal, the holder of the certificate 55567  
shall do both of the following: 55568

(1) Pay a fee in the amount of the fee described in division 55569  
~~(B)~~(A)(1) of section 4731.281 of the Revised Code; 55570

(2) Certify to the board compliance with the continuing 55571  
medical education requirements of the state in which the holder's 55572  
principal place of practice is located. 55573

The board may require a random sample of persons holding a 55574  
telemedicine certificate to submit materials documenting 55575

completion of the continuing medical education requirements 55576  
described in this division. 55577

(F) The board shall convert a telemedicine certificate to a 55578  
certificate issued under section 4731.29 of the Revised Code on 55579  
receipt of a written request from the certificate holder. Once the 55580  
telemedicine certificate is converted, the holder is subject to 55581  
all requirements and privileges attendant to a certificate issued 55582  
under section 4731.29 of the Revised Code, including continuing 55583  
medical education requirements. 55584

**Sec. 4731.297.** (A) As used in this section: 55585

(1) "Academic medical center" means a medical school and its 55586  
affiliated teaching hospitals and clinics partnering to do all of 55587  
the following: 55588

(a) Provide the highest quality of patient care from expert 55589  
physicians; 55590

(b) Conduct groundbreaking research leading to medical 55591  
advancements for current and future patients; 55592

(c) Provide medical education and graduate medical education 55593  
to educate and train physicians. 55594

(2) "Affiliated physician group practice" means a medical 55595  
practice that consists of one or more physicians authorized under 55596  
this chapter to practice medicine and surgery or osteopathic 55597  
medicine and surgery and that is affiliated with an academic 55598  
medical center to further the objectives described in divisions 55599  
(A)(1)(a) to (c) of this section. 55600

(B) The state medical board shall issue, without examination, 55601  
to an applicant who meets the requirements of this section a 55602  
certificate of conceded eminence authorizing the practice of 55603  
medicine and surgery or osteopathic medicine and surgery as part 55604  
of the applicant's employment with an academic medical center in 55605

this state or affiliated physician group practice in this state. 55606

(C) To be eligible for a certificate of conceded eminence, an 55607  
applicant shall provide to the board all of the following: 55608

(1) Evidence satisfactory to the board of all of the 55609  
following: 55610

(a) That the applicant is an international medical graduate 55611  
who holds a medical degree from an educational institution listed 55612  
in the international medical education directory; 55613

(b) That the applicant has been appointed to serve in this 55614  
state as a full-time faculty member of a medical school accredited 55615  
by the liaison committee on medical education or an osteopathic 55616  
medical school accredited by the American osteopathic association; 55617

(c) That the applicant has accepted an offer of employment 55618  
with an academic medical center in this state or affiliated 55619  
physician group practice in this state; 55620

(d) That the applicant holds a license in good standing in 55621  
another state or country authorizing the practice of medicine and 55622  
surgery or osteopathic medicine and surgery; 55623

(e) That the applicant has unique talents and extraordinary 55624  
abilities not generally found within the applicant's specialty, as 55625  
demonstrated by satisfying at least four of the following: 55626

(i) The applicant has achieved educational qualifications 55627  
beyond those that are required for entry into the applicant's 55628  
specialty, including advanced degrees, special certifications, or 55629  
other academic credentials. 55630

(ii) The applicant has written multiple articles in journals 55631  
listed in the index medicus or an equivalent scholarly publication 55632  
acceptable to the board. 55633

(iii) The applicant has a sustained record of excellence in 55634  
original research, at least some of which involves serving as the 55635

principal investigator or co-principal investigator for a research project.	55636 55637
(iv) The applicant has received nationally or internationally recognized prizes or awards for excellence.	55638 55639
(v) The applicant has participated in peer review in a field of specialization that is the same as or similar to the applicant's specialty.	55640 55641 55642
(vi) The applicant has developed new procedures or treatments for complex medical problems that are recognized by peers as a significant advancement in the applicable field of medicine.	55643 55644 55645
(vii) The applicant has held previous academic appointments with or been employed by a health care organization that has a distinguished national or international reputation.	55646 55647 55648
(viii) The applicant has been the recipient of a national institutes of health or other competitive grant award.	55649 55650
(f) That the applicant has received staff membership or professional privileges from the academic medical center pursuant to standards adopted under section 3701.351 of the Revised Code on a basis that requires the applicant's medical education and graduate medical education to be at least equivalent to that of a physician educated and trained in the United States;	55651 55652 55653 55654 55655 55656
(g) That the applicant has sufficient written and oral English skills to communicate effectively and reliably with patients, their families, and other medical professionals;	55657 55658 55659
(h) That the applicant will have professional liability insurance through the applicant's employment with the academic medical center or affiliated physician group practice.	55660 55661 55662
(2) An affidavit from the applicant agreeing to practice only within the clinical setting of the academic medical center or for the affiliated physician group practice;	55663 55664 55665

(3) Three letters of reference from distinguished experts in 55666  
the applicant's specialty attesting to the unique capabilities of 55667  
the applicant, at least one of which must be from outside the 55668  
academic medical center or affiliated physician group practice; 55669

(4) An affidavit from the dean of the medical school where 55670  
the applicant has been appointed to serve as a faculty member 55671  
stating that the applicant meets all of the requirements of 55672  
division (C)(1) of this section and that the letters of reference 55673  
submitted under division (C)(3) of this section are from 55674  
distinguished experts in the applicant's specialty, and 55675  
documentation to support the affidavit; 55676

(5) A fee of one thousand dollars for the certificate. 55677

(D)(1) The holder of a certificate of conceded eminence may 55678  
practice medicine and surgery or osteopathic medicine and surgery 55679  
only within the clinical setting of the academic medical center 55680  
with which the certificate holder is employed or for the 55681  
affiliated physician group practice with which the certificate 55682  
holder is employed. 55683

(2) A certificate holder may supervise medical students, 55684  
physicians participating in graduate medical education, advanced 55685  
practice nurses, and physician assistants when performing clinical 55686  
services in the certificate holder's area of specialty. 55687

(E) The board may revoke a certificate issued under this 55688  
section on receiving proof satisfactory to the board that the 55689  
certificate holder has engaged in practice in this state outside 55690  
the scope of the certificate or that there are grounds for action 55691  
against the certificate holder under section 4731.22 of the 55692  
Revised Code. 55693

(F) A certificate of conceded eminence is valid for the 55694  
shorter of two years or the duration of the certificate holder's 55695  
employment with the academic medical center or affiliated 55696

physician group practice. The certificate ceases to be valid if 55697  
the holder resigns or is otherwise terminated from the academic 55698  
medical center or affiliated physician group practice. 55699

(G) A certificate of conceded eminence may be renewed for an 55700  
additional two-year period. There is no limit on the number of 55701  
times a certificate may be renewed. A person seeking renewal of a 55702  
certificate shall apply to the board and is eligible for renewal 55703  
if the applicant does all of the following: 55704

(1) Pays the renewal fee of one thousand dollars; 55705

(2) Provides to the board an affidavit and supporting 55706  
documentation from the academic medical center or affiliated 55707  
physician group practice of all of the following: 55708

(a) That the applicant's initial appointment to the medical 55709  
faculty is still valid or has been renewed; 55710

(b) That the applicant's clinical practice is consistent with 55711  
the established standards in the field; 55712

(c) That the applicant has demonstrated continued scholarly 55713  
achievement; 55714

(d) That the applicant has demonstrated continued 55715  
professional achievement consistent with the academic medical 55716  
center's requirements, established pursuant to standards adopted 55717  
under section 3701.351 of the Revised Code, for physicians with 55718  
staff membership or professional privileges with the academic 55719  
medical center. 55720

(3) Satisfies the same continuing medical education 55721  
requirements set forth in section ~~4731.281~~ 4731.282 of the Revised 55722  
Code that apply to a person who holds a certificate to practice 55723  
medicine and surgery or osteopathic medicine and surgery issued 55724  
under this chapter. 55725

(4) Complies with any other requirements established by the 55726

board. 55727

(H) The board may adopt any rules it considers necessary to 55728  
implement this section. The rules shall be adopted in accordance 55729  
with Chapter 119. of the Revised Code. 55730

**Sec. 4731.299.** (A) The state medical board may issue, without 55731  
examination, to an applicant who meets all of the requirements of 55732  
this section an expedited certificate to practice medicine and 55733  
surgery or osteopathic medicine and surgery by endorsement. 55734  
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(B) An individual who seeks an expedited certificate to 55736  
practice medicine and surgery or osteopathic medicine and surgery 55737  
by endorsement shall file with the board a written application on 55738  
a form prescribed and supplied by the board. The application shall 55739  
include all of the information the board considers necessary to 55740  
process it. 55741

(C) To be eligible to receive an expedited certificate by 55742  
endorsement, an applicant shall do both of the following: 55743

(1) Provide evidence satisfactory to the board that the 55744  
applicant meets all of the following requirements: 55745

(a) Has passed one of the following: 55746

(i) Steps one, two, and three of the United States medical 55747  
licensing examination; 55748

(ii) Levels one, two, and three of the comprehensive 55749  
osteopathic medical licensing examination of the United States; 55750

(iii) Any other medical licensing examination recognized by 55751  
the board. 55752

(b) For at least five years immediately preceding the date of 55753  
application, has held a current, unrestricted license to practice 55754  
medicine and surgery or osteopathic medicine and surgery issued by 55755

the licensing authority of another state or a Canadian province; 55756

(c) For at least two years immediately preceding the date of 55757  
application, has actively practiced medicine and surgery or 55758  
osteopathic medicine and surgery in a clinical setting; 55759

(d) Is in compliance with the medical education and training 55760  
requirements in sections 4731.091 and 4731.14 of the Revised Code. 55761

(2) Certify to the board that all of the following are the 55762  
case: 55763

(a) Not more than two malpractice claims have been filed 55764  
against the applicant within a period of ten years and no 55765  
malpractice claim against the applicant has resulted in total 55766  
payment of more than five hundred thousand dollars. 55767

(b) The applicant does not have a criminal record according 55768  
to the criminal records check required by section 4731.081 of the 55769  
Revised Code. 55770

(c) The applicant does not have a medical condition that 55771  
could affect the applicant's ability to practice according to 55772  
acceptable and prevailing standards of care. 55773

(d) No adverse action has been taken against the applicant by 55774  
a health care institution. 55775

(e) To the applicant's knowledge, no federal agency, medical 55776  
society, medical association, or branch of the United States 55777  
military has investigated or taken action against the applicant. 55778

(f) No professional licensing or regulatory authority has 55779  
filed a complaint against, investigated, or taken action against 55780  
the applicant and the applicant has not withdrawn a professional 55781  
license application. 55782

(g) The applicant has not been suspended or expelled from any 55783  
institution of higher education or school, including a medical 55784  
school. 55785



(D) An applicant for an expedited certificate by endorsement shall comply with section 4731.081 of the Revised Code. 55786  
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(E) At the time of application, the applicant shall pay to the board a fee of one thousand dollars, no part of which shall be returned. No application shall be considered filed until the board receives the fee. 55788  
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(F) The secretary and supervising member of the board shall review all applications received under this section. ~~It~~ 55792  
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If the board determines secretary and supervising member determine that an applicant meets the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement, the board shall issue the certificate to the applicant. ~~Each~~ 55794  
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If the secretary and supervising member determine that an applicant does not meet the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement, the application shall be treated as an application under section 4731.08 of the Revised Code. 55799  
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(G) Each certificate issued by the board under this section shall be signed by the president and secretary of the board and attested by ~~its~~ the board's seal. 55805  
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~~(G)~~(H) Within sixty days after ~~the effective date of this section~~ September 29, 2013, the board shall approve acceptable means of demonstrating compliance with sections 4731.091 and 4731.14 of the Revised Code as required by division (C)(1)(d) of this section. 55808  
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**Sec. 4731.41. (A)** No person shall practice medicine and surgery, or any of its branches, without the appropriate certificate from the state medical board to engage in the 55813  
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practice. No person shall advertise or claim to the public to be a practitioner of medicine and surgery, or any of its branches, without a certificate from the board. No person shall open or conduct an office or other place for such practice without a certificate from the board. No person shall conduct an office in the name of some person who has a certificate to practice medicine and surgery, or any of its branches. No person shall practice medicine and surgery, or any of its branches, after the person's certificate has been revoked, or, if suspended, during the time of such suspension.

A certificate signed by the secretary of the board to which is affixed the official seal of the board to the effect that it appears from the records of the board that no such certificate to practice medicine and surgery, or any of its branches, in this state has been issued to the person specified therein, or that a certificate to practice, if issued, has been revoked or suspended, shall be received as prima-facie evidence of the record of the board in any court or before any officer of the state.

(B) No certificate from the state medical board is required by a physician who comes into this state to practice medicine at a free-of-charge camp accredited by the SeriousFun children's network that specializes in providing therapeutic recreation, as defined in section 2305.211 of the Revised Code, for individuals with chronic illnesses as long as all of the following apply:

(1) The physician provides documentation to the medical director of the camp that the physician is licensed and in good standing to practice medicine in another state;

(2) The physician provides services only at the camp or in connection with camp events or camp activities that occur off the grounds of the camp;

(3) The physician receives no compensation for the services;

(4) The physician provides those services within this state 55847  
for not more than thirty days per calendar year; 55848

(5) The camp has a medical director who holds an unrestricted 55849  
license to practice medicine issued in accordance with division 55850  
(A) of this section. 55851

**Sec. 4731.62.** (A) As used in this section: 55852

(1) "Controlled substance" and "controlled substance analog" 55853  
have the same meanings as in section 3719.01 of the Revised Code. 55854

(2) "Dangerous drug" has the same meaning as in section 55855  
4729.01 of the Revised Code. 55856

(3) "Drug task force" has the same meaning as in section 55857  
5502.68 of the Revised Code. 55858

(B) A physician who is acting in a professional capacity and 55859  
who knows, or has reasonable cause to suspect based on facts that 55860  
would cause a reasonable person in a similar position to suspect, 55861  
that a patient is illegally using a dangerous drug, controlled 55862  
substance, controlled substance analog, or metabolite of a 55863  
controlled substance or is using deception or fraud to obtain a 55864  
dangerous drug, controlled substance, controlled substance analog, 55865  
metabolite of a controlled substance, or medical device may report 55866  
that knowledge or suspicion to a drug task force in the county in 55867  
which the patient resides or in which the knowledge or suspicion 55868  
is acquired. If there is no drug task force in the county, the 55869  
physician may report the knowledge or suspicion to the police 55870  
department of the municipal corporation or the sheriff of the 55871  
county in which patient resides or in which the knowledge or 55872  
suspicion is acquired. 55873

(C) A report made under this section shall not be considered 55874  
a breach of physician-patient confidentiality. 55875

(D) A physician is not liable in damages in a civil action 55876

for harm allegedly incurred as a result of a report made under 55877  
this section. 55878

Sec. 4731.74. (A) As used in this section: 55879

(1) "Controlled substance" has the same meaning as in section 55880  
3719.01 of the Revised Code. 55881

(2) "Drug" and "prescription" have the same meanings as in 55882  
section 4729.01 of the Revised Code. 55883

(3) "Institutional facility" means a hospital as defined in 55884  
section 3727.01 of the Revised Code or a facility licensed by the 55885  
state board of pharmacy and the department of health, the 55886  
department of rehabilitation and correction, or the department of 55887  
developmental disabilities, at which medical care is provided on 55888  
site and a medical record documenting episodes of care, including 55889  
drugs ordered and administered, is maintained. 55890

(4) "Telehealth service" has the same meaning as in section 55891  
5164.95 of the Revised Code. 55892

(B) Except as provided in divisions (C) and (D) of this 55893  
section, a physician shall not prescribe, dispense, otherwise 55894  
provide, or cause to be provided a prescription drug to a person 55895  
on whom the physician has never conducted a medical evaluation. 55896

(C) A physician may prescribe, dispense, otherwise provide, 55897  
or cause to be provided a prescription drug that is not a 55898  
controlled substance to a person on whom the physician has never 55899  
conducted a medical evaluation, and who is at a location remote 55900  
from the physician, if the physician meets all of the following 55901  
requirements: 55902

(1) In a manner that is consistent with the standard for 55903  
in-person care by a physician, the remote physician shall complete 55904  
and document a medical evaluation of the patient and collect 55905  
clinical data as needed to establish a diagnosis, identify any 55906

underlying conditions, and identify any contraindications to the 55907  
treatment that is recommended or provided. 55908

(2)(a) Except as provided in division (C)(2)(b) of this 55909  
section, the remote physician shall complete an examination of the 55910  
patient using appropriate technology that is capable of all of the 55911  
following: 55912

(i) Transmitting images of the patient's condition in 55913  
real-time; 55914

(ii) Transmitting information regarding the patient's 55915  
physical condition and other relevant clinical data needed for 55916  
compliance with division (C)(1) of this section; 55917

(iii) Being adjusted for better image quality and definition. 55918

(b) If the patient has a designated primary care physician or 55919  
designates a primary care physician with assistance from the 55920  
remote physician, the remote physician may examine the patient 55921  
over the telephone without the use of the technology required by 55922  
division (C)(2)(a) of this section, if the remote physician meets 55923  
all of the following requirements: 55924

(i) The remote physician is physically located in this state. 55925

(ii) The remote physician has received credentials to provide 55926  
telehealth services pursuant to a process certified by the 55927  
national committee for quality assurance. 55928

(iii) The remote physician forwards the patient's electronic 55929  
health record to the patient's designated primary care physician 55930  
after the consultation. 55931

(iv) The remote physician is available to follow up with the 55932  
patient after the consult as necessary. 55933

(3) The remote physician shall document having had dialogue 55934  
with the patient regarding treatment options and the risks and 55935  
benefits of treatment sufficient to permit the patient to provide 55936

informed consent to treatment. 55937

(4) The remote physician shall maintain a contemporaneous medical record that is readily available to the patient and to the patient's other health care providers. 55938  
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(5) The remote physician shall include the electronic prescription information as part of the patient's medical record. 55941  
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(6) As necessary, the remote physician shall follow-up with the patient to assess the therapeutic outcome. 55943  
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(D) In addition to the circumstances described in division (C) of this section, a physician may prescribe, dispense, otherwise provide, or cause to be provided a prescription drug, including a controlled substance, to a person on whom the physician has never conducted a medical evaluation in the following situations: 55945  
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(1) The person is a patient of a colleague of the physician and the drugs are provided pursuant to an on call or cross coverage arrangement between the physicians. 55951  
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(2) The physician is consulting with another physician or health care provider who is authorized to practice in this state and is acting within the scope of that physician or provider's professional license, including having prescriptive authority if all of the following requirements are met: 55954  
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(a) The physician shall establish that the other physician or health care provider has an ongoing professional relationship with the patient and has agreed to supervise the patient's use of the drug or drugs to be provided. 55959  
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(b) If the health care provider is a physician assistant, the physician has a supervision agreement with the physician assistant. 55963  
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(c) If the health care provider is an advanced practice 55966

registered nurse, the physician has a standard care arrangement 55967  
with the advanced practice registered nurse. 55968

(3) The physician is the medical director of a hospice care 55969  
program licensed pursuant to Chapter 3712. of the Revised Code or 55970  
is the attending physician of a hospice patient, enrolled in such 55971  
a hospice care program, and the drugs are prescribed, dispensed, 55972  
or otherwise provided to a hospice patient. 55973

(4) The person has been admitted as an inpatient to or is a 55974  
resident of an institutional facility. 55975

(E) This section does not imply that a single in-person 55976  
medical evaluation demonstrates that a prescription has been 55977  
issued for a legitimate medical purpose within the course of 55978  
professional practice. 55979

**Sec. 4735.06.** (A) Application for a license as a real estate 55980  
broker shall be made to the superintendent of real estate on forms 55981  
furnished by the superintendent and filed with the superintendent 55982  
and shall be signed by the applicant or its members or officers. 55983  
Each application shall state the name of the person applying and 55984  
the location of the place of business for which the license is 55985  
desired, and give such other information as the superintendent 55986  
requires in the form of application prescribed by the 55987  
superintendent. 55988

If the applicant is a partnership, limited liability company, 55989  
limited liability partnership, or association, the names of all 55990  
the members also shall be stated, and, if the applicant is a 55991  
corporation, the names of its president and of each of its 55992  
officers also shall be stated. The superintendent has the right to 55993  
reject the application of any partnership, association, limited 55994  
liability company, limited liability partnership, or corporation 55995  
if the name proposed to be used by such partnership, association, 55996  
limited liability company, limited liability partnership, or 55997

corporation is likely to mislead the public or if the name is not 55998  
such as to distinguish it from the name of any existing 55999  
partnership, association, limited liability company, limited 56000  
liability partnership, or corporation licensed under this chapter, 56001  
unless there is filed with the application the written consent of 56002  
such existing partnership, association, limited liability company, 56003  
limited liability partnership, or corporation, executed by a duly 56004  
authorized representative of it, permitting the use of the name of 56005  
such existing partnership, association, limited liability company, 56006  
limited liability partnership, or corporation. 56007

(B) A fee of one hundred dollars shall accompany the 56008  
application for a real estate broker's license. The initial 56009  
licensing period commences at the time the license is issued and 56010  
ends on the applicant's first birthday thereafter. However, if the 56011  
applicant was an inactive or active salesperson immediately 56012  
preceding application for a broker's license, then the initial 56013  
licensing period shall commence at the time the broker's license 56014  
is issued and ends on the date the licensee's continuing education 56015  
is due as set when the applicant was a salesperson. The 56016  
application fee shall be nonrefundable. A fee of one hundred 56017  
dollars shall be charged by the superintendent for each successive 56018  
application made by an applicant. In the case of issuance of a 56019  
three-year license, upon passing the examination, or upon waiver 56020  
of the examination requirement, if the superintendent determines 56021  
it is necessary, the applicant shall submit an additional fee 56022  
determined by the superintendent based upon the number of years 56023  
remaining in a real estate salesperson's licensing period. 56024

(C) One dollar of each application fee for a real estate 56025  
broker's license shall be credited to the real estate education 56026  
and research fund, which is hereby created in the state treasury. 56027  
The Ohio real estate commission may use the fund in discharging 56028  
the duties prescribed in divisions (E), (F), (G), and (H) of 56029



section 4735.03 of the Revised Code and shall use it in the 56030  
advancement of education and research in real estate at any 56031  
institution of higher education in the state, or in contracting 56032  
with any such institution or a trade organization for a particular 56033  
research or educational project in the field of real estate, or in 56034  
advancing loans, not exceeding two thousand dollars, to applicants 56035  
for salesperson licenses, to defray the costs of satisfying the 56036  
educational requirements of division (F) of section 4735.09 of the 56037  
Revised Code. Such loans shall be made according to rules 56038  
established by the commission under the procedures of Chapter 119. 56039  
of the Revised Code, and they shall be repaid to the fund within 56040  
three years of the time they are made. No more than ~~ten~~ 56041  
twenty-five thousand dollars shall be lent from the fund in any 56042  
one fiscal year. 56043

The governor may appoint a representative from the executive 56044  
branch to be a member ex officio of the commission for the purpose 56045  
of advising on research requests or educational projects. The 56046  
commission shall report to the general assembly on the third 56047  
Tuesday after the third Monday in January of each year setting 56048  
forth the total amount contained in the fund and the amount of 56049  
each research grant that it has authorized and the amount of each 56050  
research grant requested. A copy of all research reports shall be 56051  
submitted to the state library of Ohio and the library of the 56052  
legislative service commission. 56053

(D) If the superintendent, with the consent of the 56054  
commission, enters into an agreement with a national testing 56055  
service to administer the real estate broker's examination, 56056  
pursuant to division (A) of section 4735.07 of the Revised Code, 56057  
the superintendent may require an applicant to pay the testing 56058  
service's examination fee directly to the testing service. If the 56059  
superintendent requires the payment of the examination fee 56060  
directly to the testing service, each applicant shall submit to 56061

the superintendent a processing fee in an amount determined by the 56062  
Ohio real estate commission pursuant to division (A)(2) of section 56063  
4735.10 of the Revised Code. 56064

**Sec. 4735.13.** (A) Every real estate broker licensed under 56065  
this chapter shall have and maintain a definite place of business 56066  
in this state. A post office box address is not a definite place 56067  
of business for purposes of this section. The license of a real 56068  
estate broker shall be prominently displayed in the office or 56069  
place of business of the broker, and no license shall authorize 56070  
the licensee to do business except from the location specified in 56071  
it. If the broker maintains more than one place of business within 56072  
the state, the broker shall apply for and procure a duplicate 56073  
license for each branch office maintained by the broker. Each 56074  
branch office shall be in the charge of a licensed broker or 56075  
salesperson. The branch office license shall be prominently 56076  
displayed at the branch office location. 56077

(B) The license of each real estate salesperson shall be 56078  
mailed to and remain in the possession of the licensed broker with 56079  
whom the salesperson is or is to be associated until the licensee 56080  
places the license on inactive or resigned status or until the 56081  
salesperson leaves the brokerage or is terminated. The broker 56082  
shall keep each salesperson's license in a way that it can, and 56083  
shall on request, be made immediately available for public 56084  
inspection at the office or place of business of the broker. 56085  
Except as provided in divisions (G) and (H) of this section, 56086  
immediately upon the salesperson's leaving the association or 56087  
termination of the association of a real estate salesperson with 56088  
the broker, the broker shall return the salesperson's license to 56089  
the superintendent of real estate. 56090

The failure of a broker to return the license of a real 56091  
estate salesperson or broker who leaves or who is terminated, via 56092

certified mail return receipt requested, within three business 56093  
days of the receipt of a written request from the superintendent 56094  
for the return of the license, is prima-facie evidence of 56095  
misconduct under division (A)(6) of section 4735.18 of the Revised 56096  
Code. 56097

(C) A licensee shall notify the superintendent in writing 56098  
within fifteen days of any of the following occurrences: 56099

(1) The licensee is convicted of a felony. 56100

(2) The licensee is convicted of a crime involving moral 56101  
turpitude. 56102

(3) The licensee is found to have violated any federal, 56103  
state, or municipal civil rights law pertaining to discrimination 56104  
in housing. 56105

(4) The licensee is found to have engaged in a discriminatory 56106  
practice pertaining to housing accommodations described in 56107  
division (H) of section 4112.02 of the Revised Code. 56108

(5) The licensee is the subject of an order by the department 56109  
of commerce, the department of insurance, or the department of 56110  
agriculture revoking or permanently surrendering any professional 56111  
license, certificate, or registration. 56112

(6) The licensee is the subject of an order by any government 56113  
agency concerning real estate, financial matters, or the 56114  
performance of fiduciary duties with respect to any license, 56115  
certificate, or registration. 56116

If a licensee fails to notify the superintendent within the 56117  
required time, the superintendent immediately may suspend the 56118  
license of the licensee. 56119

Any court that convicts a licensee of a violation of any 56120  
municipal civil rights law pertaining to housing discrimination 56121  
also shall notify the Ohio civil rights commission within fifteen 56122

days of the conviction. 56123

(D) In case of any change of business location, a broker 56124  
shall give notice to the superintendent, on a form prescribed by 56125  
the superintendent, within thirty days after the change of 56126  
location, whereupon the superintendent shall issue new licenses 56127  
for the unexpired period without charge. If a broker changes a 56128  
business location without giving the required notice and without 56129  
receiving new licenses that action is prima-facie evidence of 56130  
misconduct under division (A)(6) of section 4735.18 of the Revised 56131  
Code. 56132

(E) If a real estate broker desires to associate with another 56133  
real estate broker in the capacity of a real estate salesperson, 56134  
the broker shall apply to the superintendent to deposit the 56135  
broker's real estate broker's license with the superintendent and 56136  
for the issuance of a real estate salesperson's license. The 56137  
application shall be made on a form prescribed by the 56138  
superintendent and shall be accompanied by the recommendation of 56139  
the real estate broker with whom the applicant intends to become 56140  
associated and a fee of twenty-five dollars for the real estate 56141  
salesperson's license. One dollar of the fee shall be credited to 56142  
the real estate education and research fund. If the superintendent 56143  
is satisfied that the applicant is honest, truthful, and of good 56144  
reputation, has not been convicted of a felony or a crime 56145  
involving moral turpitude, and has not been finally adjudged by a 56146  
court to have violated any municipal, state, or federal civil 56147  
rights laws relevant to the protection of purchasers or sellers of 56148  
real estate, and that the association of the real estate broker 56149  
and the applicant will be in the public interest, the 56150  
superintendent shall grant the application and issue a real estate 56151  
salesperson's license to the applicant. Any license so deposited 56152  
with the superintendent shall be subject to this chapter. A broker 56153  
who intends to deposit the broker's license with the 56154

superintendent, as provided in this section, shall give written 56155  
notice of this fact in a format prescribed by the superintendent 56156  
to all salespersons associated with the broker when applying to 56157  
place the broker's license on deposit. 56158

(F) If a real estate broker desires to become a member or 56159  
officer of a partnership, association, limited liability company, 56160  
limited liability partnership, or corporation that is or intends 56161  
to become a licensed real estate broker, the broker shall notify 56162  
the superintendent of the broker's intentions. The notice of 56163  
intention shall be on a form prescribed by the superintendent and 56164  
shall be accompanied by a fee of twenty-five dollars. One dollar 56165  
of the fee shall be credited to the real estate education and 56166  
research fund. 56167

A licensed real estate broker who is a member or officer of a 56168  
partnership, association, limited liability company, limited 56169  
liability partnership, or corporation shall only act as a real 56170  
estate broker for such partnership, association, limited liability 56171  
company, limited liability partnership, or corporation. 56172

(G)(1) If a real estate broker or salesperson enters the 56173  
armed forces, the broker or salesperson may place the broker's or 56174  
salesperson's license on deposit with the Ohio real estate 56175  
commission. The licensee shall not be required to renew the 56176  
license until the renewal date that follows the date of discharge 56177  
from the armed forces. Any license deposited with the commission 56178  
shall be subject to this chapter. ~~Any~~ 56179

Any licensee whose license is on deposit under this division 56180  
and who fails to meet the continuing education requirements of 56181  
section 4735.141 of the Revised Code because the licensee is in 56182  
the armed forces shall satisfy the commission that the licensee 56183  
has complied with the continuing education requirements within 56184  
twelve months of the licensee's first birthday after discharge or 56185  
within the amount of time equal to the total number of months the 56186

licensee spent on active duty, whichever is greater. The licensee shall submit proper documentation of active duty service and the length of that active duty service to the superintendent. The extension shall not exceed the total number of months that the licensee served in active duty. The superintendent shall notify the licensee of the licensee's obligations under section 4735.141 of the Revised Code at the time the licensee applies for reactivation of the licensee's license. 56187  
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(2) If a licensee is a spouse of a member of the armed forces and the spouse's service resulted in the licensee's absence from this state, both of the following apply: 56195  
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(a) The licensee shall not be required to renew the license until the renewal date that follows the date of the spouse's discharge from the armed forces. 56198  
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(b) If the licensee fails to meet the continuing education requirements of section 4735.141 of the Revised Code, the licensee shall satisfy the commission that the licensee has complied with the continuing education requirements within twelve months after the licensee's first birthday after the spouse's discharge or within the amount of time equal to the total number of months the licensee's spouse spent on active duty, whichever is greater. The licensee shall submit proper documentation of the spouse's active duty service and the length of that active duty service. This extension shall not exceed the total number of months that the licensee's spouse served in active duty. 56201  
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(3) In the case of a licensee as described in division (G)(2) of this section, who holds the license through a reciprocity agreement with another state, the spouse's service shall have resulted in the licensee's absence from the licensee's state of residence for the provisions of that division to apply. 56212  
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(4) As used in this division, "armed forces" means the armed 56217

forces of the United States or reserve component of the armed 56218  
forces of the United States including the Ohio national guard or 56219  
the national guard of any other state. 56220

(H) If a licensed real estate salesperson submits an 56221  
application to the superintendent to leave the association of one 56222  
broker to associate with a different broker, the broker possessing 56223  
the licensee's license need not return the salesperson's license 56224  
to the superintendent. The superintendent may process the 56225  
application regardless of whether the licensee's license is 56226  
returned to the superintendent. 56227

**Sec. 4735.141.** (A) Except as otherwise provided in this 56228  
division and in section 4735.13 of the Revised Code and except for 56229  
a licensee who has placed the licensee's license in resigned 56230  
status pursuant to section 4735.142 of the Revised Code, each 56231  
person licensed under section 4735.07 or 4735.09 of the Revised 56232  
Code shall submit proof satisfactory to the superintendent of real 56233  
estate that the licensee has satisfactorily completed thirty hours 56234  
of continuing education, as prescribed by the Ohio real estate 56235  
commission pursuant to section 4735.10 of the Revised Code, on or 56236  
before the licensee's birthday occurring three years after the 56237  
licensee's date of initial licensure, and on or before the 56238  
licensee's birthday every three years thereafter. 56239

Persons licensed as real estate salespersons who subsequently 56240  
become licensed real estate brokers shall continue to submit proof 56241  
of continuing education in accordance with the time period 56242  
established in this section. 56243

The requirements of this section shall not apply to any 56244  
disabled licensee as provided in division (E) of this section. 56245

Each licensee who is seventy years of age or older, within a 56246  
continuing education reporting period, shall submit proof 56247  
satisfactory to the superintendent of real estate that the 56248

licensee has satisfactorily completed a total of nine classroom 56249  
hours of continuing education, including instruction in Ohio real 56250  
estate law; recently enacted state and federal laws affecting the 56251  
real estate industry; municipal, state, and federal civil rights 56252  
law; and canons of ethics for the real estate industry as adopted 56253  
by the commission. The required proof of completion shall be 56254  
submitted on or before the licensee's birthday that falls in the 56255  
third year of that continuing education reporting period. A 56256  
licensee who is seventy years of age or older whose license is in 56257  
an inactive status is exempt from the continuing education 56258  
requirements specified in this section. The commission shall adopt 56259  
reasonable rules in accordance with Chapter 119. of the Revised 56260  
Code to carry out the purposes of this paragraph. 56261

(B) The continuing education requirements of this section 56262  
shall be completed in schools, seminars, and educational 56263  
institutions approved by the commission. Such approval shall be 56264  
given according to rules established by the commission under the 56265  
procedures of Chapter 119. of the Revised Code, and shall not be 56266  
limited to institutions providing two-year or four-year degrees. 56267  
Each school, seminar, or educational institution approved under 56268  
this division shall be open to all licensees on an equal basis. 56269

(C) If the requirements of this section are not met by a 56270  
licensee within the period specified, the licensee's license shall 56271  
be suspended automatically without the taking of any action by the 56272  
superintendent. The superintendent shall notify the licensee of 56273  
the license suspension, and such notification shall be sent by 56274  
regular mail to the personal residence address of the licensee 56275  
that is on file with the division. Any license so suspended shall 56276  
remain suspended until it is reactivated by the superintendent. No 56277  
such license shall be reactivated until it is established, to the 56278  
satisfaction of the superintendent, that the requirements of this 56279  
section have been met. If the requirements of this section are not 56280



met within twelve months from the date the license was suspended, 56281  
the license shall be revoked automatically without the taking of 56282  
any action by the superintendent. 56283

(D) If the license of a real estate broker is suspended 56284  
pursuant to division (C) of this section, the license of a real 56285  
estate salesperson associated with that broker correspondingly is 56286  
suspended pursuant to division (H) of section 4735.20 of the 56287  
Revised Code. A sole broker shall notify affiliated salespersons 56288  
of the suspension in writing within three days of receiving the 56289  
notice required by division (C) of this section. 56290

(1) The suspended license of the associated real estate 56291  
salesperson shall be reactivated and no fee shall be charged or 56292  
collected for that reactivation if that broker subsequently 56293  
submits proof to the superintendent that the broker has complied 56294  
with the requirements of this section and requests that the 56295  
broker's license as a real estate broker be reactivated, and the 56296  
superintendent then reactivates the broker's license as a real 56297  
estate broker. 56298

(2) If the real estate salesperson submits an application to 56299  
leave the association of the suspended broker in order to 56300  
associate with a different broker, the suspended license of the 56301  
associated real estate salesperson shall be reactivated and no fee 56302  
shall be charged or collected for that reactivation. The 56303  
superintendent may process the application regardless of whether 56304  
the licensee's license is returned to the superintendent. 56305

Any person whose license is reactivated pursuant to this 56306  
division shall comply with the requirements of this section and 56307  
otherwise be in compliance with this chapter. 56308

(E) Any licensee who is a disabled licensee at any time 56309  
during the last three months of the third year of the licensee's 56310  
continuing education reporting period may receive an extension of 56311

time as deemed appropriate by the superintendent to submit proof 56312  
to the superintendent that the licensee has satisfactorily 56313  
completed the required thirty hours of continuing education. To 56314  
receive an extension of time, the licensee shall submit a request 56315  
to the division of real estate for the extension and proof 56316  
satisfactory to the commission that the licensee was a disabled 56317  
licensee at some time during the last three months of the 56318  
three-year reporting period. The proof shall include, but is not 56319  
limited to, a signed statement by the licensee's attending 56320  
physician describing the disability, certifying that the 56321  
licensee's disability is of such a nature as to prevent the 56322  
licensee from attending any instruction lasting at least three 56323  
hours in duration, and stating the expected duration of the 56324  
disability. The licensee shall request the extension and provide 56325  
the physician's statement to the division no later than one month 56326  
prior to the end of the licensee's three-year continuing education 56327  
reporting period, unless the disability did not arise until the 56328  
last month of the three-year reporting period, in which event the 56329  
licensee shall request the extension and provide the physician's 56330  
statement as soon as practical after the occurrence of the 56331  
disability. A licensee granted an extension pursuant to this 56332  
division who is no longer a disabled licensee and who submits 56333  
proof of completion of the continuing education during the 56334  
extension period, shall submit, for future continuing education 56335  
reporting periods, proof of completion of the continuing education 56336  
requirements according to the schedule established in division (A) 56337  
of this section. 56338

(F) The superintendent shall not renew a license if the 56339  
licensee fails to comply with this section, and the licensee shall 56340  
be required to pay the penalty fee provided in section 4735.14 of 56341  
the Revised Code. 56342

(G) A licensee shall submit proof of completion of the 56343

required continuing education with the licensee's notice of 56344  
renewal. The proof shall be submitted in the manner provided by 56345  
the superintendent. 56346

**Sec. 4736.12.** (A) The state board of sanitarian registration 56347  
shall charge the following fees: 56348

(1) To apply as a sanitarian-in-training, eighty dollars; 56349

(2) For sanitarians-in-training to apply for registration as 56350  
sanitarians, eighty dollars. The applicant shall pay this fee only 56351  
once regardless of the number of times the applicant takes an 56352  
examination required under section 4736.08 of the Revised Code. 56353

(3) For persons other than sanitarians-in-training to apply 56354  
for registration as sanitarians, including persons meeting the 56355  
requirements of section 4736.16 of the Revised Code, one hundred 56356  
sixty dollars. The applicant shall pay this fee only once 56357  
regardless of the number of times the applicant takes an 56358  
examination required under section 4736.08 of the Revised Code. 56359

(4) The renewal fee for registered sanitarians shall be 56360  
~~eighty~~ ninety dollars. 56361

(5) The renewal fee for sanitarians-in-training shall be 56362  
~~eighty~~ ninety dollars. 56363

(6) For late application for renewal, an additional ~~fifty~~ 56364  
seventy-five dollars. 56365

The board of sanitarian registration, with the approval of 56366  
the controlling board, may establish fees in excess of the amounts 56367  
provided in this section, provided that such fees do not exceed 56368  
the amounts permitted by this section by more than fifty per cent. 56369

(B) The board of sanitarian registration shall charge 56370  
separate fees for examinations as required by section 4736.08 of 56371  
the Revised Code, provided that the fees are not in excess of the 56372  
actual cost to the board of conducting the examinations. 56373

(C) The board of sanitarian registration may adopt rules 56374  
establishing fees for all of the following: 56375

(1) Application for the registration of a training agency 56376  
approved under rules adopted by the board pursuant to section 56377  
4736.11 of the Revised Code and for the annual registration 56378  
renewal of an approved training agency; 56379

(2) Application for the review of continuing education hours 56380  
submitted for the board's approval by approved training agencies 56381  
or by registered sanitarians or sanitarians-in-training; 56382

(3) Additional copies of pocket identification cards and wall 56383  
certificates. 56384

**Sec. 4741.03.** (A) The state veterinary medical licensing 56385  
board shall meet at least once in each calendar year and may hold 56386  
additional meetings as often as it considers necessary to conduct 56387  
the business of the board. The president of the board may call 56388  
special meetings, and the executive director shall call special 56389  
meetings upon the written request of three members of the board. 56390  
The board shall organize by electing a president and 56391  
vice-president from its veterinarian members and such other 56392  
officers as the board prescribes by rule. Each officer shall serve 56393  
for a term specified by boardrule or until a successor is elected 56394  
and qualified. A quorum of the board consists of four members of 56395  
which at least three are members who are veterinarians. The 56396  
concurrence of four members is necessary for the board to take any 56397  
action. 56398

(B) The board may appoint a person, not one of its members, 56399  
to serve as its executive director. The executive director is in 56400  
the unclassified service and serves at the pleasure of the board. 56401  
The executive director shall serve as the board's 56402  
secretary-treasurer ex officio. The board may employ additional 56403  
employees for professional, technical, clerical, and special work 56404

as it considers necessary. The executive director shall give a surety bond to the state in the sum the board requires, conditioned upon the faithful performance of the executive director's duties. The board shall pay the cost of the bond. The executive director shall keep a complete accounting of all funds received and of all vouchers presented by the board to the director of budget and management for the disbursement of funds. The president or executive director shall approve all vouchers of the board. All money received by the board shall be credited to the occupational licensing and regulatory fund.

(C) In addition to any other duty required under this chapter, the board shall do all of the following:

(1) Prescribe a seal;

~~(2) Accept and review applications for admission to an examination in accordance with section 4741.09 of the Revised Code and review~~ Review the results of board-approved, nationally recognized examinations taken by applicants in accordance with rules adopted by the board.

(3) Keep a record of all of its meetings and proceedings;

(4) Maintain a register that records all applicants for a certificate of license or a temporary permit, all persons who have been denied a license or permit, all persons who have been granted or reissued a license or permit, and all persons whose license or permit has been revoked or suspended. The register shall also include a record of persons licensed prior to October 17, 1975.

(5) Maintain a register, in such form as the board determines by rule, of all colleges and universities that teach veterinary medicine and veterinary technology that are approved by the board;

(6) Enforce this chapter, and for that purpose, make investigations relative as provided in section 4741.26 of the Revised Code;

(7) Issue licenses and permits to persons who meet the qualifications set forth in this chapter;	56436 56437
(8) Approve colleges and universities which meet the board's requirements for veterinary medicine and associated fields of study and withdraw or deny, after an adjudication conducted in accordance with Chapter 119. of the Revised Code, approval from colleges and universities which fail to meet those requirements;	56438 56439 56440 56441 56442
(9) Adopt rules, in accordance with Chapter 119. of the Revised Code, which are necessary for its government and for the administration and enforcement of this chapter.	56443 56444 56445
(D) The board may do all of the following:	56446
(1) Subpoena witnesses and require their attendance and testimony, and require the production by witnesses of books, papers, public records, animal patient records, and other documentary evidence and examine them, in relation to any matter that the board has authority to investigate, inquire into, or hear. Except for any officer or employee of the state or any political subdivision of the state, the treasurer of state shall pay all witnesses in any proceeding before the board, upon certification from the board, witness fees and mileage in the amount provided for under section 119.094 of the Revised Code.	56447 56448 56449 56450 56451 56452 56453 56454 56455 56456
(2) Examine and inspect books, papers, public records, animal patient records, and other documentary evidence at the location where the books, papers, records, and other evidence are normally stored or maintained.	56457 56458 56459 56460
(E) All registers, books, and records kept by the board are the property of the board and are open for public examination and inspection at all reasonable times in accordance with section 149.43 of the Revised Code. The registers, books, and records are prima-facie evidence of the matters contained in them.	56461 56462 56463 56464 56465

**Sec. 4741.11.** Whenever an applicant for a license to practice veterinary medicine ~~passes the examination specified in section 4741.09 of the Revised Code, and~~ has graduated from a veterinary college approved by the state veterinary medical licensing board or accredited by the American veterinary medical association or has been issued a certificate on or after May 1, 1987, by the education commission for foreign veterinary graduates of the American veterinary medical association or by the program for the assessment of veterinary education equivalence of the American association of veterinary state boards, and is not in violation of this chapter, the board shall issue a certificate of license to that effect, signed by the members and bearing the seal of the board. The certificate shall show that the successful applicant has qualified under the laws of this state and the requirements of the board and that the applicant is duly licensed and qualified to practice veterinary medicine.

~~Upon request, the board shall furnish to an applicant for a license who fails to pass the examination a written report showing reasons for the applicant's failure in the examination.~~

**Sec. 4741.12.** The state veterinary medical licensing board may issue a license to practice veterinary medicine without the examination required pursuant to section 4741.11 of the Revised Code to an applicant from another state, territory, country, or the District of Columbia who furnishes satisfactory proof to the board that the applicant meets all of the following criteria:

(A) The applicant is a graduate of a veterinary college accredited by the American veterinary medical association or holds a certificate issued, on or after May 1, 1987, by the education commission for foreign veterinary graduates of the American veterinary medical association or ~~issued by any other nationally recognized certification program the board approves by rule~~ by the

program for the assessment of veterinary education equivalence of 56497  
the American association of veterinary state boards. 56498

(B) The applicant holds a license, which is not under 56499  
suspension, revocation, or other disciplinary action, issued by an 56500  
agency similar to this board of another state, territory, country, 56501  
or the District of Columbia, having requirements equivalent to 56502  
those of this state, provided the laws of such state, territory, 56503  
country, or district accord equal rights to the holder of a 56504  
license to practice in this state who removes to such state, 56505  
territory, country, or district. 56506

(C) The applicant is of good moral character, as determined 56507  
by the board. 56508

(D) The applicant is not under investigation for an act which 56509  
would constitute a violation of this chapter that would require 56510  
the revocation of or refusal to renew a license. 56511

(E) The applicant has a thorough knowledge of the laws and 56512  
rules governing the practice of veterinary medicine in this state, 56513  
as determined by the board. 56514

**Sec. 4741.17.** (A) Applicants or registrants shall pay to the 56515  
state veterinary medical licensing board: 56516

(1) For an initial veterinary license ~~based on examination,~~ 56517  
on or after the first day of March in an even-numbered year, ~~three~~ 56518  
~~hundred seventy-five~~ four hundred twenty-five dollars, and on or 56519  
after the first day of March in an odd-numbered year, ~~two hundred~~ 56520  
~~fifty~~ three hundred dollars; 56521

(2) For an initial limited license to practice veterinary 56522  
medicine for an intern, resident in a veterinary specialty, or 56523  
graduate student, thirty-five dollars; 56524

(3) For an initial limited license to practice veterinary 56525  
medicine for an instructor, researcher, or diagnostician, one 56526



hundred fifty-five dollars; 56527

~~(4) For a veterinary license by reciprocity issued on or~~ 56528  
~~after the first day of March in an even numbered year, four~~ 56529  
~~hundred twenty five dollars, and on or after the first day of~~ 56530  
~~March in an odd numbered year, three hundred dollars;~~ 56531

~~(5)~~ For a veterinary temporary permit, one hundred dollars; 56532

~~(6)~~(5) For a duplicate license, thirty-five dollars; 56533

~~(7)~~(6) For the veterinary license biennial renewal fee, where 56534  
the application is postmarked no later than the first day of 56535  
March, one hundred fifty-five dollars; where the application is 56536  
postmarked after the first day of March, but no later than the 56537  
first day of April, two hundred twenty-five dollars; and where the 56538  
application is postmarked after the first day of April, four 56539  
hundred fifty dollars. Notwithstanding section 4741.25 of the 56540  
Revised Code, the board shall deposit ten dollars of each 56541  
veterinary license biennial renewal fee that it collects into the 56542  
state treasury to the credit of the veterinarian loan repayment 56543  
fund created in section 4741.46 of the Revised Code. 56544

~~(8)~~(7) For the limited license to practice veterinary 56545  
medicine biennial renewal fee, where the application is postmarked 56546  
not later than the first day of July, one hundred fifty-five 56547  
dollars; where the application is postmarked after the first day 56548  
of July, but not later than the first day of August, two hundred 56549  
twenty-five dollars; and where the application is postmarked after 56550  
the first day of August, four hundred fifty dollars. 56551  
Notwithstanding section 4741.25 of the Revised Code, the board 56552  
shall deposit ten dollars of each limited license biennial renewal 56553  
fee that it collects from instructors, researchers, and 56554  
diagnosticians into the state treasury to the credit of the 56555  
veterinarian loan repayment fund. 56556

~~(9)~~(8) For an initial registered veterinary technician 56557

registration fee on or after the first day of March in an 56558  
odd-numbered year, thirty-five dollars, and on or after the first 56559  
day of March in an even-numbered year, twenty-five dollars; 56560

~~(10)~~(9) For the biennial renewal registration fee of a 56561  
registered veterinary technician, where the application is 56562  
postmarked no later than the first day of March, thirty-five 56563  
dollars; where the application is postmarked after the first day 56564  
of March, but no later than the first day of April, forty-five 56565  
dollars; and where the application is postmarked after the first 56566  
day of April, sixty dollars; 56567

~~(11)~~(10) For a specialist certificate, fifty dollars. The 56568  
certificate is not subject to renewal. 56569

~~(12)~~(11) For the reinstatement of a suspended license, or for 56570  
reinstatement of a license that has lapsed more than one year, an 56571  
additional fee of seventy-five dollars; 56572

~~(13) For examinations offered by the board, a fee, which 56573  
shall be established by the board, in an amount adequate to cover 56574  
the expense of procuring, administering, and scoring examinations; 56575~~

~~(14)~~(12) For a provisional veterinary graduate license, one 56576  
hundred dollars. 56577

(B) For the purposes of divisions (A)(6), (7), ~~(8)~~, and 56578  
~~(10)~~(9) of this section, a date stamp of the office of the board 56579  
may serve in lieu of a postmark. 56580

**Sec. 4741.19.** (A) Unless exempted under this chapter, no 56581  
person shall practice veterinary medicine, or any of its branches, 56582  
without a license or limited license issued by the state 56583  
veterinary medical licensing board pursuant to sections 4741.11 to 56584  
4741.13 of the Revised Code, a temporary permit issued pursuant to 56585  
section 4741.14 of the Revised Code, or a registration certificate 56586  
issued pursuant to division (C) of this section, or with an 56587

inactive, expired, suspended, terminated, or revoked license, 56588  
temporary permit, or registration. 56589

(B) No veterinary student shall: 56590

(1) Perform or assist surgery unless under direct veterinary 56591  
supervision and unless the student has had the minimum education 56592  
and experience prescribed by rule of the board; 56593

(2) Engage in any other work related to the practice of 56594  
veterinary medicine unless under veterinary supervision; 56595

(3) Participate in the operation of a branch office, clinic, 56596  
or allied establishment unless a licensed veterinarian is present 56597  
on the establishment premises. 56598

(C) No person shall act as a registered veterinary technician 56599  
unless the person is registered with the board on a biennial basis 56600  
and pays the biennial registration fee. A registered veterinary 56601  
technician registration expires biennially on the first day of 56602  
March in the odd-numbered years and may be renewed in accordance 56603  
with the standard renewal procedures contained in Chapter 4745. of 56604  
the Revised Code upon payment of the biennial registration fee and 56605  
fulfillment of ten continuing education hours during the two years 56606  
immediately preceding renewal for registration. Each registered 56607  
veterinary technician shall notify in writing the executive 56608  
director of the board of any change in the registered veterinary 56609  
technician's office address or employment within ninety days after 56610  
the change has taken place. 56611

(1) A registered veterinary technician operating under 56612  
veterinary supervision may perform the following duties: 56613

(a) Prepare or supervise the preparation of patients, 56614  
instruments, equipment, and medications for surgery; 56615

(b) Collect or supervise the collection of specimens and 56616  
perform laboratory procedures as required by the supervising 56617

veterinarian;	56618
(c) Apply wound dressings, casts, or splints as required by the supervising veterinarian;	56619 56620
(d) Assist a veterinarian in immunologic, diagnostic, medical, and surgical procedures;	56621 56622
(e) Suture skin incisions;	56623
(f) Administer or supervise the administration of topical, oral, or parenteral medication under the direction of the supervising veterinarian;	56624 56625 56626
(g) Other ancillary veterinary technician functions that are performed pursuant to the order and control and under the full responsibility of a licensed veterinarian.	56627 56628 56629
(h) Any additional duties as established by the board in rule.	56630 56631
(2) A registered veterinary technician operating under direct veterinary supervision may perform all of the following:	56632 56633
(a) Induce and monitor general anesthesia according to medically recognized and appropriate methods;	56634 56635
(b) Dental prophylaxis, periodontal care, and extraction not involving sectioning of teeth or resection of bone or both of these;	56636 56637 56638
(c) Equine dental procedures, including the floating of molars, premolars, and canine teeth; removal of deciduous teeth; and the extraction of first premolars or wolf teeth.	56639 56640 56641
The degree of supervision by a licensed veterinarian over the functions performed by the registered veterinary technician shall be consistent with the standards of generally accepted veterinary medical practices.	56642 56643 56644 56645
(D) A veterinarian licensed to practice in this state shall	56646

not present the person's self as or state a claim that the person 56647  
is a specialist unless the veterinarian has previously met the 56648  
requirements for certification by a specialty organization 56649  
recognized by the American board of veterinary specialties for a 56650  
specialty or such other requirements set by rule of the board and 56651  
has paid the fee required by division (A)~~(11)~~(10) of section 56652  
4741.17 of the Revised Code. 56653

(E) Notwithstanding division (A) of this section, any animal 56654  
owner or the owner's designee may engage in the practice of embryo 56655  
transfer on the owner's animal if a licensed veterinarian directly 56656  
supervises the owner or the owner's designee and the means used to 56657  
perform the embryo transfer are nonsurgical. 56658

(F) Allied medical support may assist a licensed veterinarian 56659  
to the extent to which the law that governs the individual 56660  
providing the support permits, if all of the following apply: 56661

(1) A valid veterinary-client-patient-relationship exists. 56662

(2) The individual acts under direct veterinary supervision. 56663

(3) The allied medical support individual receives informed, 56664  
written, client consent. 56665

(4) The veterinarian maintains responsibility for the patient 56666  
and keeps the patient's medical records. 56667

The board may inspect the facilities of an allied medical 56668  
support individual in connection with an investigation based on a 56669  
complaint received in accordance with section 4741.26 of the 56670  
Revised Code involving that individual. 56671

**Sec. 4743.08.** (A) As used in this section and in section 56672  
4743.09 of the Revised Code: 56673

(1) "Dangerous drug" has the same meaning as in section 56674  
4729.01 of the Revised Code. 56675

(2) "Health care provider" or "provider" means an individual who is licensed, certified, or registered by a board, commission, or agency that is created under or by virtue of Title XLVII of the Revised Code and provides health-related diagnostic, evaluative, or treatment services. In accordance with Chapter 119. of the Revised Code, the director of health may adopt rules further defining "health care provider." 56676  
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(3) "Insurer" means any person that is authorized to engage in the business of insurance in this state under Title XXXIX of the Revised Code, the Ohio fair plan underwriting association created under section 3929.43 of the Revised Code, any health insuring corporation, or any legal entity that is self-insured and provides benefits to its employees or members. 56683  
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(B)(1) Except as provided in division (D) of this section, before a health care provider dispenses a dangerous drug or provides a medical product or service to a patient, the provider shall notify the patient or the patient's representative of all of the following: 56689  
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(a) The provider's usual and customary charge for the drug or medical product or service; 56694  
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(b) The portion of the charge described in division (B)(1) (a) of this section that the patient's insurer will pay for the drug, medical product, or service or, if the patient is a medicaid recipient, the portion the medicaid program will pay for the medicaid service; 56696  
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(c) Any out-of-pocket amount the patient will be charged for the drug, medical product, or service. 56701  
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(2) The notifications required by division (B)(1) of this section shall be provided in writing unless the patient and the provider are in different locations. Under those circumstances, the notifications may be given verbally. 56703  
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(C) Except as provided in division (D) of this section, a health care provider shall not dispense a dangerous drug or provide a medical product or service to a patient unless the patient or the patient's representative consents to being charged the out-of-pocket amount for the item. Consent shall be given in writing unless the patient and the provider are in different locations. Under those circumstances, consent may be given verbally if the verbal consent is recorded by the provider.

(D) The requirements of divisions (B) and (C) of this section do not apply in emergency situations. The director of health may adopt rules specifying which situations are emergency situations.

**Sec. 4743.09.** Notwithstanding any provision of the Revised Code to the contrary, a health care provider may advertise the provider's usual and customary charge for any product, procedure, or service that is provided, performed, or rendered by the provider. Any provision in a contract that prohibits this practice is void.

**Sec. 4760.133.** (A)(1) If an anesthesiologist assistant violates any section of this chapter or any rule adopted under this chapter, the state medical board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined by the board in accordance with the guidelines adopted under division (A)(2) of this section. The civil penalty may be in addition to any other action the board may take under section 4760.13 of the Revised Code.

(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or amendment of the guidelines requires the approval of

not fewer than six board members. 56737

Under the guidelines, no civil penalty amount shall exceed 56738  
twenty thousand dollars. 56739

(B) Amounts received from payment of civil penalties imposed 56740  
under this section shall be deposited by the board in accordance 56741  
with section 4731.24 of the Revised Code. Amounts received from 56742  
payment of civil penalties imposed for violations of division 56743  
(B)(6) of section 4760.13 of the Revised Code shall be used by the 56744  
board solely for investigations, enforcement, and compliance 56745  
monitoring. 56746

**Sec. 4762.133.** (A)(1) If an oriental medicine practitioner or 56747  
acupuncturist violates any section of this chapter or any rule 56748  
adopted under this chapter, the state medical board may, pursuant 56749  
to an adjudication under Chapter 119. of the Revised Code and an 56750  
affirmative vote of not fewer than six of its members, impose a 56751  
civil penalty. The amount of the civil penalty shall be determined 56752  
by the board in accordance with the guidelines adopted under 56753  
division (A)(2) of this section. The civil penalty may be in 56754  
addition to any other action the board may take under section 56755  
4762.13 of the Revised Code. 56756

(2) The board shall adopt and may amend guidelines regarding 56757  
the amounts of civil penalties to be imposed under this section. 56758  
Adoption or amendment of the guidelines requires the approval of 56759  
not fewer than six board members. 56760

Under the guidelines, no civil penalty amount shall exceed 56761  
twenty thousand dollars. 56762

(B) Amounts received from payment of civil penalties imposed 56763  
under this section shall be deposited by the board in accordance 56764  
with section 4731.24 of the Revised Code. Amounts received from 56765  
payment of civil penalties imposed for violations of division 56766



(B)(6) of section 4762.13 of the Revised Code shall be used by the board solely for investigations, enforcement, and compliance monitoring. 56767  
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**Sec. 4763.01.** As used in this chapter: 56770

(A) "Real estate appraisal" or "appraisal" means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of identified real estate that is classified as either a valuation or an analysis. 56771  
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(B) "Valuation" means an estimate of the value of real estate. 56775  
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(C) "Analysis" means a study of real estate for purposes other than valuation. 56777  
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(D) "Appraisal report" means a written communication of a real estate appraisal, or appraisal review, or appraisal consulting service or an oral communication of a real estate appraisal, or appraisal review, or appraisal consulting service that is documented by a writing that supports the oral communication. 56779  
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(E) "Appraisal assignment" means an engagement for which a person licensed or certified under this chapter is employed, retained, or engaged to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased real estate appraisal. 56785  
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(F) "Specialized services" means all appraisal services, other than appraisal assignments, including, but not limited to, valuation and analysis given in connection with activities such as real estate brokerage, mortgage banking, real estate counseling, and real estate tax counseling, and specialized marketing, financing, and feasibility studies. 56790  
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(G) "Real estate" has the same meaning as in section 4735.01 56796

of the Revised Code. 56797

(H) "Appraisal foundation" means a nonprofit corporation 56798  
incorporated under the laws of the state of Illinois on November 56799  
30, 1987, for the purposes of establishing and improving uniform 56800  
appraisal standards by defining, issuing, and promoting those 56801  
standards; establishing appropriate criteria for the certification 56802  
and recertification of qualified appraisers by defining, issuing, 56803  
and promoting the qualification criteria and disseminating the 56804  
qualification criteria to others; and developing or assisting in 56805  
development of appropriate examinations for qualified appraisers. 56806

(I) "Prepare" means to develop and communicate, whether 56807  
through a personal physical inspection or through the act or 56808  
process of critically studying a report prepared by another who 56809  
made the physical inspection, an appraisal, analysis, or opinion, 56810  
or specialized service and to report the results. If the person 56811  
who develops and communicates the appraisal or specialized service 56812  
does not make the personal inspection, the name of the person who 56813  
does make the personal inspection shall be identified on the 56814  
appraisal or specialized service reported. 56815

(J) "Report" means any communication, written, oral, or by 56816  
any other means of transmission of information, of a real estate 56817  
appraisal, appraisal review, ~~appraisal consulting service~~, or 56818  
specialized service that is transmitted to a client or employer 56819  
upon completion of the appraisal or service. 56820

(K) "State-certified general real estate appraiser" means any 56821  
person who satisfies the certification requirements of this 56822  
chapter relating to the appraisal of all types of real property 56823  
and who holds a current and valid certificate or renewal 56824  
certificate issued to the person pursuant to this chapter. 56825

(L) "State-certified residential real estate appraiser" means 56826  
any person who satisfies the certification requirements only 56827

relating to the appraisal of one to four units of single-family residential real estate without regard to transaction value or complexity and who holds a current and valid certificate or renewal certificate issued to the person pursuant to this chapter.

(M) "State-licensed residential real estate appraiser" means any person who satisfies the licensure requirements of this chapter relating to the appraisal of noncomplex one-to-four unit single-family residential real estate having a transaction value of less than one million dollars and complex one-to-four unit single-family residential real estate having a transaction value of less than two hundred fifty thousand dollars and who holds a current and valid license or renewal license issued to the person pursuant to this chapter.

(N) "Certified or licensed real estate appraisal" means an appraisal prepared and reported by a certificate holder or licensee under this chapter acting within the scope of certification or licensure and as a disinterested third party.

(O) "State-registered real estate appraiser assistant" means any person, other than a state-certified general real estate appraiser, state-certified residential real estate appraiser, or a state-licensed residential real estate appraiser, who satisfies the registration requirements of this chapter for participating in the development and preparation of real estate appraisals and who holds a current and valid registration or renewal registration issued to the person pursuant to this chapter.

(P) "Institution of higher education" means a state university or college, a private college or university located in this state that possesses a certificate of authorization issued by the ~~Ohio board of regents~~ director of higher education pursuant to Chapter 1713. of the Revised Code, or an accredited college or university located outside this state that is accredited by an accrediting organization or professional accrediting association

recognized by the ~~Ohio board of regents~~ director of higher 56860  
education. 56861

(Q) "Division of real estate" may be used interchangeably 56862  
with, and for all purposes has the same meaning as, "division of 56863  
real estate and professional licensing." 56864

(R) "Superintendent" or "superintendent of real estate" means 56865  
the superintendent of the division of real estate and professional 56866  
licensing of this state. Whenever the division or superintendent 56867  
of real estate is referred to or designated in any statute, rule, 56868  
contract, or other document, the reference or designation shall be 56869  
deemed to refer to the division or superintendent of real estate 56870  
and professional licensing, as the case may be. 56871

(S) "Appraisal review" means the act or process of developing 56872  
and communicating an opinion about the quality of another 56873  
appraiser's work that was performed as part of an appraisal, or 56874  
appraisal review, ~~or appraisal consulting assignment.~~ 56875

(T) ~~"Appraisal consulting" means the act or process of~~ 56876  
~~developing an analysis, recommendation, or opinion to solve a~~ 56877  
~~problem related to real estate.~~ 56878

~~(U)~~ "Work file" means documentation used during the 56879  
preparation of an appraisal report or necessary to support an 56880  
appraiser's analyses, opinions, or conclusions. 56881

**Sec. 4763.07.** (A) Every state-certified general real estate 56882  
appraiser, state-certified residential real estate appraiser and 56883  
state-licensed residential real estate appraiser shall submit 56884  
proof of successfully completing a minimum of fourteen classroom 56885  
hours of continuing education instruction in courses or seminars 56886  
approved by the real estate appraiser board. The certificate 56887  
holder and licensee shall have satisfied the fourteen-hour 56888  
continuing education requirements within the one-year period 56889

immediately following the issuance of the initial certificate or license and shall satisfy those requirements annually thereafter.

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In accordance with federal law, each state-registered real estate appraiser assistant who remains in this classification for more than two years shall satisfy in the third and successive years this section's requirements submit proof of successfully completing a minimum of fourteen classroom hours of continuing education instruction in courses or seminars approved by the real estate appraiser board. Each registrant shall satisfy the fourteen-hour continuing education requirements annually.

This division does not apply to an appraiser with a certification or license from another state that is temporarily recognized in this state pursuant to division (E)(2) of section 4763.05 of the Revised Code. A

A certificate holder, licensee, or registrant who fails to submit proof to the superintendent of meeting these requirements is ineligible to obtain a renewal certificate, license, or registration and shall comply with section 4763.05 of the Revised Code in order to regain a certificate, license, or registration, except that the certificate holder, licensee, or registrant may submit proof to the superintendent of meeting these requirements within three months after the date of expiration of the certificate, license, or registration, or by obtaining a medical exception under division (E) of this section, without having to comply with section 4763.05 of the Revised Code. A certificate holder, licensee, or registrant may not engage in any activities permitted by the certificate, license, or registration during the three-month period following the certificate's, license's, or registration's normal expiration date or during the time period for which a medical exception applies.

A certificate holder, licensee, or registrant may satisfy all 56921

or a portion of the required hours of classroom instruction in the 56922  
following manner: 56923

(1) Completion of an educational program of study determined 56924  
by the board to be equivalent, for continuing education purposes, 56925  
to courses or seminars approved by the board; 56926

(2) Participation, other than as a student, in educational 56927  
processes or programs approved by the board that relate to real 56928  
estate appraisal theory, practices, or techniques. 56929

A certificate holder, licensee, or registrant shall present 56930  
to the superintendent of real estate evidence of the manner in 56931  
which the certificate holder, licensee, or registrant satisfied 56932  
the requirements of division (A) of this section. 56933

(B) The board shall adopt rules for implementing a continuing 56934  
education program for state-certified general real estate 56935  
appraisers, state-certified residential real estate appraisers, 56936  
state-licensed residential real estate appraisers, and 56937  
state-registered real estate appraiser assistants for the purpose 56938  
of assuring that certificate holders, licensees, and registrants 56939  
have current knowledge of real estate appraisal theories, 56940  
practices, and techniques that will provide a high degree of 56941  
service and protection to members of the public. In addition to 56942  
any other provisions the board considers appropriate, the rules 56943  
adopted by the board shall prescribe the following: 56944

(1) Policies and procedures for obtaining board approval of 56945  
courses of instruction and seminars; 56946

(2) Standards, policies, and procedures to be applied in 56947  
evaluating the alternative methods of complying with continuing 56948  
education requirements set forth in divisions (A)(1) and (2) of 56949  
this section; 56950

(3) Standards, monitoring methods, and systems for recording 56951  
attendance to be employed by course sponsors as a prerequisite to 56952

approval of courses for continuing education credit. 56953

(C) No amendment or rescission of a rule the board adopts 56954  
pursuant to division (B) of this section shall operate to deprive 56955  
a certificate holder or licensee of credit toward renewal of 56956  
certification or licensure for any course of instruction completed 56957  
by the certificate holder or licensee prior to the effective date 56958  
of the amendment or rescission that would have qualified for 56959  
credit under the rule as it existed prior to amendment or 56960  
rescission. 56961

(D) The superintendent of real estate shall not issue a 56962  
renewal certificate, registration, or license to any person who 56963  
does not meet applicable minimum criteria for state certification, 56964  
registration, or licensure prescribed by federal law or rule. 56965

(E) The superintendent may grant a medical exception upon 56966  
application by a person certified, registered, or licensed under 56967  
this chapter. To receive an exception, the certificate holder, 56968  
registrant, or licensee shall submit a request to the 56969  
superintendent with proof satisfactory that a medical exception is 56970  
warranted. If the superintendent makes a determination that 56971  
satisfactory proof has not been presented, within fifteen days of 56972  
the date of the denial of the medical exception, the certificate 56973  
holder, registrant, or licensee may file with the division of real 56974  
estate a request that the real estate appraiser board review the 56975  
determination. The board may adopt reasonable rules in accordance 56976  
with Chapter 119. of the Revised Code to implement this division. 56977

Sec. 4765.161. The state board of emergency medical, fire, 56978  
and transportation services shall adopt rules under section 56979  
4765.11 of the Revised Code to establish an expedited veterans 56980  
paramedic certification program for any person who is a veteran of 56981  
the armed forces of the United States and who, while serving in 56982  
the armed forces of the United States, received training as what 56983

this state categorizes as a paramedic. The program shall provide 56984  
for a method or procedure whereby, upon application by such a 56985  
veteran, the veteran is evaluated to determine the extent of the 56986  
training the veteran received while serving in the armed forces of 56987  
the United States. If the evaluation indicates that the training 56988  
the veteran received while serving in the armed forces of the 56989  
United States was such that the veteran is eligible to be issued a 56990  
certificate to practice as a paramedic, the board shall issue the 56991  
veteran a certificate to practice as a paramedic as provided in 56992  
section 4765.30 of the Revised Code upon payment of the 56993  
appropriate fee. 56994

If the evaluation indicates that the training the veteran 56995  
received while serving in the armed forces of the United States 56996  
was such that the veteran is not eligible to be issued a 56997  
certificate to practice as a paramedic, the veteran shall receive 56998  
credit for the training the veteran received while serving in the 56999  
armed forces of the United States and shall be required to 57000  
successfully complete only the necessary additional training or 57001  
instruction in order to be issued a certificate to practice as a 57002  
paramedic. 57003

**Sec. 4774.133.** (A)(1) If a radiologist assistant violates any 57004  
section of this chapter or any rule adopted under this chapter, 57005  
the state medical board may, pursuant to an adjudication under 57006  
Chapter 119. of the Revised Code and an affirmative vote of not 57007  
fewer than six of its members, impose a civil penalty. The amount 57008  
of the civil penalty shall be determined by the board in 57009  
accordance with the guidelines adopted under division (A)(2) of 57010  
this section. The civil penalty may be in addition to any other 57011  
action the board may take under section 4774.13 of the Revised 57012  
Code. 57013

(2) The board shall adopt and may amend guidelines regarding 57014



the amounts of civil penalties to be imposed under this section. 57015  
Adoption or amendment of the guidelines requires the approval of 57016  
not fewer than six board members. 57017

Under the guidelines, no civil penalty amount shall exceed 57018  
twenty thousand dollars. 57019

(B) Amounts received from payment of civil penalties imposed 57020  
under this section shall be deposited by the board in accordance 57021  
with section 4731.24 of the Revised Code. Amounts received from 57022  
payment of civil penalties imposed for violations of division 57023  
(B)(6) of section 4774.13 of the Revised Code shall be used by the 57024  
board solely for investigations, enforcement, and compliance 57025  
monitoring. 57026

**Sec. 4778.06.** (A) An individual seeking to renew a license to 57027  
practice as a genetic counselor shall, on or before the 57028  
thirty-first day of January of each even-numbered year, apply for 57029  
renewal of the license. The state medical board shall send renewal 57030  
notices at least one month prior to the expiration date. 57031

Renewal applications shall be submitted to the board in a 57032  
manner prescribed by the board. Each application shall be 57033  
accompanied by a biennial renewal fee of one hundred fifty 57034  
dollars. 57035

The applicant shall report any criminal offense to which the 57036  
applicant has pleaded guilty, of which the applicant has been 57037  
found guilty, or for which the applicant has been found eligible 57038  
for intervention in lieu of conviction, since last signing an 57039  
application for a license to practice as a genetic counselor. 57040

(B) To be eligible for renewal, a genetic counselor shall 57041  
certify to the board that the counselor has done both of the 57042  
following: 57043

(1) Maintained the counselor's status as a certified genetic 57044

counselor; 57045

(2) Completed at least thirty hours of continuing education 57046  
in genetic counseling that has been approved by the national 57047  
society of genetic counselors or American board of genetic 57048  
counseling. 57049

(C) If an applicant submits a renewal application that the 57050  
board considers to be complete and qualifies for renewal pursuant 57051  
to division (B) of this section, the board shall issue to the 57052  
applicant a renewed license to practice as a genetic counselor. 57053

(D) The board may require a random sample of genetic 57054  
counselors to submit materials documenting that their status as 57055  
certified genetic counselors has been maintained and that the 57056  
number of hours of continuing education required under division 57057  
(B)(2) of this section has been completed. 57058

If a genetic counselor certifies that the genetic counselor 57059  
has completed the number of hours and type of continuing education 57060  
required for renewal of a license, and the board finds through the 57061  
random sample or any other means that the genetic counselor did 57062  
not complete the requisite continuing education, the board may 57063  
impose a civil penalty of not more than five thousand dollars. ~~The~~ 57064  
If a civil penalty is imposed in addition to any other action the 57065  
board takes under section 4778.14 of the Revised Code, the board's 57066  
finding shall be made pursuant to an adjudication under Chapter 57067  
119. of the Revised Code and by an affirmative vote of not fewer 57068  
than six members. A civil penalty imposed under this division may 57069  
be in addition to or in lieu of any other action the board may 57070  
take under section 4778.14 of the Revised Code. The board shall 57071  
deposit civil penalties in accordance with section 4731.24 of the 57072  
Revised Code. 57073

**Sec. 4778.141.** (A)(1) If a genetic counselor violates any 57074  
section of this chapter other than section 4778.06 of the Revised 57075

Code or violates any rule adopted under this chapter, the state 57076  
medical board may, pursuant to an adjudication under Chapter 119. 57077  
of the Revised Code and an affirmative vote of not fewer than six 57078  
of its members, impose a civil penalty. The amount of the civil 57079  
penalty shall be determined by the board in accordance with 57080  
guidelines adopted under division (A)(2) of this section. The 57081  
civil penalty may be in addition to any other action the board may 57082  
take under section 4778.14 of the Revised Code. 57083

(2) The board shall adopt and may amend guidelines regarding 57084  
the amounts of civil penalties to be imposed under this section. 57085  
Adoption or amendment of the guidelines requires the approval of 57086  
not fewer than six board members. 57087

Under the guidelines, no civil penalty amount shall exceed 57088  
twenty thousand dollars. 57089

(B) Amounts received from payment of civil penalties imposed 57090  
under this section shall be deposited by the board in accordance 57091  
with section 4731.24 of the Revised Code. Amounts received from 57092  
payment of civil penalties imposed for violations of division 57093  
(B)(6) of section 4778.14 of the Revised Code shall be used by the 57094  
board solely for investigations, enforcement, and compliance 57095  
monitoring. 57096

**Sec. 4905.71.** (A) Every telephone or electric light company 57097  
that is a public utility as defined by section 4905.02 of the 57098  
Revised Code and, subject to section 4927.15 of the Revised Code, 57099  
every incumbent local exchange carrier as defined by section 57100  
4927.01 of the Revised Code shall permit, upon reasonable terms 57101  
and conditions and the payment of reasonable charges, the 57102  
attachment of any wire, cable, facility, or apparatus to its 57103  
poles, pedestals, or placement of same in conduit duct space, by 57104  
any person or entity other than a public utility that is 57105  
authorized and has obtained, under law, any necessary public or 57106

private authorization and permission to construct and maintain the attachment, so long as the attachment does not interfere, obstruct, or delay the service and operation of the ~~telephone or electric light~~ company or carrier, or create a hazard to safety. Every such ~~telephone or electric light~~ company or carrier shall file tariffs with the public utilities commission containing the charges, terms, and conditions established for such use.

(B) The commission shall regulate the justness and reasonableness of the charges, terms, and conditions contained in any such tariff, and may, upon complaint of any persons in which it appears that reasonable grounds for complaint are stated, or upon its own initiative, investigate such charges, terms, and conditions and conduct a hearing to establish just and reasonable charges, terms, and conditions, and to resolve any controversy that may arise among the parties as to such attachment.

**Sec. 4905.81.** The public utilities commission shall:

(A) Supervise and regulate each motor carrier;

(B) Regulate the safety of operation of each motor carrier, and of each intermodal equipment provider as defined in section 4923.041 of the Revised Code;

(C) Adopt reasonable safety rules applicable to the highway transportation of persons or property in interstate and intrastate commerce by motor carriers;

(D) Adopt safety rules applicable to the transportation and offering for transportation of hazardous materials in interstate and intrastate commerce by motor carriers. The rules shall not be incompatible with the requirements of the United States department of transportation.

(E) Require the filing of reports and other data by motor carriers;

(F) Adopt reasonable rules for the administration and 57137  
enforcement of this chapter and Chapters 4901., 4903., 4907., 57138  
4909., 4921., and 4923. of the Revised Code applying to each motor 57139  
carrier in this state; 57140

(G) Supervise and regulate motor carriers in all other 57141  
matters affecting the relationship between those carriers and the 57142  
public to the exclusion of all local authorities, except as 57143  
provided in this section. The commission, in the exercise of the 57144  
jurisdiction conferred upon it by this chapter and Chapters 4901., 57145  
4903., 4907., 4909., 4921., and 4923. of the Revised Code, may 57146  
adopt rules affecting motor carriers, notwithstanding the 57147  
provisions of any ordinance, resolution, license, or permit 57148  
enacted, adopted, or granted by any township, municipal 57149  
corporation, municipal corporation and county, or county. In case 57150  
of conflict between any such ordinance, resolution, license, or 57151  
permit, the order or rule of the commission shall prevail. Local 57152  
subdivisions may adopt reasonable local police rules within their 57153  
respective boundaries not inconsistent with those chapters and 57154  
rules adopted under them. 57155

The commission has jurisdiction to receive, hear, and 57156  
determine as a question of fact, upon complaint of any party or 57157  
upon its own motion, and upon not less than fifteen days' notice 57158  
of the time and place of the hearing and the matter to be heard, 57159  
whether any corporation, company, association, joint-stock 57160  
association, person, firm, or copartnership, or their lessees, 57161  
legal or personal representatives, trustees, or receivers or 57162  
trustees appointed by any court, is engaged as a motor carrier. 57163  
The finding of the commission on such a question is a final order 57164  
that may be reviewed as provided in section 4923.15 of the Revised 57165  
Code. 57166

**Sec. 4923.04.** (A)~~(1)~~ The public utilities commission shall 57167

adopt rules applicable to ~~the~~ all of the following: 57168

(1) The transportation of persons or property by motor 57169  
carriers operating in interstate and intrastate commerce;~~i~~ 57170

(2) ~~The commission shall adopt rules applicable to the~~ 57171  
highway transportation and offering for transportation of 57172  
hazardous materials by motor carriers, and persons engaging in the 57173  
highway transportation and offering for transportation of 57174  
hazardous materials, operating in interstate or intrastate 57175  
commerce;~~i~~ 57176

(3) The use and interchange of intermodal equipment, as those 57177  
terms are defined in section 4923.041 of the Revised Code. 57178

(B) The rules adopted under division (A) of this section 57179  
shall not be incompatible with the requirements of the United 57180  
States department of transportation. 57181

(C) To achieve the purposes of this chapter and to assist the 57182  
commission in the performance of any of its powers or duties, the 57183  
commission, either through the public utilities commissioners or 57184  
employees authorized by it, may do either or both of the 57185  
following: 57186

(1) Apply for, and any judge of a court of record of 57187  
competent jurisdiction may issue, an appropriate search warrant; 57188

(2) Examine under oath, at the offices of the commission, any 57189  
officer, agent, or employee of any person subject to this chapter. 57190  
The commission, by subpoena, also may compel the attendance of a 57191  
witness for the purpose of the examination and, by subpoena duces 57192  
tecum, may compel the production of all books, contracts, records, 57193  
and documents that relate to ~~the transportation and offering for~~ 57194  
transportation of hazardous materials compliance with this chapter 57195  
or compliance with rules adopted under this chapter. 57196

Sec. 4923.041. (A) As used in section 4923.04 of the Revised Code: 57197  
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"Interchange" means the act of providing intermodal equipment to a motor carrier pursuant to an intermodal equipment interchange agreement for the purpose of transporting the equipment for loading or unloading by any person or repositioning the equipment for the benefit of the equipment provider, but it does not include the leasing of equipment to a motor carrier for primary use in the motor carrier's freight hauling operations. 57199  
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"Intermodal equipment" means trailing equipment that is used in the intermodal transportation of containers over public highways in interstate commerce, including trailers and chassis. 57206  
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(B) As used in this section: 57209

"Intermodal equipment interchange agreement" means the uniform intermodal interchange and facilities access agreement or any other written document executed by an intermodal equipment provider or its agent and a motor carrier or its agent, the primary purpose of which is to establish the responsibilities and liabilities of both parties with respect to the interchange of the intermodal equipment. 57210  
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"Intermodal equipment provider" means any person that interchanges intermodal equipment with a motor carrier pursuant to a written interchange agreement or has a contractual responsibility for the maintenance of the intermodal equipment. 57217  
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"Person" means any individual, partnership, association, corporation, business trust, or any other organized group of individuals. 57221  
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**Sec. 4927.01.** (A) As used in this chapter: 57224

(1) "Basic local exchange service" means residential-end-user 57225

access to and usage of telephone-company-provided services over a 57226  
single line or small-business-end-user access to and usage of 57227  
telephone-company-provided services over the primary access line 57228  
of service, which in the case of residential and small-business 57229  
access and usage is not part of a bundle or package of services, 57230  
that does both of the following: 57231

(a) Enables a customer to originate or receive voice 57232  
communications within a local service area as that area exists on 57233  
September 13, 2010, ~~the effective date of the amendment of this~~ 57234  
~~section by S.B. 162 of the 128th general assembly or as that area~~ 57235  
is changed with the approval of the public utilities commission; 57236

(b) Consists of all of the following services: 57237

(i) Local dial tone service; 57238

(ii) For residential end users, flat-rate telephone exchange 57239  
service; 57240

(iii) Touch tone dialing service; 57241

(iv) Access to and usage of 9-1-1 services, where such 57242  
services are available; 57243

(v) Access to operator services and directory assistance; 57244

(vi) Provision of a telephone directory in any reasonable 57245  
format for no additional charge and a listing in that directory, 57246  
with reasonable accommodations made for private listings; 57247

(vii) Per call, caller identification blocking services; 57248

(viii) Access to telecommunications relay service; and 57249

(ix) Access to toll presubscription, interexchange or toll 57250  
providers or both, and networks of other telephone companies. 57251

"Basic local exchange service" excludes any voice service to 57252  
which customers are transitioned following a withdrawal of basic 57253  
local exchange service under section 4927.10 of the Revised Code. 57254



(2) "Bundle or package of services" means one or more 57255  
telecommunications services or other services offered together as 57256  
one service option at a single price. 57257

(3) "Carrier access" means access to and usage of telephone 57258  
company-provided facilities that enable end user customers 57259  
originating or receiving voice grade, data, or image 57260  
communications, over a local exchange telephone company network 57261  
operated within a local service area, to access interexchange or 57262  
other networks and includes special access. 57263

(4) "Federal poverty level" means the income level 57264  
represented by the poverty guidelines as revised annually by the 57265  
United States department of health and human services in 57266  
accordance with section 673(2) of the "Omnibus Reconciliation Act 57267  
of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family 57268  
size equal to the size of the family of the person whose income is 57269  
being determined. 57270

(5) "Incumbent local exchange carrier" means, with respect to 57271  
an area, the local exchange carrier that: 57272

(a) On February 8, 1996, provided telephone exchange service 57273  
in such area; and 57274

(b)(i) On February 8, 1996, was deemed to be a member of the 57275  
exchange carrier association pursuant to 47 C.F.R. 69.601(b); or 57276

(ii) Is a person or entity that, on or after February 8, 57277  
1996, became a successor or assign of a member described in 57278  
division (A)(5)(b)(i) of this section. 57279

(6) "Internet protocol-enabled services" means any services, 57280  
capabilities, functionalities, or applications that are provided 57281  
using internet protocol or a successor protocol to enable an end 57282  
user to send or receive communications in internet protocol format 57283  
or a successor format, regardless of how any particular such 57284  
service is classified by the federal communications commission, 57285

and includes voice over internet protocol service. 57286

(7) "Interstate-access component" means the portion of 57287  
carrier access that is within the jurisdiction of the federal 57288  
communications commission. 57289

(8) "Local exchange carrier" means any person engaged in the 57290  
provision of telephone exchange service, or the offering of access 57291  
to telephone exchange service or facilities for the purpose of 57292  
originating or terminating telephone toll service. 57293

~~(8)~~(9) "Local service area" means the geographic area that 57294  
may encompass more than one exchange area and within which a 57295  
telephone customer, by paying the rate for basic local exchange 57296  
service, may complete calls to other telephone customers without 57297  
being assessed long distance toll charges. 57298

~~(9)~~(10) "Small business" means a nonresidential service 57299  
customer with three or fewer service access lines. 57300

~~(10)~~(11) "Telecommunications" means the transmission, between 57301  
or among points specified by the user, of information of the 57302  
user's choosing, without change in the form or content of the 57303  
information as sent and received. 57304

~~(11)~~(12) "Telecommunications carrier" has the same meaning as 57305  
in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 57306  
153. 57307

~~(12)~~(13) "Telecommunications service" means the offering of 57308  
telecommunications for a fee directly to the public, or to such 57309  
classes of users as to be effectively available directly to the 57310  
public, regardless of the facilities used. 57311

~~(13)~~(14) "Telephone company" means a company described in 57312  
division (A) of section 4905.03 of the Revised Code that is a 57313  
public utility under section 4905.02 of the Revised Code. 57314

~~(14)~~(15) "Telephone exchange service" means 57315

telecommunications service that is within a telephone exchange, or 57316  
within a connected system of telephone exchanges within the same 57317  
exchange area operated to furnish to subscribers 57318  
intercommunicating service of the character ordinarily furnished 57319  
by a single exchange, and that is covered by the exchange service 57320  
charge; or comparable service provided through a system of 57321  
switches, transmission equipment, or other facilities, or 57322  
combination thereof, by which a customer can originate and 57323  
terminate a telecommunications service. 57324

~~(15)~~(16) "Telephone toll service" means telephone service 57325  
between stations in different exchange areas for which there is 57326  
made a separate charge not included in contracts with customers 57327  
for exchange service. 57328

~~(16)~~(17) "Voice over internet protocol service" means a 57329  
service that ~~uses a broadband connection from an end user's~~ 57330  
~~location and~~ enables real-time, two-way, voice communications that 57331  
originate or terminate from the user's location using internet 57332  
protocol or a successor protocol, including, but not limited to, 57333  
any such service that permits an end user to receive calls from 57334  
and terminate calls to the public switched network. 57335

~~(17)~~(18) "Voice service" includes all of the applicable 57336  
functionalities described in 47 C.F.R. 54.101(a). "Voice service" 57337  
is not the same as basic local exchange service. 57338

(19) "Wireless service" means federally licensed commercial 57339  
mobile service as defined in the "Telecommunications Act of 1996," 57340  
110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as 57341  
commercial mobile radio service in 47 C.F.R. 20.3. Under division 57342  
(A)~~(17)~~(19) of this section, commercial mobile radio service is 57343  
specifically limited to mobile telephone, mobile cellular 57344  
telephone, paging, personal communications services, and 57345  
specialized mobile radio service provided by a common carrier in 57346  
this state and excludes fixed wireless service. 57347

~~(18)~~(20) "Wireless service provider" means a facilities-based provider of wireless service to one or more end users in this state. 57348  
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(B) The definitions of this section shall be applied consistent with the definitions in the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and with federal decisions interpreting those definitions. 57351  
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**Sec. 4927.02.** (A) It is the policy of this state to: 57355

(1) Ensure the availability of adequate basic local exchange service or voice service to citizens throughout the state; 57356  
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(2) Provide incentives for competing providers of telecommunications service to provide advanced, high-quality telecommunications service to citizens throughout the state; 57358  
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(3) Rely primarily on market forces, where they exist, to maintain reasonable service levels for telecommunications services at reasonable rates; 57361  
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(4) Encourage innovation in the telecommunications industry and the deployment of advanced telecommunications services; 57364  
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(5) Create a regulatory climate that provides incentives to create and maintain high technology jobs for Ohioans; 57366  
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(6) Promote diversity and options in the supply of telecommunications services and equipment throughout the state; 57368  
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(7) Recognize the continuing emergence of a competitive telecommunications environment through flexible regulatory treatment of telecommunications services where appropriate; 57370  
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(8) Consider the regulatory treatment of competing and functionally equivalent services and, to the extent practicable, provide for equivalent regulation of all telephone companies and services; 57373  
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(9) Not unduly favor or advantage any provider and not unduly disadvantage providers of competing and functionally equivalent services; and

(10) Protect the affordability of telephone service for low-income subscribers through the continuation of federal lifeline assistance programs.

(B) The public utilities commission shall consider the policy set forth in this section in carrying out this chapter.

**Sec. 4927.07.** (A) A Except as provided under the notice requirements of section 4927.10 of the Revised Code, a telephone company may withdraw any telecommunications service if it gives at least thirty days' prior notice to the public utilities commission and to its affected customers.

(B) A Except as provided under the notice requirements of section 4927.10 of the Revised Code, a telephone company may abandon entirely telecommunications service in this state if it gives at least thirty days' prior notice to the commission, to its wholesale and retail customers, and to any telephone company wholesale provider of its services.

(C) Divisions (A) and (B) of this section do not apply to any of the following:

~~(1) Basic local exchange service provided by an incumbent local exchange carrier;~~

~~(2)~~ Pole attachments under section 4905.71 of the Revised Code;

~~(3)~~(2) Conduit occupancy under section 4905.71 of the Revised Code;

~~(4)~~(3) Interconnection and resale agreements approved under the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended.

(D) ~~An~~ Except as provided in section 4927.10 of the Revised Code, an incumbent local exchange carrier may not withdraw or abandon basic local exchange service. 57407  
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(E) ~~A~~ Neither a telephone company nor an incumbent local exchange carrier may not, without first filing a request with the commission and obtaining commission approval, withdraw any tariff filed with the commission for pole attachments or conduit occupancy under section 4905.71 of the Revised Code or abandon service provided under that section. 57410  
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**Sec. 4927.10.** (A) Subject to division (B) of this section, if the federal communications commission adopts an order that allows an incumbent local exchange carrier to withdraw the interstate-access component of its basic local exchange service under 47 U.S.C. 214, neither of the following shall apply, beginning when the order is adopted, with regard to any exchange area in which an incumbent local exchange carrier withdraws that component: 57416  
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(1) The prohibition contained in division (D) of section 4927.07 of the Revised Code against the withdrawal or abandonment of basic local exchange service by an incumbent local exchange carrier, provided that the carrier gives at least one hundred twenty days' prior notice to the public utilities commission and to its affected customers of the withdrawal or abandonment; 57424  
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(2) The requirements contained in division (A) of section 4927.11 of the Revised Code. 57430  
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(B) If a residential customer to whom notice has been given under this section will be unable to obtain reasonable and comparatively priced voice service upon the carrier's withdrawal or abandonment of basic local exchange service, the customer may file a petition with the public utilities commission not later than ninety days prior to the effective date of the withdrawal or 57432  
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abandonment. If a residential customer is identified by the 57438  
collaborative process established under Section 749.10 of H.B. 64 57439  
of the 131st general assembly as a customer who will be unable to 57440  
obtain reasonable and comparatively priced voice service upon the 57441  
withdrawal or abandonment of basic local exchange service, that 57442  
customer shall be treated as though the customer filed a timely 57443  
petition under this division. 57444

(1) The public utilities commission shall issue an order 57445  
disposing of the petition not later than ninety days after the 57446  
filing of the petition. 57447

(a) If the public utilities commission determines after an 57448  
investigation that no reasonable and comparatively priced voice 57449  
service will be available to the customer at the customer's 57450  
residence, the public utilities commission shall attempt to 57451  
identify a willing provider of a reasonable and comparatively 57452  
priced voice service to serve the customer. 57453

(b) If no willing provider is identified, the public 57454  
utilities commission may order the withdrawing or abandoning 57455  
carrier to provide a reasonable and comparatively priced voice 57456  
service to the customer at the customer's residence. 57457

(c) The willing provider or the carrier, as applicable, may 57458  
utilize any technology or service arrangement to provide the voice 57459  
service. 57460

(2) Except as provided in division (B)(2) of this section, an 57461  
order adopted under division (B)(1)(b) of this section shall not 57462  
be in effect for more than twelve months after the date that it is 57463  
issued. If an order is issued under division (B)(1)(b) of this 57464  
section, the public utilities commission shall evaluate, during 57465  
the twelve-month period in which the order is effective, whether 57466  
an alternative reasonable and comparatively priced voice service 57467  
is found to exist for the affected customer. If no such voice 57468

service is available, the public utilities commission may extend 57469  
the order for one additional twelve-month period. If, at the end 57470  
of the second twelve-month period, no alternative reasonable and 57471  
comparatively priced voice service is available, the public 57472  
utilities commission may order the withdrawing or abandoning 57473  
carrier to continue to provide a reasonable and comparatively 57474  
priced voice service to the affected customer, utilizing any 57475  
technology or service arrangement to provide the voice service. 57476

(3) For purposes of this division, the public utilities 57477  
commission shall define the term "reasonable and comparatively 57478  
priced voice service" to include service that provides voice grade 57479  
access to the public switched network or its functional 57480  
equivalent, access to 9-1-1, and that is competitively priced, 57481  
when considering all the alternatives in the marketplace and their 57482  
functionalities. 57483

**Sec. 4927.101.** (A) Section 4927.10 of the Revised Code and 57484  
the amendments to sections 4927.01, 4927.02, 4927.07, and 4927.11 57485  
of the Revised Code made by H.B. 64 of the 131st general assembly 57486  
shall not affect any of the following: 57487

(1) Any contractual obligation, including agreements under 57488  
the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 251 57489  
and 252, as amended; 57490

(2) Any right or obligation under federal law or rules; 57491

(3) The carrier-access requirements under section 4927.15 of 57492  
the Revised Code; 57493

(4) Any right or obligation under section 4905.71 of the 57494  
Revised Code. 57495

(B) The amendments to section 4927.15 of the Revised Code 57496  
made by H.B. 64 of the 131st general assembly shall not affect the 57497  
obligations and rights described in divisions (A)(1), (2), and (4) 57498



of this section. 57499

**Sec. 4927.11.** (A) Except as otherwise provided in this 57500  
section and section 4927.10 of the Revised Code, an incumbent 57501  
local exchange carrier shall provide basic local exchange service 57502  
to all persons or entities in its service area requesting that 57503  
service, and that service shall be provided on a reasonable and 57504  
nondiscriminatory basis. 57505

(B)(1) An incumbent local exchange carrier is not obligated 57506  
to construct facilities and provide basic local exchange service, 57507  
or any other telecommunications service, to the occupants of 57508  
multitenant real estate, including, but not limited to, 57509  
apartments, condominiums, subdivisions, office buildings, or 57510  
office parks, if the owner, operator, or developer of the 57511  
multitenant real estate does any of the following to the benefit 57512  
of any other telecommunications service provider: 57513

(a) Permits only one provider of telecommunications service 57514  
to install the company's facilities or equipment during the 57515  
construction or development phase of the multitenant real estate; 57516

(b) Accepts or agrees to accept incentives or rewards that 57517  
are offered by a telecommunications service provider to the owner, 57518  
operator, developer, or occupants of the multitenant real estate 57519  
and are contingent on the provision of telecommunications service 57520  
by that provider to the occupants, to the exclusion of services 57521  
provided by other telecommunications service providers; 57522

(c) Collects from the occupants of the multitenant real 57523  
estate any charges for the provision of telecommunications service 57524  
to the occupants, including charges collected through rents, fees, 57525  
or dues. 57526

(2) A carrier not obligated to construct facilities and 57527  
provide basic local exchange service pursuant to division (B)(1) 57528

of this section shall notify the public utilities commission of 57529  
that fact within one hundred twenty days of receiving knowledge 57530  
thereof. 57531

(3) The commission by rule may establish a process for 57532  
determining a necessary successor telephone company to provide 57533  
service to real estate described in division (B)(1) of this 57534  
section when the circumstances described in that division cease to 57535  
exist. 57536

(4) An incumbent local exchange carrier that receives a 57537  
request from any person or entity to provide service under the 57538  
circumstances described in division (B)(1) of this section shall, 57539  
within fifteen days of such receipt, provide notice to the person 57540  
or entity specifying whether the carrier will provide the 57541  
requested service. If the carrier provides notice that it will not 57542  
serve the person or entity, the notice shall describe the person's 57543  
or entity's right to file a complaint with the commission under 57544  
section 4927.21 of the Revised Code within thirty days after 57545  
receipt of the notice. In resolving any such complaint, the 57546  
commission's determination shall be limited to whether any 57547  
circumstance described in divisions (B)(1)(a) to (c) of this 57548  
section exists. Upon a finding by the commission that such a 57549  
circumstance exists, the complaint shall be dismissed. Upon a 57550  
finding that such circumstances do not exist, the person's or 57551  
entity's sole remedy shall be provision by the carrier of the 57552  
requested service within a reasonable time. 57553

(C) An incumbent local exchange carrier may apply to the 57554  
commission for a waiver from compliance with division (A) of this 57555  
section. The application shall include, at a minimum, the reason 57556  
for the requested waiver, the number of persons or entities who 57557  
would be impacted by the waiver, and the alternatives that would 57558  
be available to those persons or entities if the waiver were 57559  
granted. The incumbent local exchange carrier applying for the 57560

waiver shall publish notice of the waiver application one time in 57561  
a newspaper of general circulation throughout the service area 57562  
identified in the application and shall provide additional notice 57563  
to affected persons or entities as required by the commission in 57564  
rules adopted under this division. The commission's rules shall 57565  
define "affected" for purposes of this division. The commission 57566  
shall afford such persons or entities a reasonable opportunity to 57567  
comment to the commission on the application. This opportunity 57568  
shall include a public hearing conducted in accordance with rules 57569  
adopted under this division and conducted in the service area 57570  
identified in the application. After a reasonable opportunity to 57571  
comment has been provided, but not later than one hundred twenty 57572  
days after the application is filed, the commission either shall 57573  
issue an order granting the waiver if, upon investigation, it 57574  
finds the waiver to be just, reasonable, and not contrary to the 57575  
public interest, and that the applicant demonstrates a financial 57576  
hardship or an unusual technical limitation, or shall issue an 57577  
order denying the waiver based on a failure to meet those 57578  
standards and specifying the reasons for the denial. The 57579  
commission shall adopt rules to implement division (C) of this 57580  
section. 57581

**Sec. 4927.15.** (A)(1) The rates, terms, and conditions for 57582  
9-1-1 service provided in this state by a telephone company or a 57583  
telecommunications carrier and each of the following provided in 57584  
this state by a telephone company shall be approved and tariffed 57585  
in the manner prescribed by rule adopted by the public utilities 57586  
commission and shall be subject to the applicable laws, including 57587  
rules or regulations adopted and orders issued by the commission 57588  
or the federal communications commission: 57589

~~(1) Carrier access;~~ 57590

~~(2)(a) N-1-1 services, other than 9-1-1 service;~~ 57591

<del>(3) Pole attachments and conduit occupancy under section</del>	57592
<del>4905.71 of the Revised Code;</del>	57593
<del>(4)(b) Pay telephone access lines;</del>	57594
<del>(5)(c) Toll presubscription;</del>	57595
<del>(6)(d) Telecommunications relay service.</del>	57596
<u>(2) The rates, terms, and conditions for both of the</u>	57597
<u>following provided in this state by a telephone company or an</u>	57598
<u>incumbent local exchange carrier shall be approved and tariffed in</u>	57599
<u>the manner prescribed by rule adopted by the public utilities</u>	57600
<u>commission and shall be subject to the applicable laws, including</u>	57601
<u>rules or regulations adopted and orders issued by the commission</u>	57602
<u>or the federal communications commission:</u>	57603
<u>(a) Carrier access;</u>	57604
<u>(b) Pole attachments and conduit occupancy under section</u>	57605
<u>4905.71 of the Revised Code.</u>	57606
(B) The public utilities commission may order changes in a	57607
telephone company's rates for carrier access in this state subject	57608
to this division. In the event that the public utilities	57609
commission reduces a telephone company's rates for carrier access	57610
that are in effect on September 13, 2010, that reduction shall be	57611
on a revenue-neutral basis under terms and conditions established	57612
by the public utilities commission, and any resulting rate changes	57613
necessary to comply with division (B) or (C) of this section shall	57614
be in addition to any upward rate alteration made under section	57615
4927.12 of the Revised Code.	57616
(C) The public utilities commission has authority to address	57617
carrier access policy and to create and administer mechanisms for	57618
carrier access reform, including, but not limited to, high cost	57619
support.	57620
<b>Sec. 4929.164.</b> (A) A natural gas company may file an	57621

application with the public utilities commission for approval of 57622  
an economic development project that has been ~~certified by~~ 57623  
submitted to the director of development services ~~under~~ for the 57624  
SiteOhio certification program, pursuant to section 122.9511 of 57625  
the Revised Code. The company shall file the application prior to 57626  
beginning the project. 57627

(B) The commission may approve a project under this section 57628  
if both of the following apply: 57629

(1) The infrastructure development costs for the project are 57630  
projected to generate a return on the company's investment that is 57631  
less than the most recently authorized rate of return. 57632

(2) The amount of infrastructure development costs to be 57633  
incurred by the company per calendar year, for the project and all 57634  
other projects previously approved under this section, is not 57635  
projected to exceed the product of one dollar multiplied by the 57636  
aggregate number of the company's customers in this state. 57637

(C) The commission shall adopt rules to provide for an 57638  
accelerated review of an application filed under division (A) of 57639  
this section. The rules shall provide for the automatic approval 57640  
of the application not later than ninety days after the date of 57641  
the application filing unless the commission suspends the 57642  
application for good cause shown. If the application is suspended, 57643  
the commission shall approve, deny, modify, or hold a hearing on 57644  
the application not later than forty-five days after the date that 57645  
the suspension begins. 57646

**Sec. 5101.073.** There is hereby created in the state treasury 57647  
the ODJFS ~~general services administration~~ audit settlements and 57648  
~~operating~~ contingency fund. The ~~director of job and family~~ 57649  
~~services may submit a deposit modification and payment detail~~ 57650  
~~report to the treasurer of state after the completion of the~~ 57651  
~~reconciliation of all final transactions with the federal~~ 57652

~~government regarding a federal grant for a program the department 57653  
of job and family services administers and a final closeout for 57654  
the grant. On receipt of the report, the treasurer of state shall 57655  
transfer the money in the refunds and audit settlements fund that 57656  
is the subject of the report to the ODJFS general services 57657  
administration and operating fund. Money in the ODJFS general 57658  
services administration and operating fund shall be used to pay 57659  
for the expenses of the programs the department administers and 57660  
the department's administrative expenses, including the costs of 57661  
state hearings under section 5101.35 of the Revised Code, required 57662  
audit adjustments audits, settlements, contingencies, and other 57663  
related expenses. As necessary for the purposes of the fund, the 57664  
director of job and family services may request the director of 57665  
budget and management to transfer money from any of the funds used 57666  
by the department of job and family services, except the general 57667  
revenue fund, to the ODJFS audit settlements and contingency fund. 57668  
Upon receipt of such a request, the director of budget and 57669  
management may transfer the money requested. The director of 57670  
budget and management, in consultation with the director of job 57671  
and family services, may transfer money from the ODJFS audit 57672  
settlements and contingency fund to any fund used by the 57673  
department or to the general revenue fund. 57674~~

**Sec. 5101.54.** (A) The director of job and family services 57675  
shall administer the supplemental nutrition assistance program in 57676  
accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011 57677  
et seq.). The department may: 57678

(1) Prepare and submit to the secretary of the United States 57679  
department of agriculture a plan for the administration of the 57680  
supplemental nutrition assistance program; 57681

(2) Prescribe forms for applications, certificates, reports, 57682  
records, and accounts of county departments of job and family 57683

services, and other matters; 57684

(3) Require such reports and information from each county 57685  
department of job and family services as may be necessary and 57686  
advisable; 57687

(4) Administer and expend any sums appropriated by the 57688  
general assembly for the purposes of the supplemental nutrition 57689  
assistance program and all sums paid to the state by the United 57690  
States as authorized by the Food and Nutrition Act of 2008; 57691

(5) Conduct such investigations as are necessary; 57692

(6) Enter into interagency agreements and cooperate with 57693  
investigations conducted by the department of public safety, 57694  
including providing information for investigative purposes, 57695  
exchanging property and records, passing through federal financial 57696  
participation, modifying any agreements with the United States 57697  
department of agriculture, providing for the supply, security, and 57698  
accounting of supplemental nutrition assistance program benefits 57699  
for investigative purposes, and meeting any other requirements 57700  
necessary for the detection and deterrence of illegal activities 57701  
in the supplemental nutrition assistance program; 57702

(7) Adopt rules in accordance with Chapter 119. of the 57703  
Revised Code governing employment and training requirements of 57704  
recipients of supplemental nutrition assistance program benefits, 57705  
including rules specifying which recipients are subject to the 57706  
requirements and establishing sanctions for failure to satisfy the 57707  
requirements. The rules shall be consistent with 7 U.S.C. 2015, including its work and employment and training requirements, and, 57708  
to the extent practicable, ~~may~~ shall provide for the recipients to 57709  
participate in work activities, developmental activities, and 57710  
alternative work activities ~~established under~~ described in 57711  
sections 5107.40 to 5107.69 of the Revised Code that are 57712  
comparable to programs authorized by 7 U.S.C. 2015(d)(4). The 57713  
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rules may reference rules adopted under section 5107.05 of the Revised Code governing work activities, developmental activities, and alternative work activities ~~established under~~ described in sections 5107.40 to 5107.69 of the Revised Code.

(8) Adopt rules in accordance with section 111.15 of the Revised Code that are consistent with the Food and Nutrition Act of 2008, as amended, and regulations adopted thereunder governing the following:

(a) Eligibility requirements for the supplemental nutrition assistance program;

(b) Sanctions for failure to comply with eligibility requirements;

(c) Allotment of supplemental nutrition assistance program benefits;

(d) To the extent permitted under federal statutes and regulations, a system under which some or all recipients of supplemental nutrition assistance program benefits subject to employment and training requirements established by rules adopted under division (A)(7) of this section receive the benefits after satisfying the requirements;

(e) Administration of the program by county departments of job and family services;

(f) Other requirements necessary for the efficient administration of the program.

(9) Submit a plan to the United States secretary of agriculture for the department of job and family services to operate a simplified supplemental nutrition assistance program pursuant to 7 U.S.C. 2035 under which requirements governing the Ohio works first program established under Chapter 5107. of the Revised Code also govern the supplemental nutrition assistance



program in the case of households receiving supplemental nutrition 57745  
assistance program benefits and participating in Ohio works first. 57746

(B) A household that is entitled to receive supplemental 57747  
nutrition assistance program benefits and that is determined to be 57748  
in immediate need of nutrition assistance, shall receive 57749  
certification of eligibility for program benefits, pending 57750  
verification, within twenty-four hours, or, if mitigating 57751  
circumstances occur, within seventy-two hours, after application, 57752  
if: 57753

(1) The results of the application interview indicate that 57754  
the household will be eligible upon full verification; 57755

(2) Information sufficient to confirm the statements in the 57756  
application has been obtained from at least one additional source, 57757  
not a member of the applicant's household. Such information shall 57758  
be recorded in the case file, and shall include: 57759

(a) The name of the person who provided the name of the 57760  
information source; 57761

(b) The name and address of the information source; 57762

(c) A summary of the information obtained. 57763

The period of temporary eligibility shall not exceed one 57764  
month from the date of certification of temporary eligibility. If 57765  
eligibility is established by full verification, benefits shall 57766  
continue without interruption as long as eligibility continues. 57767

At the time of application, the county department of job and 57768  
family services shall provide to a household described in this 57769  
division a list of community assistance programs that provide 57770  
emergency food. 57771

(C) All applications shall be approved or denied through full 57772  
verification within thirty days from receipt of the application by 57773  
the county department of job and family services. 57774

(D) Nothing in this section shall be construed to prohibit 57775  
the certification of households that qualify under federal 57776  
regulations to receive supplemental nutrition assistance program 57777  
benefits without charge under the Food and Nutrition Act of 2008. 57778

(E) Any person who applies for the supplemental nutrition 57779  
assistance program shall receive a voter registration application 57780  
under section 3503.10 of the Revised Code. 57781

**Sec. 5101.60.** As used in sections 5101.60 to 5101.71 of the 57782  
Revised Code: 57783

(A) "Abuse" means the infliction upon an adult by self or 57784  
others of injury, unreasonable confinement, intimidation, or cruel 57785  
punishment with resulting physical harm, pain, or mental anguish. 57786

(B) "Adult" means any person sixty years of age or older 57787  
within this state who is handicapped by the infirmities of aging 57788  
or who has a physical or mental impairment which prevents the 57789  
person from providing for the person's own care or protection, and 57790  
who resides in an independent living arrangement. An "independent 57791  
living arrangement" is a domicile of a person's own choosing, 57792  
including, but not limited to, a private home, apartment, trailer, 57793  
or rooming house. An "independent living arrangement" includes a 57794  
residential facility licensed under section 5119.34 of the Revised 57795  
Code that provides accommodations, supervision, and personal care 57796  
services for three to sixteen unrelated adults, but does not 57797  
include other institutions or facilities licensed by the state or 57798  
facilities in which a person resides as a result of voluntary, 57799  
civil, or criminal commitment. 57800

(C) "Caretaker" means the person assuming the responsibility 57801  
for the care of an adult on a voluntary basis, by contract, 57802  
through receipt of payment for care, as a result of a family 57803  
relationship, or by order of a court of competent jurisdiction. 57804

(D) "Court" means the probate court in the county where an adult resides. 57805  
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(E) "Emergency" means that the adult is living in conditions 57807  
which present a substantial risk of immediate and irreparable 57808  
physical harm or death to self or any other person. 57809

(F) "Emergency services" means protective services furnished 57810  
to an adult in an emergency. 57811

(G) "Exploitation" means the unlawful or improper act of a 57812  
caretaker using an adult or an adult's resources for monetary or 57813  
personal benefit, profit, or gain when the caretaker obtained or 57814  
exerted control over the adult or the adult's resources in any of 57815  
the following ways: 57816

(1) Without the adult's consent or the consent of the person 57817  
authorized to give consent on the adult's behalf; 57818

(2) Beyond the scope of the express or implied consent of the 57819  
adult or the person authorized to give consent on the adult's 57820  
behalf; 57821

(3) By deception; 57822

(4) By threat; 57823

(5) By intimidation. 57824

(H) "In need of protective services" means an adult known or 57825  
suspected to be suffering from abuse, neglect, or exploitation to 57826  
an extent that either life is endangered or physical harm, mental 57827  
anguish, or mental illness results or is likely to result. 57828

(I) "Incapacitated person" means a person who is impaired for 57829  
any reason to the extent that the person lacks sufficient 57830  
understanding or capacity to make and carry out reasonable 57831  
decisions concerning the person's self or resources, with or 57832  
without the assistance of a caretaker. Refusal to consent to the 57833  
provision of services shall not be the sole determinative that the 57834

person is incapacitated. "Reasonable decisions" are decisions made 57835  
in daily living which facilitate the provision of food, shelter, 57836  
clothing, and health care necessary for life support. 57837

(J) "Mental illness" means a substantial disorder of thought, 57838  
mood, perception, orientation, or memory that grossly impairs 57839  
judgment, behavior, capacity to recognize reality, or ability to 57840  
meet the ordinary demands of life. 57841

(K) "Neglect" means the failure of an adult to provide for 57842  
self the goods or services necessary to avoid physical harm, 57843  
mental anguish, or mental illness or the failure of a caretaker to 57844  
provide such goods or services. 57845

(L) "Peace officer" means a peace officer as defined in 57846  
section 2935.01 of the Revised Code. 57847

(M) "Physical harm" means bodily pain, injury, impairment, or 57848  
disease suffered by an adult. 57849

(N) "Protective services" means services provided by the 57850  
county department of job and family services or its designated 57851  
agency to an adult who has been determined by evaluation to 57852  
require such services for the prevention, correction, or 57853  
discontinuance of an act of as well as conditions resulting from 57854  
abuse, neglect, or exploitation. Protective services may include, 57855  
but are not limited to, case work services, medical care, mental 57856  
health services, legal services, fiscal management, home health 57857  
care, homemaker services, housing-related services, guardianship 57858  
services, and placement services as well as the provision of such 57859  
commodities as food, clothing, and shelter. 57860

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, 57861  
and Friday, except when such day is a holiday as defined in 57862  
section 1.14 of the Revised Code. 57863

**Sec. 5101.61.** (A) As used in this section: 57864

(1) "Senior service provider" means any person who provides care or services to a person who is an adult as defined in division (B) of section 5101.60 of the Revised Code.

(2) "Ambulatory health facility" means a nonprofit, public or proprietary freestanding organization or a unit of such an agency or organization that:

(a) Provides preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an outpatient or ambulatory patient, by or under the direction of a physician or dentist in a facility which is not a part of a hospital, but which is organized and operated to provide medical care to outpatients;

(b) Has health and medical care policies which are developed with the advice of, and with the provision of review of such policies, an advisory committee of professional personnel, including one or more physicians, one or more dentists, if dental care is provided, and one or more registered nurses;

(c) Has a medical director, a dental director, if dental care is provided, and a nursing director responsible for the execution of such policies, and has physicians, dentists, nursing, and ancillary staff appropriate to the scope of services provided;

(d) Requires that the health care and medical care of every patient be under the supervision of a physician, provides for medical care in a case of emergency, has in effect a written agreement with one or more hospitals and other centers or clinics, and has an established patient referral system to other resources, and a utilization review plan and program;

(e) Maintains clinical records on all patients;

(f) Provides nursing services and other therapeutic services in accordance with programs and policies, with such services supervised by a registered professional nurse, and has a

registered professional nurse on duty at all times of clinical operations; 57896  
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(g) Provides approved methods and procedures for the dispensing and administration of drugs and biologicals; 57898  
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(h) Has established an accounting and record keeping system to determine reasonable and allowable costs; 57900  
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(i) "Ambulatory health facilities" also includes an alcoholism treatment facility approved by the joint commission on accreditation of healthcare organizations as an alcoholism treatment facility or certified by the department of mental health and addiction services, and such facility shall comply with other provisions of this division not inconsistent with such accreditation or certification. 57902  
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(3) "Community mental health facility" means a facility which provides community mental health services and is included in the comprehensive mental health plan for the alcohol, drug addiction, and mental health service district in which it is located. 57909  
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(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility. 57913  
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(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which: 57916  
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(a) Is primarily engaged in providing home health services; 57918

(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy; 57919  
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- (c) Is under the supervision of a duly licensed doctor of medicine or doctor of osteopathy or a registered professional nurse who is responsible for the execution of such home health policies; 57926  
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- (d) Maintains comprehensive records on all patients; 57930
- (e) Is operated by the state, a political subdivision, or an agency of either, or is operated not for profit in this state and is licensed or registered, if required, pursuant to law by the appropriate department of the state, county, or municipality in which it furnishes services; or is operated for profit in this state, meets all the requirements specified in divisions (A)(5)(a) to (d) of this section, and is certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 57931  
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- (6) "Home health service" means the following items and services, provided, except as provided in division (A)(6)(g) of this section, on a visiting basis in a place of residence used as the patient's home: 57940  
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- (a) Nursing care provided by or under the supervision of a registered professional nurse; 57944  
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- (b) Physical, occupational, or speech therapy ordered by the patient's attending physician; 57946  
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- (c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician; 57948  
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- (d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse; 57951  
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- (e) Medical supplies and the use of medical appliances; 57954
- (f) Medical services of interns and residents-in-training 57955

under an approved teaching program of a nonprofit hospital and 57956  
under the direction and supervision of the patient's attending 57957  
physician; 57958

(g) Any of the foregoing items and services which: 57959

(i) Are provided on an outpatient basis under arrangements 57960  
made by the home health agency at a hospital or skilled nursing 57961  
facility; 57962

(ii) Involve the use of equipment of such a nature that the 57963  
items and services cannot readily be made available to the patient 57964  
in the patient's place of residence, or which are furnished at the 57965  
hospital or skilled nursing facility while the patient is there to 57966  
receive any item or service involving the use of such equipment. 57967

Any attorney, physician, osteopath, podiatrist, chiropractor, 57968  
dentist, psychologist, any employee of a hospital as defined in 57969  
section 3701.01 of the Revised Code, any nurse licensed under 57970  
Chapter 4723. of the Revised Code, any employee of an ambulatory 57971  
health facility, any employee of a home health agency, any 57972  
employee of a residential facility licensed under section 5119.34 57973  
of the Revised Code that provides accommodations, supervision, and 57974  
personal care services for three to sixteen unrelated adults, any 57975  
employee of a nursing home, residential care facility, or home for 57976  
the aging, as defined in section 3721.01 of the Revised Code, any 57977  
senior service provider, any peace officer, coroner, member of the 57978  
clergy, any employee of a community mental health facility, and 57979  
any person engaged in professional counseling, social work, or 57980  
marriage and family therapy having reasonable cause to believe 57981  
that an adult is being abused, neglected, or exploited, or is in a 57982  
condition which is the result of abuse, neglect, or exploitation 57983  
shall immediately report such belief to the county department of 57984  
job and family services. This section does not apply to employees 57985  
of any hospital or public hospital as defined in section 5122.01 57986  
of the Revised Code. 57987



(B) Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause reports to be made of such belief to the department.

(C) The reports made under this section shall be made orally or in writing except that oral reports shall be followed by a written report if a written report is requested by the department. Written reports shall include:

(1) The name, address, and approximate age of the adult who is the subject of the report;

(2) The name and address of the individual responsible for the adult's care, if any individual is, and if the individual is known;

(3) The nature and extent of the alleged abuse, neglect, or exploitation of the adult;

(4) The basis of the reporter's belief that the adult has been abused, neglected, or exploited.

(D) Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section 5101.62 of the Revised Code shall be immune from civil or criminal liability on account of such investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose.

(E) No employer or any other person with the authority to do so shall discharge, demote, transfer, prepare a negative work performance evaluation, or reduce benefits, pay, or work privileges, or take any other action detrimental to an employee or in any way retaliate against an employee as a result of the

employee's having filed a report under this section. 58019

(F) ~~Neither the~~ The written or oral report provided for in 58020  
this section ~~nor~~ and the investigatory report provided for in 58021  
section 5101.62 of the Revised Code ~~shall be considered a~~ are 58022  
confidential and are not public record records, as defined in 58023  
section 149.43 of the Revised Code. ~~Information~~ In accordance with 58024  
rules adopted by the department of job and family services, 58025  
information contained in the report shall upon request be made 58026  
available to the adult who is the subject of the report, ~~to~~ 58027  
~~agencies authorized by the department to receive information~~ 58028  
~~contained in the report,~~ and to legal counsel for the adult. 58029

(G) The county department of job and family services shall be 58030  
available to receive the written or oral report provided for in 58031  
this section twenty-four hours a day and seven days a week. 58032

**Sec. 5101.611.** (A) If a county department of job and family 58033  
services knows or has reasonable cause to believe that the subject 58034  
of a report made under section 5101.61 or of an investigation 58035  
conducted under sections 5101.62 to 5101.64 ~~or on the initiative~~ 58036  
~~of the department of the Revised Code~~ is ~~mentally retarded or~~ 58037  
~~developmentally disabled~~ an individual with a developmental 58038  
disability as defined in section 5126.01 of the Revised Code, the 58039  
county department shall refer the case to the county board of 58040  
developmental disabilities of that county for review pursuant to 58041  
section 5126.31 of the Revised Code. 58042

If a county board of developmental disabilities refers a case 58043  
to the county department of job and family services in accordance 58044  
with section 5126.31, the county department of job and family 58045  
services shall proceed with the case in accordance with sections 58046  
5101.60 to 5101.71 of the Revised Code. 58047

(B) If a county department of job and family services knows 58048  
or has reasonable cause to believe that the subject of a report 58049

made under section 5101.61 or of an investigation conducted under 58050  
sections 5101.62 to 5101.64 of the Revised Code is a resident of a 58051  
long-term care facility, as defined in section 173.14 of the 58052  
Revised Code, the department shall refer the case to the office of 58053  
the state long-term care ombudsman program for review pursuant to 58054  
section 173.19 of the Revised Code. 58055

If the state ombudsman or regional long-term care ombudsman 58056  
program refers a case to the county department of job and family 58057  
services in accordance with rules adopted pursuant to section 58058  
173.20 of the Revised Code, the county department shall proceed 58059  
with the case in accordance with sections 5101.60 to 5101.71 of 58060  
the Revised Code. 58061

(C) If a county department of job and family services knows 58062  
or has reasonable cause to believe that the subject of a report 58063  
made under section 5101.61 or of an investigation conducted under 58064  
sections 5101.62 to 5101.64 of the Revised Code is a resident of a 58065  
nursing home, as defined in section 3721.01 of the Revised Code, 58066  
and has allegedly been abused, neglected, or exploited by an 58067  
employee of the nursing home, the department shall refer the case 58068  
to the department of health for investigation pursuant to section 58069  
3721.031 of the Revised Code. 58070

(D) If a county department of job and family services knows 58071  
or has reasonable cause to believe that the subject of a report 58072  
made under section 5101.61 or of an investigation conducted under 58073  
sections 5101.62 to 5101.64 of the Revised Code is a child, as 58074  
defined in section 5153.01 of the Revised Code, the department 58075  
shall refer the case to the public children services agency of 58076  
that county. 58077

(E) A referral by the county department of job and family 58078  
services of a case to another public regulatory agency or 58079  
investigatory entity pursuant to this section shall be made in 58080  
accordance with rules adopted by the department of job and family 58081

services. 58082

Sec. 5101.612. (A) The department of job and family services 58083  
shall establish and maintain a uniform statewide automated adult 58084  
protective services information system. The information system 58085  
shall contain records regarding all of the following: 58086

(1) All reports of abuse, neglect, or exploitation of adults 58087  
made to county departments of job and family services under 58088  
section 5101.61 of the Revised Code; 58089

(2) Investigations conducted under section 5101.62 of the 58090  
Revised Code; 58091

(3) Protective services provided to adults pursuant to 58092  
sections 5101.60 to 5101.71 of the Revised Code; 58093

(4) Any other information related to adults in need of 58094  
protective services that state or federal law, regulation, or rule 58095  
requires the department or a county department to maintain. 58096

(B) The department shall plan implementation of the 58097  
information system on a county-by-county basis. The department 58098  
shall promptly notify all county departments of the initiation and 58099  
completion of statewide implementation of the information system. 58100

(C) Except as provided in division (C)(3) of this section and 58101  
in rules adopted by the department pursuant to that division: 58102

(1) The information contained in or obtained from the 58103  
information system is confidential and is not subject to 58104  
disclosure pursuant to section 149.43 or 1347.08 of the Revised 58105  
Code. 58106

(2) No person shall knowingly do either of the following: 58107

(a) Access or use information contained in the information 58108  
system; 58109

(b) Disclose information obtained from the information 58110

system. 58111

(3) Information contained in the information system may be 58112  
accessed or used only in a manner, to the extent, and for the 58113  
purposes, authorized by rules adopted by the department. 58114

**Sec. 5101.62.** The county department of job and family 58115  
services or its designee shall be responsible for the 58116  
investigation of all reports provided for in section 173.20 or 58117  
5101.61 and all cases referred to it under section 5126.31 of the 58118  
Revised Code and for evaluating the need for and, to the extent of 58119  
available funds, providing or arranging for the provision of 58120  
protective services. ~~The department may designate another agency~~ 58121  
~~to perform the department's duties under this section.~~ 58122

Investigation of the report provided for in section 5101.61 58123  
or a case referred to the department under section 5126.31 of the 58124  
Revised Code shall be initiated within twenty-four hours after the 58125  
department receives the report or case if any emergency exists; 58126  
otherwise investigation shall be initiated within three working 58127  
days. 58128

Investigation of the need for protective services shall 58129  
include a face-to-face visit with the adult who is the subject of 58130  
the report, preferably in the adult's residence, and consultation 58131  
with the person who made the report, if feasible, and agencies or 58132  
persons who have information about the adult's alleged abuse, 58133  
neglect, or exploitation. 58134

The department shall give written notice of the intent of the 58135  
investigation and an explanation of the notice in language 58136  
reasonably understandable to the adult who is the subject of the 58137  
investigation, at the time of the initial interview with that 58138  
person. 58139

Upon completion of the investigation, the department shall 58140

determine from its findings whether or not the adult who is the 58141  
subject of the report is in need of protective services. No adult 58142  
shall be determined to be abused, neglected, or in need of 58143  
protective services for the sole reason that, in lieu of medical 58144  
treatment, the adult relies on or is being furnished spiritual 58145  
treatment through prayer alone in accordance with the tenets and 58146  
practices of a church or religious denomination of which the adult 58147  
is a member or adherent. The department shall write a report which 58148  
confirms or denies the need for protective services and states why 58149  
it reached this conclusion. 58150

Sec. 5101.621. (A) Each county department of job and family 58151  
services shall prepare a memorandum of understanding that is 58152  
signed by all of the following: 58153

(1) The director of the county department of job and family 58154  
services; 58155

(2) If the county department has entered into an interagency 58156  
agreement with a local agency pursuant to section 5101.622 of the 58157  
Revised Code, the director of the local agency; 58158

(3) The county peace officer; 58159

(4) All chief municipal peace officers within the county; 58160

(5) Other law enforcement officers handling adult abuse, 58161  
neglect, and exploitation cases in the county; 58162

(6) The prosecuting attorney of the county; 58163

(7) The coroner of the county. 58164

(B) The memorandum of understanding shall set forth the 58165  
procedures to be followed by the persons listed in division (A) of 58166  
this section in the execution of their respective responsibilities 58167  
related to cases of adult abuse, neglect, and exploitation. The 58168  
memorandum of understanding shall establish all of the following: 58169

<u>(1) An interdisciplinary team to coordinate efforts related to the prevention, reporting, and treatment of abuse, neglect, and exploitation of adults;</u>	58170 58171 58172
<u>(2) The roles and responsibilities for handling cases that have been referred by the county department to another agency pursuant to section 5101.611 of the Revised Code;</u>	58173 58174 58175
<u>(3) The roles and responsibilities for filing criminal charges against persons alleged to have abused, neglected, or exploited adults.</u>	58176 58177 58178
<u>Failure to follow the procedure set forth in the memorandum of understanding is not grounds for, and shall not result in, the dismissal of any charge or complaint arising from a report of abuse, neglect, or exploitation or the suppression of any evidence obtained as a result of a report of abuse, neglect, or exploitation and does not give any rights or grounds for appeal or post-conviction relief to any person.</u>	58179 58180 58181 58182 58183 58184 58185
<u>(C) The memorandum of understanding may, in addition, be signed by any of the following persons who are also members of the interdisciplinary team described in division (B)(1) of this section:</u>	58186 58187 58188 58189
<u>(1) A representative of the area agency on aging, as defined in section 173.14 of the Revised Code;</u>	58190 58191
<u>(2) The regional long-term care ombudsman;</u>	58192
<u>(3) A representative of the board of alcohol, drug addiction, and mental health services;</u>	58193 58194
<u>(4) A representative of the board of health of a city or general health district;</u>	58195 58196
<u>(5) A representative of the county board of developmental disabilities;</u>	58197 58198
<u>(6) A representative of a victim assistance program;</u>	58199

<u>(7) A representative of a local housing authority;</u>	58200
<u>(8) Any other person whose participation furthers the goals of the memorandum of understanding.</u>	58201 58202
<b><u>Sec. 5101.622.</u></b> <u>The county department of job and family services may enter into an agreement or contract with another person or government entity to perform the following duties:</u>	58203 58204 58205
<u>(A) In accordance with division (G) of section 5101.61 of the Revised Code, receive reports made under that section;</u>	58206 58207
<u>(B) Perform the county department's duties under section 5101.62 of the Revised Code;</u>	58208 58209
<u>(C) Petition the court pursuant to section 5101.65 or 5101.69 of the Revised Code for an order authorizing the provision of protective services.</u>	58210 58211 58212
<b><u>Sec. 5101.69.</u></b> (A) Upon petition by the county department of <del>human</del> <u>job and family services or its designee</u> , the court may issue an order authorizing the provision of protective services on an emergency basis to an adult. The petition for any emergency order shall include <u>all of the following</u> :	58213 58214 58215 58216 58217
(1) The name, age, and address of the adult in need of protective services;	58218 58219
(2) The nature of the emergency;	58220
(3) The proposed protective services;	58221
(4) The petitioner's reasonable belief, together with facts supportive thereof, as to the existence of the circumstances described in divisions (D)(1) to (3) of this section;	58222 58223 58224
(5) Facts showing the petitioner's attempts to obtain the adult's consent to the protective services.	58225 58226
(B) Notice of the filing and contents of the petition	58227



provided for in division (A) of this section, the rights of the 58228  
person in the hearing provided for in division (C) of this 58229  
section, and the possible consequences of a court order, shall be 58230  
given to the adult. Notice shall also be given to the spouse of 58231  
the adult or, if ~~he~~ the adult has none, to ~~his~~ the adult's adult 58232  
children or next of kin, and ~~his~~ the adult's guardian, if any, if 58233  
~~his~~ the guardian's whereabouts are known. The notice shall be 58234  
given in language reasonably understandable to its recipients at 58235  
least twenty-four hours prior to the hearing provided for in this 58236  
section. The court may waive the twenty-four ~~hour~~ hours' notice 58237  
~~requirement~~ requirement upon a showing that both of the following 58238  
are the case: 58239

(1) Immediate and irreparable physical harm or immediate and 58240  
irreparable financial harm to the adult or others will result from 58241  
the twenty-four hour delay; ~~and~~ 58242

(2) Reasonable attempts have been made to notify the adult, 58243  
~~his~~ the adult's spouse, or, if ~~he~~ the adult has none, ~~his~~ the 58244  
adult's adult children or next of kin, if any, and ~~his~~ the adult's 58245  
guardian, if any, if ~~his~~ the guardian's whereabouts are known. 58246

Notice of the court's determination shall be given to all 58247  
persons receiving notice of the filing of the petition provided 58248  
for in this division. 58249

(C) Upon receipt of a petition for an order for emergency 58250  
services, the court shall hold a hearing no sooner than 58251  
twenty-four and no later than seventy-two hours after the notice 58252  
provided for in division (B) of this section has been given, 58253  
unless the court has waived the notice. The adult who is the 58254  
subject of the petition shall have the right to be present at the 58255  
hearing, present, evidence, and examine and cross-examine 58256  
witnesses. 58257

(D) The court shall issue an order authorizing the provision 58258

of protective services on an emergency basis if it finds, on the 58259  
basis of clear and convincing evidence, ~~that~~ all of the following: 58260

(1) The adult is an incapacitated person; 58261

(2) An emergency exists; 58262

(3) No person authorized by law or court order to give 58263  
consent for the adult is available or willing to consent to 58264  
emergency services. 58265

(E) In issuing an emergency order, the court shall adhere to 58266  
the following limitations: 58267

(1) The court shall order only such protective services as 58268  
are necessary and available locally to remove the conditions 58269  
creating the emergency, and the court shall specifically designate 58270  
those protective services the adult shall receive; 58271

(2) The court shall not order any change of residence under 58272  
this section unless the court specifically finds that a change of 58273  
residence is necessary; 58274

(3) The court may order emergency ~~services~~ services only for 58275  
fourteen days. The county department or its designee may petition 58276  
the court for a renewal of the order for a fourteen-day period 58277  
upon a showing that continuation of the order is necessary to 58278  
remove the emergency. 58279

(4) In its order the court shall authorize the director of 58280  
the county department ~~or his~~, the director's designee, or a 58281  
representative of the department's designee to give consent for 58282  
the person for the approved emergency services until the 58283  
expiration of the order; 58284

(5) The court shall not order a person to a hospital or 58285  
public hospital as defined in section 5122.01 of the Revised Code. 58286

(F) If the county department or its designee determines that 58287  
the adult continues to need protective services after the order 58288

provided for in division (D) of this section has expired, the 58289  
county department or its designee may petition the court for an 58290  
order to continue protective services, pursuant to section 5101.65 58291  
of the Revised Code. After the filing of the petition, the county 58292  
department or its designee may continue to provide protective 58293  
services pending a hearing by the court. 58294

Sec. 5101.691. (A) A court, through a probate judge or a 58295  
magistrate under the direction of a probate judge, may issue by 58296  
telephone an ex parte emergency order authorizing the provision of 58297  
protective services, including the relief available under division 58298  
(B) of section 5101.692 of the Revised Code, to an adult on an 58299  
emergency basis if all of the following are the case: 58300

(1) The court receives notice from the county department of 58301  
job and family services, an authorized employee of the county 58302  
department, the department's designee, or an authorized employee 58303  
of the department's designee, that the county department, 58304  
designee, or employee believes an emergency order is needed as 58305  
described in this section. 58306

(2) There is reasonable cause to believe that the adult is 58307  
incapacitated. 58308

(3) There is reasonable cause to believe that there is a 58309  
substantial risk to the adult of immediate and irreparable 58310  
physical harm, immediate and irreparable financial harm, or death. 58311

(B)(1) The judge or magistrate shall journalize any order 58312  
issued under this section. 58313

(2) An order issued under this section shall be in effect for 58314  
not longer than twenty-four hours, except that if the day 58315  
following the day on which the order is issued is not a working 58316  
day, the order shall remain in effect until the next working day. 58317

(C)(1) Except as provided in division (C)(2) of this section, 58318

not later than twenty-four hours after an order is issued under 58319  
this section, a petition shall be filed with the court in 58320  
accordance with division (A) of section 5101.69 of the Revised 58321  
Code. 58322

(2) If the day following the day on which the order was 58323  
issued is not a working day, the petition shall be filed with the 58324  
court on the next working day. 58325

(3) Except as provided in section 5101.692 of the Revised 58326  
Code, proceedings on the petition shall be conducted in accordance 58327  
with section 5101.69 of the Revised Code. 58328

**Sec. 5101.692.** (A) If an order is issued pursuant to section 58329  
5101.691 of the Revised Code, the court shall hold a hearing not 58330  
later than twenty-four hours after the issuance to determine 58331  
whether there is probable cause for the order, except that if the 58332  
day following the day on which the order is issued is not a 58333  
working day, the court shall hold the hearing on the next working 58334  
day. 58335

(B) At the hearing, the court: 58336

(1) Shall determine whether protective services are the least 58337  
restrictive alternative available for meeting the adult's needs; 58338

(2) May issue temporary orders to protect the adult from 58339  
immediate and irreparable physical harm or immediate and 58340  
irreparable financial harm, including, but not limited to, 58341  
temporary protection orders, evaluations, and orders requiring a 58342  
party to vacate the adult's place of residence or legal 58343  
settlement; 58344

(3) May order emergency services; 58345

(4) May freeze the financial assets of the adult. 58346

(C) A temporary order issued pursuant to division (B)(2) of 58347  
this section is effective for thirty days. The court may renew the 58348

order for an additional thirty-day period. 58349

Information contained in the order may be entered into the 58350

law enforcement automated data system. 58351

**Sec. 5101.71.** (A) The county departments of job and family 58352  
services shall implement sections 5101.60 to 5101.71 of the 58353  
Revised Code. The department of job and family services ~~may~~ shall 58354  
provide a program of ongoing, comprehensive, formal training ~~to~~ 58355  
~~county departments and other agencies authorized to implement~~ 58356  
regarding the implementation of sections 5101.60 to 5101.71 of the 58357  
Revised Code and require all adult protective services caseworkers 58358  
and their supervisors to undergo the training. Training shall not 58359  
be limited to the procedures for implementing section 5101.62 of 58360  
the Revised Code. The department of job and family services shall 58361  
adopt any rules it deems necessary regarding the training. 58362

(B) The director of job and family services may adopt rules 58363  
in accordance with section 111.15 of the Revised Code ~~governing~~ 58364  
~~the county departments' implementation to carry out the purposes~~ 58365  
of sections 5101.60 to 5101.71 of the Revised Code. The rules 58366  
adopted pursuant to this division may include a requirement that 58367  
the county departments provide on forms prescribed by the rules a 58368  
plan of proposed expenditures, and a report of actual 58369  
expenditures, of funds necessary to implement sections 5101.60 to 58370  
5101.71 of the Revised Code and other requirements for intake 58371  
procedures, investigations, case management, and the provision of 58372  
protective services. 58373

**Sec. 5101.72.** The department of job and family services, ~~to~~ 58374  
~~the extent of available funds,~~ may reimburse county departments of 58375  
job and family services for all or part of the costs they incur in 58376  
implementing sections 5101.60 to 5101.71 of the Revised Code. The 58377  
director of job and family services shall adopt internal 58378

management rules in accordance with section 111.15 of the Revised Code that provide for reimbursement of county departments of job and family services under this section.

The director shall adopt internal management rules in accordance with section 111.15 of the Revised Code that do both of the following:

(A) Implement sections 5101.60 to 5101.71 of the Revised Code;

(B) Require the county departments to collect and submit to the department, or ensure that a designated agency collects and submits to the department, data concerning the implementation of sections 5101.60 to 5101.71 of the Revised Code.

**Sec. 5101.91.** (A) As used in sections 5101.91 and 5101.92 of the Revised Code:

(1) "Political subdivision" has the same meaning as in section 2744.01 of the Revised Code.

(2) "Publicly funded assistance program" means any physical health, behavioral health, social, employment, education, housing, or similar program funded or provided by the state or a political subdivision of the state.

(B) There is hereby created the Ohio healthier buckeye advisory council in the department of job and family services. The council shall meet at the discretion of the director of job and family services and shall consist of the following members:

(1) Five members representing affected local private employers or local faith-based, charitable, nonprofit, or public entities or individuals participating in the healthier buckeye grant program, appointed by the governor;

(2) Two members of the senate, one from the majority party and one from the minority party, appointed by the president of the

senate; 58409

(3) Two members of the house of representatives, one from the 58410  
majority party and one from the minority party, appointed by the 58411  
speaker of the house of representatives; 58412

(4) One member representing the judicial branch of 58413  
government, appointed by the chief justice of the supreme court; 58414

(5) Additional members representing any other entities or 58415  
organizations the director of job and family services determines 58416  
are necessary, appointed by the governor. 58417

(C) Initial appointments to the council shall be made not 58418  
later than thirty days after ~~the effective date of this section~~ 58419  
September 15, 2014. 58420

A member shall serve at the pleasure of the member's 58421  
appointing authority. Members may be reappointed to the council. 58422  
Vacancies on the council shall be filled in the same manner as the 58423  
original appointments. 58424

(D) The director of job and family services shall serve as 58425  
chairperson of the council. 58426

(E) The department of job and family services shall provide 58427  
administrative assistance to the council. 58428

(F) Members shall serve without compensation, but shall be 58429  
reimbursed for their actual and necessary expenses incurred in the 58430  
performance of their official duties. 58431

(G) Annually, the Ohio healthier buckeye advisory council 58432  
shall submit a report to the governor and, in accordance with 58433  
section 101.68 of the Revised Code, to the general assembly. Each 58434  
report shall contain a description of the council's activities for 58435  
the preceding year and any other information the council considers 58436  
appropriate to include in the report. 58437

**Sec. 5101.92.** The Ohio healthier buckeye advisory council ~~may~~ 58438  
shall do all of the following: 58439

(A) Develop the means by which ~~county~~ local healthier buckeye 58440  
councils established under section 355.02 of the Revised Code may 58441  
reduce the reliance of individuals on publicly funded assistance 58442  
programs as provided in section 355.03 of the Revised Code; 58443

~~Recommend to the director of job and family services~~ 58444  
~~eligibility criteria, application processes, and maximum grant~~ 58445  
~~amounts for~~ Administer the Ohio healthier buckeye grant program 58446  
created under section 5101.93 of the Revised Code; 58447

~~Not later than December 1, 2014, submit to the director~~ 58448  
~~recommendations for doing all of the following:~~ 58449

~~(1) Coordinating services across all public assistance~~ 58450  
~~programs to help individuals find employment, succeed at work, and~~ 58451  
~~stay out of poverty;~~ 58452

~~(2) Revising incentives for public assistance programs to~~ 58453  
~~foster person-centered case management;~~ 58454

~~(3) Standardizing and automating eligibility determination~~ 58455  
~~policies and processes for public assistance programs~~ Provide 58456  
assistance in the establishment of local healthier buckeye 58457  
councils under Chapter 355. of the Revised Code; 58458

(D) Identify barriers and gaps to achieving greater financial 58459  
independence for individuals and families, and provide advice to 58460  
remove those barriers and gaps; 58461

(E) Collect, analyze, and report performance measure 58462  
information. 58463

**Sec. 5101.93.** (A) There is hereby created the healthier 58464  
buckeye grant program under which grants are awarded to local 58465  
healthier buckeye councils established under section 355.02 of the 58466



Revised Code, other public entities, private entities, and 58467  
individuals. The program shall be administered by the Ohio 58468  
healthier buckeye advisory council. The council may request 58469  
assistance from the department of job and family services. 58470

Eligibility criteria established for the program shall give 58471  
priority to proposals including the following factors: 58472

(1) Prior effectiveness in providing services that achieve 58473  
lasting self-sufficiency for low-income individuals; 58474

(2) Alignment and coordination of public and private 58475  
resources to assist low-income individuals achieve 58476  
self-sufficiency; 58477

(3) Maintenance of continuous mentoring support for 58478  
participants; 58479

(4) Use of local matching funds; 58480

(5) Use of volunteers and peer supports; 58481

(6) Evidence of previous experience managing or providing 58482  
similar services with public funds; 58483

(7) Evidence of capability to effectively report relevant 58484  
participant data; 58485

(8) Creation through local assessment and planning processes; 58486

(9) Collaboration between entities that participate in 58487  
assessment and planning processes. 58488

(B) Funds for grants awarded under the program shall be made 58489  
from the healthier buckeye fund, which is hereby created in the 58490  
state treasury. The fund shall consist of moneys appropriated to 58491  
it and any grants or donations received. Interest earned on the 58492  
money in the fund shall be credited to the fund. 58493

**Sec. 5101.99.** (A) Whoever violates division (A) or (B) of 58494

section 5101.61 of the Revised Code shall be fined not more than 58495  
five hundred dollars. 58496

(B) Whoever violates division (A) of section 5101.27 of the 58497  
Revised Code is guilty of a misdemeanor of the first degree. 58498

(C) Whoever violates section 5101.133 or division (C)(2) of 58499  
section 5101.612 of the Revised Code is guilty of a misdemeanor of 58500  
the fourth degree. 58501

**Sec. 5103.02.** As used in sections 5103.03 to 5103.17 of the 58502  
Revised Code: 58503

(A)(1) "Association" or "institution" includes all of the 58504  
following: 58505

(a) Any incorporated or unincorporated organization, society, 58506  
association, or agency, public or private, that receives or cares 58507  
for children for two or more consecutive weeks; 58508

(b) Any individual, including the operator of a foster home, 58509  
who, for hire, gain, or reward, receives or cares for children for 58510  
two or more consecutive weeks, unless the individual is related to 58511  
them by blood or marriage; 58512

(c) Any individual not in the regular employ of a court, or 58513  
of an institution or association certified in accordance with 58514  
section 5103.03 of the Revised Code, who in any manner becomes a 58515  
party to the placing of children in foster homes, unless the 58516  
individual is related to such children by blood or marriage or is 58517  
the appointed guardian of such children. 58518

(2) "Association" or "institution" does not include any of 58519  
the following: 58520

(a) Any organization, society, association, school, agency, 58521  
child guidance center, detention or rehabilitation facility, or 58522  
children's clinic licensed, regulated, approved, operated under 58523

the direction of, or otherwise certified by the department of 58524  
education, a local board of education, the department of youth 58525  
services, the department of mental health and addiction services, 58526  
or the department of developmental disabilities; 58527

(b) Any individual who provides care for only a single-family 58528  
group, placed there by their parents or other relative having 58529  
custody; 58530

(c) A private, nonprofit therapeutic wilderness camp. 58531

(B) "Family foster home" means a foster home that is not a 58532  
specialized foster home. 58533

(C) "Foster caregiver" means a person holding a valid foster 58534  
home certificate issued under section 5103.03 of the Revised Code. 58535

(D) "Foster home" means a private residence in which children 58536  
are received apart from their parents, guardian, or legal 58537  
custodian, by an individual reimbursed for providing the children 58538  
nonsecure care, supervision, or training twenty-four hours a day. 58539  
"Foster home" does not include care provided for a child in the 58540  
home of a person other than the child's parent, guardian, or legal 58541  
custodian while the parent, guardian, or legal custodian is 58542  
temporarily away. Family foster homes and specialized foster homes 58543  
are types of foster homes. 58544

(E) "Medically fragile foster home" means a foster home that 58545  
provides specialized medical services designed to meet the needs 58546  
of children with intensive health care needs who meet all of the 58547  
following criteria: 58548

(1) Under rules adopted by the medicaid director governing 58549  
medicaid payments for long-term care services, the children 58550  
require a skilled level of care. 58551

(2) The children require the services of a doctor of medicine 58552  
or osteopathic medicine at least once a week due to the 58553

instability of their medical conditions.	58554
(3) The children require the services of a registered nurse on a daily basis.	58555 58556
(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.	58557 58558 58559
(F) <u>"Private, nonprofit therapeutic wilderness camp" means a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which all of the following are the case:</u>	58560 58561 58562 58563 58564
<u>(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure.</u>	58565 58566
<u>(2) The children have been placed there by their parents or another relative having custody.</u>	58567 58568
<u>(3) The camp accepts no public funds for use in its operations.</u>	58569 58570
(G) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:	58571 58572 58573 58574 58575
(1) Issue a certificate;	58576
(2) Deny a certificate;	58577
(3) Renew a certificate;	58578
(4) Deny renewal of a certificate;	58579
(5) Revoke a certificate.	58580
<del>(G)</del> (H) "Specialized foster home" means a medically fragile foster home or a treatment foster home.	58581 58582

~~(H)~~(I) "Treatment foster home" means a foster home that 58583  
incorporates special rehabilitative services designed to treat the 58584  
specific needs of the children received in the foster home and 58585  
that receives and cares for children who are emotionally or 58586  
behaviorally disturbed, chemically dependent, mentally retarded, 58587  
developmentally disabled, or who otherwise have exceptional needs. 58588

Sec. 5103.50. (A) As used in this section and sections 58589  
5103.51 to 5103.55 of the Revised Code, "private, nonprofit 58590  
therapeutic wilderness camp" has the same meaning as in section 58591  
5103.02 of the Revised Code. 58592

(B) The director of job and family services shall issue a 58593  
license to a private, nonprofit therapeutic wilderness camp that 58594  
meets the minimum standards for such camps specified in division 58595  
(C) of this section and applies to the director for a license on a 58596  
form prescribed by the director. 58597

(C) Both of the following apply as the minimum standards to 58598  
be met by a private, nonprofit therapeutic wilderness camp: 58599

(1) The camp shall develop and implement a written policy 58600  
that establishes all of the following: 58601

(a) Standards for hiring, training, and supervising staff; 58602

(b) Standards for behavioral intervention, including 58603  
standards prohibiting the use of prone restraint and governing the 58604  
use of other restraints or isolation; 58605

(c) Standards for recordkeeping, including specifying 58606  
information that must be included in each child's record, who may 58607  
access records, confidentiality, maintenance, security, and 58608  
disposal of records; 58609

(d) A procedure for handling complaints about the camp from 58610  
the children attending the camp, their families, staff, and the 58611  
public; 58612

(e) Standards for emergency and disaster preparedness, 58613  
including procedures for emergency evacuation and standards 58614  
requiring that a method of emergency communication be accessible 58615  
at all times; 58616

(f) Standards that ensure the protection of children's civil 58617  
rights; 58618

(g) Standards for the admission and discharge of children 58619  
attending the camp, including standards for emergency discharge. 58620

(2) The camp shall cooperate with any request from the 58621  
director for an inspection or for access to records or written 58622  
policies of the camp. 58623

Sec. 5103.51. A license issued under section 5103.50 of the 58624  
Revised Code is valid for five years, unless earlier revoked by 58625  
the director of job and family services. The license may be 58626  
renewed. 58627

Each private, nonprofit therapeutic wilderness camp seeking 58628  
license renewal shall submit to the director an application for 58629  
license renewal on such form as the director prescribes. If the 58630  
camp meets the minimum standards specified in section 5103.50 of 58631  
the Revised Code, the director shall renew the license. 58632

Sec. 5103.52. (A) The director of job and family services may 58633  
inspect a private, nonprofit therapeutic wilderness camp at any 58634  
time. The director may delegate this authority to a county 58635  
department of job and family services. 58636

(B) The director may request access to the camp's records or 58637  
to the written policies adopted by the camp pursuant to section 58638  
5103.50 of the Revised Code. The director may delegate this 58639  
authority to a county department of job and family services. 58640

Sec. 5103.53. A private, nonprofit therapeutic wilderness 58641

camp shall not operate without a license issued under section 5103.50 of the Revised Code. If the director of job and family services determines that a camp is operating without a license, the director may petition the court of common pleas in the county in which the camp is located for an order enjoining its operation. The court shall grant injunctive relief upon a showing that the camp is operating without a license. 58642  
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Sec. 5103.54. If a licensed private, nonprofit therapeutic wilderness camp fails to meet the minimum standards set forth in section 5103.50 of the Revised Code, the director of job and family services shall notify the camp that the director intends to revoke the license. Unless the violation poses an imminent risk to the life, health, or safety of one or more children attending the camp, the director shall give the camp ninety days to meet the minimum standards. If the violation poses an imminent risk to the life, health, or safety of one or more children attending the camp or the camp fails to meet the minimum standards within ninety days of receipt of the notice of revocation, the director shall revoke the license. An order of revocation under this section may be appealed in accordance with Chapter 119. of the Revised Code. 58649  
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Sec. 5103.55. A parent of a child attending a private, nonprofit therapeutic wilderness camp is not relieved of the parent's obligations regarding compulsory school attendance pursuant to section 3321.04 of the Revised Code. 58662  
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**Sec. 5104.01.** As used in this chapter: 58666

(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or type B home. The administrator and the owner may be the same person. 58667  
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(B) "Approved child day camp" means a child day camp approved 58670

pursuant to section 5104.22 of the Revised Code. 58671

(C) "Border state child care provider" means a child care 58672  
provider that is located in a state bordering Ohio and that is 58673  
licensed, certified, or otherwise approved by that state to 58674  
provide child care. 58675

(D) "Career pathways model" means an alternative pathway to 58676  
meeting the requirements to be a child-care staff member or 58677  
administrator that does both of the following: 58678

(1) Uses a framework approved by the director of job and 58679  
family services to document formal education, training, 58680  
experience, and specialized credentials and certifications; 58681

(2) Allows the child-care staff member or administrator to 58682  
achieve a designation as an early childhood professional level 58683  
one, two, three, four, five, or six. 58684

(E) "Caretaker parent" means the father or mother of a child 58685  
whose presence in the home is needed as the caretaker of the 58686  
child, a person who has legal custody of a child and whose 58687  
presence in the home is needed as the caretaker of the child, a 58688  
guardian of a child whose presence in the home is needed as the 58689  
caretaker of the child, and any other person who stands in loco 58690  
parentis with respect to the child and whose presence in the home 58691  
is needed as the caretaker of the child. 58692

(F) "Chartered nonpublic school" means a school that meets 58693  
standards for nonpublic schools prescribed by the state board of 58694  
education for nonpublic schools pursuant to section 3301.07 of the 58695  
Revised Code. 58696

(G) "Child" includes an infant, toddler, preschool-age child, 58697  
or school-age child. 58698

(H) "Child care block grant act" means the "Child Care and 58699  
Development Block Grant Act of 1990," established in section 5082 58700



of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 58701  
1388-236 (1990), 42 U.S.C. 9858, as amended. 58702

(I) "Child day camp" means a program in which only school-age 58703  
children attend or participate, that operates for no more than 58704  
seven hours per day, that operates only during one or more public 58705  
school district's regular vacation periods or for no more than 58706  
fifteen weeks during the summer, and that operates outdoor 58707  
activities for each child who attends or participates in the 58708  
program for a minimum of fifty per cent of each day that children 58709  
attend or participate in the program, except for any day when 58710  
hazardous weather conditions prevent the program from operating 58711  
outdoor activities for a minimum of fifty per cent of that day. 58712  
For purposes of this division, the maximum seven hours of 58713  
operation time does not include transportation time from a child's 58714  
home to a child day camp and from a child day camp to a child's 58715  
home. 58716

(J) "Child care" means ~~administering~~ all of the following: 58717

(1) Administering to the needs of infants, toddlers, 58718  
preschool-age children, and school-age children outside of school 58719  
hours ~~by;~~ 58720

(2) By persons other than their parents ~~or,~~ guardians, or 58721  
custodians, ~~or relatives by blood, marriage, or adoption for;~~ 58722

(3) For any part of the twenty-four-hour day ~~in;~~ 58723

(4) In a place ~~or residence~~ other than a child's own home, 58724  
except that an in-home aide provides child care in the child's own 58725  
home. 58726

(K) "Child day-care center" and "center" mean any place in 58727  
which child care or publicly funded child care is provided for 58728  
thirteen or more children at one time or any place that is not the 58729  
permanent residence of the licensee or administrator in which 58730  
child care or publicly funded child care is provided for seven to 58731

twelve children at one time. In counting children for the purposes 58732  
of this division, any children under six years of age who are 58733  
related to a licensee, administrator, or employee and who are on 58734  
the premises of the center shall be counted. "Child day-care 58735  
center" and "center" do not include any of the following: 58736

(1) A place located in and operated by a hospital, as defined 58737  
in section 3727.01 of the Revised Code, in which the needs of 58738  
children are administered to, if all the children whose needs are 58739  
being administered to are monitored under the on-site supervision 58740  
of a physician licensed under Chapter 4731. of the Revised Code or 58741  
a registered nurse licensed under Chapter 4723. of the Revised 58742  
Code, and the services are provided only for children who, in the 58743  
opinion of the child's parent, guardian, or custodian, are 58744  
exhibiting symptoms of a communicable disease or other illness or 58745  
are injured; 58746

(2) A child day camp; 58747

(3) A place that provides child care, but not publicly funded 58748  
child care, if all of the following apply: 58749

(a) An organized religious body provides the child care; 58750

(b) A parent, custodian, or guardian of at least one child 58751  
receiving child care is on the premises and readily accessible at 58752  
all times; 58753

(c) The child care is not provided for more than thirty days 58754  
a year; 58755

(d) The child care is provided only for preschool-age and 58756  
school-age children. 58757

(L) "Child care resource and referral service organization" 58758  
means a community-based nonprofit organization that provides child 58759  
care resource and referral services but not child care. 58760

(M) "Child care resource and referral services" means all of 58761

the following services:	58762
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	58763 58764 58765
(2) Provision of individualized consumer education to families seeking child care;	58766 58767
(3) Provision of timely referrals of available child care providers to families seeking child care;	58768 58769
(4) Recruitment of child care providers;	58770
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	58771 58772 58773 58774
(6) Collection and analysis of data on the supply of and demand for child care in the community;	58775 58776
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	58777 58778 58779
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	58780 58781 58782
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	58783 58784
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	58785 58786 58787 58788
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care	58789 58790 58791

homes.	58792
(N) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties.	58793 58794 58795 58796 58797
(O) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.	58798 58799 58800 58801
(P) "Employee" means a person who either:	58802
(1) Receives compensation for duties performed in a child day-care center or type A family day-care home;	58803 58804
(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home.	58805 58806
(Q) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center or type A family day-care home subject to licensure under this chapter.	58807 58808 58809 58810
(R) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	58811 58812 58813 58814 58815
(S) "Head start program" means a comprehensive child development program <u>serving birth to three years old and preschool-age children</u> that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, and is licensed as a child day-care center.	58816 58817 58818 58819 58820
(T) "Income" means gross income, as defined in section	58821

5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded. 58822  
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(U) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements. 58824  
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(V) "Infant" means a child who is less than eighteen months of age. 58831  
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(W) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it. 58833  
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(X) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers, type A family day-care homes, and licensed type B family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist. 58839  
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(Y) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center or type A family day-care home at one time as determined by the director of job and family services considering building occupancy limits established by the department of commerce, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies. For the 58846  
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purposes of a provisional license issued under this chapter, the 58853  
director shall also consider the number of available child-care 58854  
staff members when determining "license capacity" for the 58855  
provisional license. 58856

(Z) "Licensed child care program" means any of the following: 58857

(1) A child day-care center licensed by the department of job 58858  
and family services pursuant to this chapter; 58859

(2) A type A family day-care home or type B family day-care 58860  
home licensed by the department of job and family services 58861  
pursuant to this chapter; 58862

(3) A licensed preschool program or licensed school child 58863  
program. 58864

(AA) "Licensed preschool program" or "licensed school child 58865  
program" means a preschool program or school child program, as 58866  
defined in section 3301.52 of the Revised Code, that is licensed 58867  
by the department of education pursuant to sections 3301.52 to 58868  
3301.59 of the Revised Code. 58869

(BB) "Licensed type B family day-care home" and "licensed 58870  
type B home" mean a type B family day-care home for which there is 58871  
a valid license issued by the director of job and family services 58872  
pursuant to section 5104.03 of the Revised Code. 58873

(CC) "Licensee" means the owner of a child day-care center, 58874  
type A family day-care home, or type B family day-care home that 58875  
is licensed pursuant to this chapter and who is responsible for 58876  
ensuring its compliance with this chapter and rules adopted 58877  
pursuant to this chapter. 58878

(DD) "Operate a child day camp" means to operate, establish, 58879  
manage, conduct, or maintain a child day camp. 58880

(EE) "Owner" includes a person, as defined in section 1.59 of 58881  
the Revised Code, ~~or~~ government entity, firm, organization, 58882

institution, agency, as well as any individual governing board 58883  
members, partners, incorporators, agents, or authorized 58884  
representatives of the owner. 58885

(FF) "Parent cooperative child day-care center," "parent 58886  
cooperative center," "parent cooperative type A family day-care 58887  
home," and "parent cooperative type A home" mean a corporation or 58888  
association organized for providing educational services to the 58889  
children of members of the corporation or association, without 58890  
gain to the corporation or association as an entity, in which the 58891  
services of the corporation or association are provided only to 58892  
children of the members of the corporation or association, 58893  
ownership and control of the corporation or association rests 58894  
solely with the members of the corporation or association, and at 58895  
least one parent-member of the corporation or association is on 58896  
the premises of the center or type A home during its hours of 58897  
operation. 58898

(GG) "Part-time child day-care center," "part-time center," 58899  
"part-time type A family day-care home," and "part-time type A 58900  
home" mean a center or type A home that provides child care or 58901  
publicly funded child care for ~~no~~ not more than four hours a day 58902  
for any child or not more than fifteen consecutive weeks per year, 58903  
regardless of the number of hours per day. 58904

(HH) "Place of worship" means a building where activities of 58905  
an organized religious group are conducted and includes the 58906  
grounds and any other buildings on the grounds used for such 58907  
activities. 58908

(II) "Preschool-age child" means a child who is three years 58909  
old or older but is not a school-age child. 58910

(JJ) "Protective child care" means publicly funded child care 58911  
for the direct care and protection of a child to whom either of 58912  
the following applies: 58913

(1) A case plan prepared and maintained for the child 58914  
pursuant to section 2151.412 of the Revised Code indicates a need 58915  
for protective care and the child resides with a parent, 58916  
stepparent, guardian, or another person who stands in loco 58917  
parentis as defined in rules adopted under section 5104.38 of the 58918  
Revised Code; 58919

(2) The child and the child's caretaker either temporarily 58920  
reside in a facility providing emergency shelter for homeless 58921  
families or are determined by the county department of job and 58922  
family services to be homeless, and are otherwise ineligible for 58923  
publicly funded child care. 58924

(KK) "Publicly funded child care" means administering to the 58925  
needs of infants, toddlers, preschool-age children, and school-age 58926  
children under age thirteen during any part of the 58927  
twenty-four-hour day by persons other than their caretaker parents 58928  
for remuneration wholly or in part with federal or state funds, 58929  
including funds available under the child care block grant act, 58930  
Title IV-A, and Title XX, distributed by the department of job and 58931  
family services. 58932

(LL) "Religious activities" means any of the following: 58933  
worship or other religious services; religious instruction; Sunday 58934  
school classes or other religious classes conducted during or 58935  
prior to worship or other religious services; youth or adult 58936  
fellowship activities; choir or other musical group practices or 58937  
programs; meals; festivals; or meetings conducted by an organized 58938  
religious group. 58939

(MM) "School-age child" means a child who is enrolled in or 58940  
is eligible to be enrolled in a grade of kindergarten or above but 58941  
is less than fifteen years old. 58942

(NN) "School-age child care center" and "school-age child 58943  
type A home" mean a center or type A home that provides child care 58944



for school-age children only and that does either or both of the 58945  
following: 58946

(1) Operates only during that part of the day that 58947  
immediately precedes or follows the public school day of the 58948  
school district in which the center or type A home is located; 58949

(2) Operates only when the public schools in the school 58950  
district in which the center or type A home is located are not 58951  
open for instruction with pupils in attendance. 58952

(OO) "Serious risk noncompliance" means a licensure or 58953  
certification rule violation that leads to a great risk of harm 58954  
to, or death of, a child, and is observable, not inferable. 58955

(PP) "State median income" means the state median income 58956  
calculated by the department of development pursuant to division 58957  
(A)(1)(g) of section 5709.61 of the Revised Code. 58958

(QQ) "Title IV-A" means Title IV-A of the "Social Security 58959  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 58960

(RR) "Title XX" means Title XX of the "Social Security Act," 58961  
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 58962

(SS) "Toddler" means a child who is at least eighteen months 58963  
of age but less than three years of age. 58964

(TT) "Type A family day-care home" and "type A home" mean a 58965  
permanent residence of the administrator in which child care or 58966  
publicly funded child care is provided for seven to twelve 58967  
children at one time or a permanent residence of the administrator 58968  
in which child care is provided for four to twelve children at one 58969  
time if four or more children at one time are under two years of 58970  
age. In counting children for the purposes of this division, any 58971  
children under six years of age who are related to a licensee, 58972  
administrator, or employee and who are on the premises of the type 58973  
A home shall be counted. "Type A family day-care home" and "type A 58974

home" do not include any child day camp. 58975

(UU) "Type B family day-care home" and "type B home" mean a 58976  
permanent residence of the provider in which child care is 58977  
provided for one to six children at one time and in which no more 58978  
than three children are under two years of age at one time. In 58979  
counting children for the purposes of this division, any children 58980  
under six years of age who are related to the provider and who are 58981  
on the premises of the type B home shall be counted. "Type B 58982  
family day-care home" and "type B home" do not include any child 58983  
day camp. 58984

**Sec. 5104.013.** (A)(1) At the times specified in division 58985  
(A)(3) of this section, the director of job and family services, 58986  
as part of the process of licensure of child day-care centers, 58987  
type A family day-care homes, and ~~licensed~~ type B family day-care 58988  
homes shall request the superintendent of the bureau of criminal 58989  
identification and investigation to conduct a criminal records 58990  
check with respect to the following persons: 58991

(a) Any owner, licensee, or administrator of a ~~child day-care~~ 58992  
center; 58993

(b) Any owner, licensee, or administrator of a type A ~~family~~ 58994  
~~day-care~~ home or type B home and any person eighteen years of age 58995  
or older who resides in a type A ~~family day-care~~ home; 58996

~~(c) Any administrator of a licensed type B family day care~~ 58997  
~~home and any person eighteen years of age or older who resides in~~ 58998  
~~a licensed type B family day care home~~ or type B home. 58999

(2) At the time specified in division (A)(3) of this section, 59000  
the director of a county department of job and family services, as 59001  
part of the process of certification of in-home aides, shall 59002  
request the superintendent of the bureau of criminal 59003  
identification and investigation to conduct a criminal records 59004

check with respect to any in-home aide. 59005

(3) The director of job and family services shall request a 59006  
criminal records check pursuant to division (A)(1) of this section 59007  
at the time of the initial application for licensure and every 59008  
five years thereafter. The director of a county department of job 59009  
and family services shall request a criminal records check 59010  
pursuant to division (A)(2) of this section at the time of the 59011  
initial application for certification and every five years 59012  
thereafter. When the director of job and family services or the 59013  
director of a county department of job and family services 59014  
requests pursuant to division (A)(1) or (2) of this section a 59015  
criminal records check for a person at the time of the person's 59016  
initial application for licensure or certification, the director 59017  
shall request that the superintendent of the bureau of criminal 59018  
identification and investigation obtain information from the 59019  
federal bureau of investigation as a part of the criminal records 59020  
check for the person, including fingerprint-based checks of 59021  
national crime information databases as described in 42 U.S.C. 671 59022  
for the person subject to the criminal records check. In all other 59023  
cases in which the director of job and family services or the 59024  
director of a county department of job and family services 59025  
requests a criminal records check for an applicant pursuant to 59026  
division (A)(1) or (2) of this section, the director may request 59027  
that the superintendent include information from the federal 59028  
bureau of investigation in the criminal records check, including 59029  
fingerprint-based checks of national crime information databases 59030  
as described in 42 U.S.C. 671. 59031

(4) The director of job and family services shall review the 59032  
results of a criminal records check subsequent to a request made 59033  
pursuant to divisions (A)(1) and (3) of this section prior to 59034  
approval of a license. The director of a county department of job 59035  
and family services shall review the results of a criminal records 59036

check subsequent to a request made pursuant to divisions (A)(2) 59037  
and (3) of this section prior to approval of certification. 59038

(B) The director of job and family services or the director 59039  
of a county department of job and family services shall provide to 59040  
each person for whom a criminal records check is required under 59041  
this section a copy of the form prescribed pursuant to division 59042  
(C)(1) of section 109.572 of the Revised Code and a standard 59043  
impression sheet to obtain fingerprint impressions prescribed 59044  
pursuant to division (C)(2) of that section, obtain the completed 59045  
form and impression sheet from that person, and forward the 59046  
completed form and impression sheet to the superintendent of the 59047  
bureau of criminal identification and investigation. 59048

(C) A person who receives pursuant to division (B) of this 59049  
section a copy of the form and standard impression sheet described 59050  
in that division and who is requested to complete the form and 59051  
provide a set of fingerprint impressions shall complete the form 59052  
or provide all the information necessary to complete the form and 59053  
shall provide the impression sheet with the impressions of the 59054  
person's fingerprints. If the person, upon request, fails to 59055  
provide the information necessary to complete the form or fails to 59056  
provide impressions of the person's fingerprints, the director may 59057  
consider the failure as a reason to deny licensure or 59058  
certification. 59059

(D) Except as provided in rules adopted under division ~~(G)~~(N) 59060  
of this section, ~~the:~~ 59061

(1) The director of job and family services shall not grant a 59062  
license to a ~~child day care~~ center, type A ~~family day care~~ home, 59063  
or type B ~~family day care~~ home and a county director of job and 59064  
family services shall not certify an in-home aide if a person for 59065  
whom a criminal records check was required in connection with the 59066  
center or home previously has been convicted of or pleaded guilty 59067  
to any of the violations described in division (A)(5) of section 59068

109.572 of the Revised Code. 59069

(2) The director of job and family services shall not grant a license to a type A home or type B home if a resident of the type A home or type B home is under eighteen years of age and has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code. 59070  
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(E) Each ~~child day care center~~, type A ~~family day care home~~, and type B ~~family day care home~~ shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (A) of this section. 59076  
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(F)(1) At the times specified in division (F)(2) of this section, the administrator of a center, type A home or licensed type B home shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the center, type A home, or licensed type B home for employment. 59083  
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(2) The administrator shall request a criminal records check pursuant to division (F)(1) of this section at the time of the applicant's initial application for employment and every five years thereafter. When the administrator requests pursuant to division (F)(1) of this section a criminal records check for an applicant at the time of the applicant's initial application for employment, the administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases 59089  
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in which the administrator requests a criminal records check for 59101  
an applicant pursuant to division (F)(1) of this section, the 59102  
administrator may request that the superintendent include 59103  
information from the federal bureau of investigation in the 59104  
criminal records check, including fingerprint-based checks of 59105  
national crime information databases as described in 42 U.S.C. 59106  
671. 59107

(G) Any person required by division (F) of this section to 59108  
request a criminal records check shall inform each person, at the 59109  
time of the person's initial application for employment, that the 59110  
person is required to provide a set of impressions of the person's 59111  
fingerprints and that a criminal records check is required to be 59112  
conducted and satisfactorily completed in accordance with section 59113  
109.572 of the Revised Code if the person comes under final 59114  
consideration for appointment or employment as a precondition to 59115  
employment for that position. 59116

(H) A person required by division (F) of this section to 59117  
request a criminal records check shall provide to each applicant a 59118  
copy of the form prescribed pursuant to division (C)(1) of section 59119  
109.572 of the Revised Code, provide to each applicant a standard 59120  
impression sheet to obtain fingerprint impressions prescribed 59121  
pursuant to division (C)(2) of section 109.572 of the Revised 59122  
Code, obtain the completed form and impression sheet from each 59123  
applicant, and forward the completed form and impression sheet to 59124  
the superintendent of the bureau of criminal identification and 59125  
investigation at the time the person requests a criminal records 59126  
check pursuant to division (F) of this section. 59127

(I) An applicant who receives pursuant to division (H) of 59128  
this section a copy of the form prescribed pursuant to division 59129  
(C)(1) of section 109.572 of the Revised Code and a copy of an 59130  
impression sheet prescribed pursuant to division (C)(2) of that 59131  
section and who is requested to complete the form and provide a 59132

set of fingerprint impressions shall complete the form or provide 59133  
all the information necessary to complete the form and shall 59134  
provide the impression sheet with the impressions of the 59135  
applicant's fingerprints. If an applicant, upon request, fails to 59136  
provide the information necessary to complete the form or fails to 59137  
provide impressions of the applicant's fingerprints, the center or 59138  
type A home shall not employ that applicant for any position for 59139  
which a criminal records check is required by division (F) of this 59140  
section. 59141

(J)(1) Except as provided in rules adopted under division (N) 59142  
of this section, no center, type A home, or licensed type B home 59143  
shall employ or contract with another entity for the services of a 59144  
person if the person previously has been convicted of or pleaded 59145  
guilty to any of the violations described in division (A)(5) of 59146  
section 109.572 of the Revised Code. 59147

(2) A center, type A home, or licensed type B home may employ 59148  
an applicant conditionally until the criminal records check 59149  
required by this section is completed and the center or home 59150  
receives the results of the criminal records check. If the results 59151  
of the criminal records check indicate that, pursuant to division 59152  
(J)(1) of this section, the applicant does not qualify for 59153  
employment, the center, type A home, or licensed type B home shall 59154  
release the applicant from employment. 59155

(3) The administrator of a center, type A home, or licensed 59156  
type B home shall review the results of the criminal records check 59157  
before an applicant has sole responsibility for the care, custody, 59158  
or control of any child. 59159

(K)(1) Each center, type A home, and licensed type B home 59160  
shall pay to the bureau of criminal identification and 59161  
investigation the fee prescribed pursuant to division (C)(3) of 59162  
section 109.572 of the Revised Code for each criminal records 59163  
check conducted in accordance with that section upon the request 59164

pursuant to division (F) of this section of the administrator of 59165  
the center, type A home, or licensed type B home. 59166

(2) A center, type A home, or licensed type B home may charge 59167  
an applicant a fee for the costs it incurs in obtaining a criminal 59168  
records check under this section. A fee charged under this 59169  
division shall not exceed the amount of fees the center, type A 59170  
home, or licensed type B home pays under division (K)(1) of this 59171  
section. If a fee is charged under this division, the center, type 59172  
A home, or licensed type B home shall notify the applicant at the 59173  
time of the applicant's initial application for employment of the 59174  
amount of the fee and that, unless the fee is paid, the center, 59175  
type A home, or licensed type B home will not consider the 59176  
applicant for employment. 59177

~~(F)~~(L) The report of any criminal records check conducted by 59178  
the bureau of criminal identification and investigation in 59179  
accordance with section 109.572 of the Revised Code and pursuant 59180  
to a request made under division (A) or (F) of this section is not 59181  
a public record for the purposes of section 149.43 of the Revised 59182  
Code and shall not be made available to any person other than the 59183  
person who is the subject of the criminal records check or the 59184  
person's representative, the director of job and family services, 59185  
the director of a county department of job and family services, 59186  
the center, type A home, or type B home involved, and any court, 59187  
hearing officer, or other necessary individual involved in a case 59188  
dealing with a denial of licensure or certification related to the 59189  
criminal records check. 59190

(M)(1) Each of the following persons shall sign a statement 59191  
on forms prescribed by the director of job and family services 59192  
attesting to the fact that the person has not been convicted of or 59193  
pleaded guilty to any offense set forth in division (A)(5) of 59194  
section 109.572 of the Revised Code and that no child has been 59195  
removed from the person's home pursuant to section 2151.353 of the 59196



<u>Revised Code:</u>	59197
<u>(a) An employee of a center, type A home, or licensed type B home;</u>	59198
<u>home;</u>	59199
<u>(b) A person eighteen years of age or older who resides in a type A home or licensed type B home;</u>	59200
<u>type A home or licensed type B home;</u>	59201
<u>(c) An in-home aide;</u>	59202
<u>(d) An owner, licensee, or administrator of a center, type A home, or licensed type B home.</u>	59203
<u>home, or licensed type B home.</u>	59204
<u>(2) Each licensee of a type A home or type B home shall sign a statement on a form prescribed by the director of job and family services attesting to the fact that no person who resides at the type A home or licensed type B home and is under eighteen years of age has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.</u>	59205
<u>a statement on a form prescribed by the director of job and family services attesting to the fact that no person who resides at the type A home or licensed type B home and is under eighteen years of age has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.</u>	59206
<u>type A home or licensed type B home and is under eighteen years of age has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.</u>	59207
<u>type A home or licensed type B home and is under eighteen years of age has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.</u>	59208
<u>age has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.</u>	59209
<u>violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.</u>	59210
<u>109.572 of the Revised Code.</u>	59211
<u>(3) The statements required under divisions (M)(1) and (2) of this section shall be kept on file as follows:</u>	59212
<u>this section shall be kept on file as follows:</u>	59213
<u>(a) With respect to an owner, licensee, administrator, or employee of a center, type A home, or licensed type B home, or a person eighteen years of age or older residing in a type A home or licensed type B home, at the center, type A home, or licensed type B home;</u>	59214
<u>employee of a center, type A home, or licensed type B home, or a person eighteen years of age or older residing in a type A home or licensed type B home, at the center, type A home, or licensed type B home;</u>	59215
<u>person eighteen years of age or older residing in a type A home or licensed type B home, at the center, type A home, or licensed type B home;</u>	59216
<u>licensed type B home, at the center, type A home, or licensed type B home;</u>	59217
<u>B home;</u>	59218
<u>(b) With respect to in-home aides, at the county department of job and family services.</u>	59219
<u>of job and family services.</u>	59220
<u>(4) No owner, administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section.</u>	59221
<u>center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section.</u>	59222
<u>eighteen years of age or older residing in a type A home or licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section.</u>	59223
<u>licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section.</u>	59224
<u>information on, any statement required pursuant to division (M)(1) or (2) of this section.</u>	59225
<u>or (2) of this section.</u>	59226

~~(G)~~(N) The director of job and family services shall adopt 59227  
rules in accordance with Chapter 119. of the Revised Code to 59228  
implement this section, including rules specifying exceptions to 59229  
the ~~prohibition~~ prohibitions in division divisions (D) and (J) of 59230  
this section for persons who have been convicted of an offense 59231  
listed in ~~that division~~ division (A)(5) of section 109.572 of the 59232  
Revised Code but who meet standards in regard to rehabilitation 59233  
set by the director. 59234

~~(H)~~(O) As used in this section, ~~"criminal:~~ 59235

(1) "Applicant" means a person who is under final 59236  
consideration for appointment to or employment in a position with 59237  
a center, a type A home, or licensed type B home or any person who 59238  
would serve in any position with a center, type A home, or 59239  
licensed type B home pursuant to a contract with another entity. 59240

(2) "Criminal records check" has the same meaning as in 59241  
section 109.572 of the Revised Code. 59242

**Sec. 5104.015.** The director of job and family services shall 59243  
adopt rules in accordance with Chapter 119. of the Revised Code 59244  
governing the operation of child day-care centers, including 59245  
parent cooperative centers, part-time centers, drop-in centers, 59246  
and school-age child care centers. The rules shall reflect the 59247  
various forms of child care and the needs of children receiving 59248  
child care or publicly funded child care and shall include 59249  
specific rules for school-age child care centers that are 59250  
developed in consultation with the department of education. The 59251  
rules shall not require an existing school facility that is in 59252  
compliance with applicable building codes to undergo an additional 59253  
building code inspection or to have structural modifications. The 59254  
rules shall include the following: 59255

(A) Submission of a site plan and descriptive plan of 59256  
operation to demonstrate how the center proposes to meet the 59257

requirements of this chapter and rules adopted pursuant to this	59258
chapter for the initial license application;	59259
(B) Standards for ensuring that the physical surroundings of	59260
the center are safe and sanitary including the physical	59261
environment, the physical plant, and the equipment of the center;	59262
(C) Standards for the supervision, care, and discipline of	59263
children receiving child care or publicly funded child care in the	59264
center;	59265
(D) Standards for a program of activities, and for play	59266
equipment, materials, and supplies, to enhance the development of	59267
each child; however, any educational curricula, philosophies, and	59268
methodologies that are developmentally appropriate and that	59269
enhance the social, emotional, intellectual, and physical	59270
development of each child shall be permissible. As used in this	59271
division, "program" does not include instruction in religious or	59272
moral doctrines, beliefs, or values that is conducted at child	59273
day-care centers owned and operated by churches and does include	59274
methods of disciplining children at child day-care centers.	59275
(E) Admissions policies and procedures;	59276
(F) Health care policies and procedures, including procedures	59277
for the isolation of children with communicable diseases;	59278
(G) First aid and emergency procedures;	59279
(H) Procedures for discipline and supervision of children;	59280
(I) Standards for the provision of nutritious meals and	59281
snacks;	59282
(J) Procedures for screening children that may include any	59283
necessary physical examinations and shall include immunizations in	59284
accordance with section 5104.014 of the Revised Code;	59285
(K) Procedures for screening employees that may include any	59286
necessary physical examinations and immunizations;	59287

(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	59288 59289 59290 59291
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	59292 59293 59294
(N) Procedures for record keeping, organization, and administration;	59295 59296
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	59297 59298 59299
(P) Inspection procedures;	59300
(Q) Procedures and standards for setting initial license application fees;	59301 59302
(R) Procedures for receiving, recording, and responding to complaints about centers;	59303 59304
(S) Procedures for enforcing section 5104.04 of the Revised Code;	59305 59306
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;	59307 59308 59309 59310 59311
(U) Requirements for the training of administrators and child-care staff members, <u>including training</u> in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. <del>Training requirements for child day care centers adopted under this division shall be consistent with sections 5104.034 and 5104.037</del>	59312 59313 59314 59315 59316 59317

~~of the Revised Code;~~ 59318

(V) Standards providing for the special needs of children who 59319  
are handicapped or who require treatment for health conditions 59320  
while the child is receiving child care or publicly funded child 59321  
care in the center; 59322

(W) A procedure for reporting of injuries of children that 59323  
occur at the center; 59324

(X) Standards for licensing child day-care centers for 59325  
children with short-term illnesses and other temporary medical 59326  
conditions; 59327

(Y) Minimum requirements for instructional time for child 59328  
day-care centers rated through the tiered quality rating and 59329  
improvement system established pursuant to section 5104.30 of the 59330  
Revised Code; 59331

(Z) Any other procedures and standards necessary to carry out 59332  
the provisions of this chapter regarding child day-care centers. 59333

**Sec. 5104.016.** The director of job and family services, in 59334  
addition to the rules adopted under section 5104.015 of the 59335  
Revised Code, shall adopt rules establishing minimum requirements 59336  
for child day-care centers. The rules shall include the 59337  
requirements set forth in sections 5104.032 to ~~5104.037~~ 5104.036 59338  
of the Revised Code. Except as provided in section 5104.07 of the 59339  
Revised Code, the rules shall not change the square footage 59340  
requirements of section 5104.032 of the Revised Code; the maximum 59341  
number of children per child-care staff member and maximum group 59342  
size requirements of section 5104.033 of the Revised Code; the 59343  
educational and experience requirements of section 5104.035 of the 59344  
Revised Code; the age, educational, and experience requirements of 59345  
section 5104.036 of the Revised Code; ~~the number and type of~~ 59346  
~~inservice training hours required under section 5104.037 of the~~ 59347

~~Revised Code~~; however, the rules shall provide procedures for 59348  
determining compliance with those requirements. 59349

**Sec. 5104.017.** The director of job and family services shall 59350  
adopt rules pursuant to Chapter 119. of the Revised Code governing 59351  
the operation of type A family day-care homes, including parent 59352  
cooperative type A homes, part-time type A homes, drop-in type A 59353  
homes, and school-age child type A homes. The rules shall reflect 59354  
the various forms of child care and the needs of children 59355  
receiving child care. The rules shall include the following: 59356

(A) Submission of a site plan and descriptive plan of 59357  
operation to demonstrate how the type A home proposes to meet the 59358  
requirements of this chapter and rules adopted pursuant to this 59359  
chapter for the initial license application; 59360

(B) Standards for ensuring that the physical surroundings of 59361  
the type A home are safe and sanitary, including the physical 59362  
environment, the physical plant, and the equipment of the type A 59363  
home; 59364

(C) Standards for the supervision, care, and discipline of 59365  
children receiving child care or publicly funded child care in the 59366  
type A home; 59367

(D) Standards for a program of activities, and for play 59368  
equipment, materials, and supplies, to enhance the development of 59369  
each child; however, any educational curricula, philosophies, and 59370  
methodologies that are developmentally appropriate and that 59371  
enhance the social, emotional, intellectual, and physical 59372  
development of each child shall be permissible; 59373

(E) Admissions policies and procedures; 59374

(F) Health care policies and procedures, including procedures 59375  
for the isolation of children with communicable diseases; 59376

(G) First aid and emergency procedures;	59377
(H) Procedures for discipline and supervision of children;	59378
(I) Standards for the provision of nutritious meals and snacks;	59379 59380
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	59381 59382 59383
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	59384 59385
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	59386 59387 59388 59389
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	59390 59391 59392
(N) Procedures for record keeping, organization, and administration;	59393 59394
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	59395 59396 59397
(P) Inspection procedures;	59398
(Q) Procedures and standards for setting initial license application fees;	59399 59400
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	59401 59402
(S) Procedures for enforcing section 5104.04 of the Revised Code;	59403 59404
(T) A standard requiring the inclusion of a current	59405

department of job and family services toll-free telephone number	59406
on each type A home license that any person may use to report a	59407
suspected violation by the type A home of this chapter or rules	59408
adopted pursuant to this chapter;	59409
(U) Requirements for the training of administrators and	59410
child-care staff members in first aid, in prevention, recognition,	59411
and management of communicable diseases, and in child abuse	59412
recognition and prevention;	59413
(V) Standards providing for the special needs of children who	59414
are handicapped or who require treatment for health conditions	59415
while the child is receiving child care or publicly funded child	59416
care in the type A home;	59417
(W) Standards for the maximum number of children per	59418
child-care staff member;	59419
(X) Requirements for the amount of usable indoor floor space	59420
for each child;	59421
(Y) Requirements for safe outdoor play space;	59422
(Z) Qualifications and training requirements for	59423
administrators and for child-care staff members;	59424
(AA) Procedures for granting a parent who is the residential	59425
parent and legal custodian, or a custodian or guardian access to	59426
the type A home during its hours of operation;	59427
(BB) Standards for the preparation and distribution of a	59428
roster of parents, custodians, and guardians;	59429
(CC) <u>Minimum requirements for instructional time for type A</u>	59430
<u>homes rated through the tiered quality rating and improvement</u>	59431
<u>system established pursuant to section 5104.30 of the Revised</u>	59432
<u>Code;</u>	59433
(DD) Any other procedures and standards necessary to carry	59434
out the provisions of this chapter regarding type A homes.	59435



**Sec. 5104.018.** The director of job and family services shall 59436  
adopt rules in accordance with Chapter 119. of the Revised Code 59437  
governing the licensure of type B family day-care homes. The rules 59438  
shall provide for safeguarding the health, safety, and welfare of 59439  
children receiving child care or publicly funded child care in a 59440  
licensed type B family day-care home and shall include all of the 59441  
following: 59442

(A) Requirements for the type B home to notify parents with 59443  
children in the type B home that the type B home is certified as a 59444  
foster home under section 5103.03 of the Revised Code; 59445

(B) Standards for ensuring that the type B home and the 59446  
physical surroundings of the type B home are safe and sanitary, 59447  
including physical environment, physical plant, and equipment; 59448

(C) Standards for the supervision, care, and discipline of 59449  
children receiving child care or publicly funded child care in the 59450  
home; 59451

(D) Standards for a program of activities, and for play 59452  
equipment, materials, and supplies to enhance the development of 59453  
each child; however, any educational curricula, philosophies, and 59454  
methodologies that are developmentally appropriate and that 59455  
enhance the social, emotional, intellectual, and physical 59456  
development of each child shall be permissible; 59457

(E) Admission policies and procedures; 59458

(F) Health care, first aid and emergency procedures; 59459

(G) Procedures for the care of sick children; 59460

(H) Procedures for discipline and supervision of children; 59461

(I) Nutritional standards; 59462

(J) Procedures for screening children, including any 59463  
necessary physical examinations and the immunizations required 59464

pursuant to section 5104.014 of the Revised Code;	59465
(K) Procedures for screening administrators and employees, including any necessary physical examinations and immunizations;	59466 59467
(L) Methods of encouraging parental participation and ensuring that the rights of children, parents, and administrators are protected and the responsibilities of parents and administrators are met;	59468 59469 59470 59471
(M) Standards for the safe transport of children when under the care of administrators;	59472 59473
(N) Procedures for issuing, denying, or revoking licenses;	59474
(O) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to licensure to ensure that the home is safe and sanitary;	59475 59476 59477
(P) Procedures for record keeping and evaluation;	59478
(Q) Procedures for receiving, recording, and responding to complaints;	59479 59480
(R) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;	59481 59482 59483 59484
(S) Requirements for the amount of usable indoor floor space for each child;	59485 59486
(T) Requirements for safe outdoor play space;	59487
(U) Qualification and training requirements for administrators;	59488 59489
(V) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	59490 59491 59492
(W) Requirements for the type B home to notify parents with	59493

children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;

(X) Minimum requirements for instructional time for type B homes rated through the tiered quality rating and improvement system established pursuant to section 5104.30 of the Revised Code;

(Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes.

**Sec. 5104.03.** (A) Any person, firm, organization, institution, or agency seeking to establish a child day-care center, type A family day-care home, or licensed type B family day-care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules adopted pursuant to this chapter. The copies may be provided in paper or electronic form.

Fees shall be set by the director pursuant to sections 5104.015, 5104.017, and 5104.018 of the Revised Code and shall be paid at the time of application for a license to operate a center, type A home, or type B home. Fees collected under this section shall be paid into the state treasury to the credit of the general revenue fund.

(B)(1) Upon filing of the application for a license, the director shall investigate and inspect the center, type A home, or type B home to determine the license capacity for each age category of children of the center, type A home, or type B home and to determine whether the center, type A home, or type B home complies with this chapter and rules adopted pursuant to this chapter. When, after investigation and inspection, the director is

satisfied that this chapter and rules adopted pursuant to it are 59525  
complied with, subject to division (H) of this section, a license 59526  
shall be issued as soon as practicable in such form and manner as 59527  
prescribed by the director. The license shall be designated as 59528  
provisional and shall be valid for twelve months from the date of 59529  
issuance unless revoked. 59530

(2) The director may contract with a government entity or a 59531  
private nonprofit entity for the entity to inspect type A or type 59532  
B family day-care homes pursuant to this section. If the director 59533  
contracts with a government entity or private nonprofit entity for 59534  
that purpose, the entity may contract with another government 59535  
entity or private nonprofit entity for the other entity to inspect 59536  
type A or type B homes pursuant to this section. The director, 59537  
government entity, or private nonprofit entity shall conduct an 59538  
inspection prior to the issuance of a license for a type A or type 59539  
B home and, as part of that inspection, ensure that the ~~type B~~ 59540  
home is safe and sanitary. 59541

(C)(1) On receipt of an application for licensure as a type B 59542  
family day-care home to provide publicly funded child care, the 59543  
director shall search the uniform statewide automated child 59544  
welfare information system for information concerning any abuse or 59545  
neglect report made pursuant to section 2151.421 of the Revised 59546  
Code of which the applicant, any other adult residing in the 59547  
applicant's home, or a person designated by the applicant to be an 59548  
emergency or substitute caregiver for the applicant is the 59549  
subject. 59550

(2) The director shall consider any information discovered 59551  
pursuant to division (C)(1) of this section or that is provided by 59552  
a public children services agency pursuant to section 5153.175 of 59553  
the Revised Code. If the director determines that the information, 59554  
when viewed within the totality of the circumstances, reasonably 59555  
leads to the conclusion that the applicant may directly or 59556

indirectly endanger the health, safety, or welfare of children, 59557  
the director shall deny the application for licensure or revoke 59558  
the license of a type B family day-care home. 59559

(D) The director shall investigate and inspect the center, 59560  
type A home, or type B home at least once during operation under a 59561  
license designated as provisional. If after the investigation and 59562  
inspection the director determines that the requirements of this 59563  
chapter and rules adopted pursuant to this chapter are met, 59564  
subject to division (H) of this section, the director shall issue 59565  
a new license to the center or home. 59566

(E) Each license shall state the name of the licensee, the 59567  
name of the administrator, the address of the center, type A home, 59568  
or licensed type B home, and the license capacity for each age 59569  
category of children. The license shall include thereon, in 59570  
accordance with sections 5104.015, 5104.017, and 5104.018 of the 59571  
Revised Code, the toll-free telephone number to be used by persons 59572  
suspecting that the center, type A home, or licensed type B home 59573  
has violated a provision of this chapter or rules adopted pursuant 59574  
to this chapter. A license is valid only for the licensee, 59575  
administrator, address, and license capacity for each age category 59576  
of children designated on the license. The license capacity 59577  
specified on the license is the maximum number of children in each 59578  
age category that may be cared for in the center, type A home, or 59579  
licensed type B home at one time. 59580

The center or type A home licensee shall notify the director 59581  
when the administrator of the center or home changes. The director 59582  
shall amend the current license to reflect a change in an 59583  
administrator, if the administrator meets the requirements of this 59584  
chapter and rules adopted pursuant to this chapter, or a change in 59585  
license capacity for any age category of children as determined by 59586  
the director of job and family services. 59587

(F) If the director revokes the license of a center, a type A 59588

home, or a type B home, the director shall not issue another 59589  
license to the owner of the center, type A home, or type B home 59590  
until five years have elapsed from the date the license is 59591  
revoked. 59592

If the director denies an application for a license, the 59593  
director shall not ~~accept~~ consider another application from the 59594  
applicant until five years have elapsed from the date the 59595  
application is denied. 59596

(G) If during the application for licensure process the 59597  
director determines that the license of the owner has been 59598  
revoked, the investigation of the center, type A home, or type B 59599  
home shall cease. This action does not constitute denial of the 59600  
application and may not be appealed under division (H) of this 59601  
section. 59602

(H) ~~All~~ (1) Except as provided in division (H)(2) of this 59603  
section, all actions of the director with respect to licensing 59604  
centers, type A homes, or type B homes, refusal to license, and 59605  
revocation of a license shall be in accordance with Chapter 119. 59606  
of the Revised Code. ~~Any~~ Except as provided in division (H)(2) of 59607  
this section, any applicant who is denied a license or any owner 59608  
whose license is revoked may appeal in accordance with section 59609  
119.12 of the Revised Code. 59610

(2) The following actions by the director are not subject to 59611  
Chapter 119. of the Revised Code: 59612

(a) The director does not issue a license to the owner of a 59613  
center, type A home, or type B home because the owner sought a 59614  
license before five years had elapsed from the date the previous 59615  
license was revoked. 59616

(b) The director does not issue a license because the 59617  
applicant applied for licensure before five years had elapsed from 59618  
the date the previous application was denied. 59619

(I) In no case shall the director issue a license under this section for a center, type A home, or type B home if the director, based on documentation provided by the appropriate county department of job and family services, determines that the applicant had been certified as a type B family day-care home when such certifications were issued by county departments prior to January 1, 2014, that the county department revoked that certification within the immediately preceding five years, that the revocation was based on the applicant's refusal or inability to comply with the criteria for certification, and that the refusal or inability resulted in a risk to the health or safety of children.

(J)(1) Except as provided in division (J)(2) of this section, an administrator of a type B family day-care home that receives a license pursuant to this section to provide publicly funded child care is an independent contractor and is not an employee of the department of job and family services.

(2) For purposes of Chapter 4141. of the Revised Code, determinations concerning the employment of an administrator of a type B family day-care home that receives a license pursuant to this section shall be determined under Chapter 4141. of the Revised Code.

**Sec. 5104.036.** (A) All child-care staff members of a child day-care center shall be at least eighteen years of age, shall comply with the training requirements set forth in rules adopted pursuant to section 5104.015 of the Revised Code, and shall furnish the director of job and family services or the director's designee evidence of at least high school graduation or certification of high school equivalency by the state board of education or the appropriate agency of another state or evidence of completion of a training program approved by the department of

job and family services or state board of education, except as 59651  
follows: 59652

(B) A child-care staff member may be less than eighteen years 59653  
of age if the staff member is either of the following: 59654

(1) A graduate of a two-year vocational child-care training 59655  
program approved by the state board of education; 59656

(2) A student enrolled in the second year of a vocational 59657  
child-care training program approved by the state board of 59658  
education which leads to high school graduation, provided that the 59659  
student performs the student's duties in the child day-care center 59660  
under the continuous supervision of an experienced child-care 59661  
staff member, receives periodic supervision from the vocational 59662  
child-care training program teacher-coordinator in the student's 59663  
high school, and meets all other requirements of this chapter and 59664  
rules adopted pursuant to this chapter. 59665

(C) A child-care staff member shall be exempt from the 59666  
educational requirements of division (A) of this section if the 59667  
staff member: 59668

(1) Prior to January 1, 1972, was employed or designated by a 59669  
child day-care center and has been continuously employed since 59670  
either by the same child day-care center employer or at the same 59671  
child day-care center; 59672

(2) Is a student enrolled in the second year of a vocational 59673  
child-care training program approved by the state board of 59674  
education which leads to high school graduation, provided that the 59675  
student performs the student's duties in the child day-care center 59676  
under the continuous supervision of an experienced child-care 59677  
staff member, receives periodic supervision from the vocational 59678  
child-care training program teacher-coordinator in the student's 59679  
high school, and meets all other requirements of this chapter and 59680



rules adopted pursuant to this chapter; 59681

(3) Is receiving or has completed the final year of 59682  
instruction at home as authorized under section 3321.04 of the 59683  
Revised Code or has graduated from a nonchartered, nonpublic 59684  
school in Ohio. 59685

**Sec. 5104.04.** (A) The department of job and family services 59686  
shall establish procedures to be followed in investigating, 59687  
inspecting, and licensing child day-care centers, type A family 59688  
day-care homes, and licensed type B family day-care homes. 59689

(B)(1)(a) The department shall, at least once during every 59690  
twelve-month period of operation of a center, type A home, or 59691  
licensed type B home, inspect the center, type A home, or licensed 59692  
type B home. The department shall inspect a part-time center or 59693  
part-time type A home at least once during every twelve-month 59694  
period of operation. The department shall provide a written 59695  
inspection report to the licensee within a reasonable time after 59696  
each inspection. The licensee shall display its most recent 59697  
inspection report in a conspicuous place in the center, type A 59698  
home, or licensed type B home. 59699

Inspections may be unannounced. No person, firm, 59700  
organization, institution, or agency shall interfere with the 59701  
inspection of a center, type A home, or licensed type B home by 59702  
any state or local official engaged in performing duties required 59703  
of the state or local official by this chapter or rules adopted 59704  
pursuant to this chapter, including inspecting the center, type A 59705  
home, or licensed type B home, reviewing records, or interviewing 59706  
licensees, employees, children, or parents. 59707

(b) Upon receipt of any complaint that a center, type A home 59708  
or licensed type B home is out of compliance with the requirements 59709  
of this chapter or rules adopted pursuant to this chapter, the 59710  
department shall investigate the center or home, and both of the 59711

following apply: 59712

(i) If the complaint alleges that a child suffered physical 59713  
harm while receiving child care at the center or home or that the 59714  
noncompliance alleged in the complaint involved, resulted in, or 59715  
poses a substantial risk of physical harm to a child receiving 59716  
child care at the center or home, the department shall inspect the 59717  
center or home. 59718

(ii) If division (B)(1)(b)(i) of this section does not apply 59719  
regarding the complaint, the department may inspect the center or 59720  
home. 59721

(c) Division (B)(1)(b) of this section does not limit, 59722  
restrict, or negate any duty of the department to inspect a 59723  
center, type A home, or licensed type B home that otherwise is 59724  
imposed under this section, or any authority of the department to 59725  
inspect a center, type A home, or licensed type B home that 59726  
otherwise is granted under this section when the department 59727  
believes the inspection is necessary and it is permitted under the 59728  
grant. 59729

(2) If the department implements an instrument-based program 59730  
monitoring information system, it may use an indicator checklist 59731  
to comply with division (B)(1) of this section. 59732

(3) The department shall contract with a third party by the 59733  
first day of October in each even-numbered year to collect 59734  
information concerning the amounts charged by the center or home 59735  
for providing child care services for use in establishing 59736  
reimbursement ceilings and payment pursuant to section 5104.30 of 59737  
the Revised Code. The third party shall compile the information 59738  
and report the results of the survey to the department not later 59739  
than the first day of December in each even-numbered year. 59740

(C) The department may deny an application or revoke a 59741  
license of a center, type A home, or licensed type B home, if the 59742

applicant knowingly makes a false statement on the application, 59743  
the center or home does not comply with the requirements of this 59744  
chapter or rules adopted pursuant to this chapter, or the 59745  
applicant or owner has pleaded guilty to or been convicted of an 59746  
offense described in division (A)(5) of section 5104.09 109.572 of 59747  
the Revised Code. 59748

(D) If the department finds, after notice and hearing 59749  
pursuant to Chapter 119. of the Revised Code, that any applicant, 59750  
person, firm, organization, institution, or agency applying for 59751  
licensure or licensed under section 5104.03 of the Revised Code is 59752  
in violation of any provision of this chapter or rules adopted 59753  
pursuant to this chapter, the department may issue an order of 59754  
denial to the applicant or an order of revocation to the center, 59755  
type A home, or licensed type B home revoking the license 59756  
previously issued by the department. Upon the issuance of such an 59757  
order, the person whose application is denied or whose license is 59758  
revoked may appeal in accordance with section 119.12 of the 59759  
Revised Code. 59760

(E) The surrender of a center, type A home, or licensed type 59761  
B home license to the department or the withdrawal of an 59762  
application for licensure by the owner or administrator of the 59763  
center, type A home, or licensed type B home shall not prohibit 59764  
the department from instituting any of the actions set forth in 59765  
this section. 59766

(F) Whenever the department receives a complaint, is advised, 59767  
or otherwise has any reason to believe that a center or type A 59768  
home is providing child care without a license issued pursuant to 59769  
section 5104.03 and is not exempt from licensing pursuant to 59770  
section 5104.02 of the Revised Code, the department shall 59771  
investigate the center or type A home and may inspect the areas 59772  
children have access to or areas necessary for the care of 59773  
children in the center or type A home during suspected hours of 59774

operation to determine whether the center or type A home is 59775  
subject to the requirements of this chapter or rules adopted 59776  
pursuant to this chapter. 59777

(G) The department, upon determining that the center or type 59778  
A home is operating without a license, shall notify the attorney 59779  
general, the prosecuting attorney of the county in which the 59780  
center or type A home is located, or the city attorney, village 59781  
solicitor, or other chief legal officer of the municipal 59782  
corporation in which the center or type A home is located, that 59783  
the center or type A home is operating without a license. Upon 59784  
receipt of the notification, the attorney general, prosecuting 59785  
attorney, city attorney, village solicitor, or other chief legal 59786  
officer of a municipal corporation shall file a complaint in the 59787  
court of common pleas of the county in which the center or type A 59788  
home is located requesting that the court grant an order enjoining 59789  
the owner from operating the center or type A home in violation of 59790  
section 5104.02 of the Revised Code. The court shall grant such 59791  
injunctive relief upon a showing that the respondent named in the 59792  
complaint is operating a center or type A home and is doing so 59793  
without a license. 59794

(H) The department shall prepare an annual report on 59795  
inspections conducted under this section. The report shall include 59796  
the number of inspections conducted, the number and types of 59797  
violations found, and the steps taken to address the violations. 59798  
The department shall file the report with the governor, the 59799  
president and minority leader of the senate, and the speaker and 59800  
minority leader of the house of representatives on or before the 59801  
first day of January of each year, beginning in 1999. 59802

Sec. 5104.042. (A) The department of job and family services 59803  
may suspend, without a prior hearing, the license of a child 59804  
day-care center, type A family day-care home, or licensed type B 59805

family day-care home if any of the following occur: 59806

(1) A child dies or suffers a serious injury while receiving child care in the center, type A home, or licensed type B home. 59807  
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(2) A public children services agency receives a report pursuant to section 2151.421 of the Revised Code, and the person alleged to have inflicted abuse or neglect on the child who is the subject of the report is any of the following: 59809  
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(a) The owner, licensee, or administrator of the center, type A home, or licensed type B home; 59813  
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(b) An employee of the center, type A home, or licensed type B home; 59815  
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(c) Any person who resides in the type A home or licensed type B home. 59817  
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(3) An owner, licensee, administrator, or employee of the center, type A home, or licensed type B home, or a resident of the type A home or licensed type B home is charged by an indictment, information, or complaint with an offense relating to the abuse or neglect of a child. 59819  
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(4) The department or a county department of job and family services determines that the center, type A home, or licensed type B home created a serious risk to the health or safety of a child receiving child care in the center, type A home, or licensed type B home that resulted in or could have resulted in a child's death or injury. 59824  
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(5) The owner, licensee, or administrator of the center, type A home, or licensed type B home is charged by indictment, information, or complaint with fraud. 59830  
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(B) The department shall issue a written order of suspension and furnish a copy to the licensee. The licensee may appeal the suspension in accordance with section 119.12 of the Revised Code. 59833  
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(C) Except as provided in division (D) of this section, any summary suspension imposed under this section shall remain in effect, unless reversed on appeal, until any of the following occurs: 59836  
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(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code. 59840  
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(2) All criminal charges are disposed of through dismissal, a finding of not guilty, conviction, or a plea of guilty. 59843  
59844

(3) A final order is issued by the department pursuant to Chapter 119. of the Revised Code becomes effective. 59845  
59846

(D) If the department initiates the revocation of a license that has been suspended pursuant to this section, the suspension shall continue until the revocation process is completed. 59847  
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(E) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension. 59850  
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(F) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses. 59856  
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**Sec. 5104.09.** ~~(A)(1) Except as provided in rules adopted pursuant to division (D) of this section, no individual who has been convicted of or pleaded guilty to a violation described in division (A)(5) of section 109.572 of the Revised Code, a violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05, 2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35 of the Revised Code or a violation of an existing or former law or~~ 59859  
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~~ordinance of any municipal corporation, this state, any other state, or the United States that is substantially equivalent to any of those violations, or two violations of section 4511.19 of the Revised Code during operation of the center or home shall be certified as an in home aide or be employed in any capacity in or own or operate a child day care center, type A family day care home, type B family day care home, or licensed type B family day care home.~~

~~(2) Each employee of a child day care center and type A home and every person eighteen years of age or older residing in a type A home or licensed type B home shall sign a statement on forms prescribed by the director of job and family services attesting to the fact that the employee or resident person has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the employee's or resident person's home pursuant to section 2151.353 of the Revised Code. Each licensee of a type A family day care home or type B family day care home shall sign a statement on a form prescribed by the director attesting to the fact that no person who resides at the type A home or licensed type B home and who is under the age of eighteen has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(1) of this section. The statements shall be kept on file at the center, type A home, or licensed type B home.~~

~~(3) Each in home aide shall sign a statement on forms prescribed by the director of job and family services attesting that the aide has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the aide's home pursuant to section 2151.353 of the Revised Code. The statement shall be kept on file at the county department of job and family services.~~

~~(4) Each administrator and licensee of a center, type A home, or licensed type B home shall sign a statement on a form prescribed by the director of job and family services attesting that the administrator or licensee has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the administrator's or licensee's home pursuant to section 2151.353 of the Revised Code. The statement shall be kept on file at the center, type A home, or licensed type B home.~~

~~(B) No in home aide, no administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home shall withhold information from, or falsify information on, any statement required pursuant to division (A)(2), (3), or (4) of this section.~~

~~(C) No administrator, licensee, or child-care staff member shall discriminate in the enrollment of children in a child day-care center upon the basis of race, color, religion, sex, or national origin.~~

~~(D) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules specifying exceptions to the prohibition in division (A) of this section for persons who have been convicted of an offense listed in that division but meet rehabilitation standards set by the director.~~

**Sec. 5104.30.** (A) The department of job and family services is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following:

(1) Recipients of transitional child care as provided under



section 5104.34 of the Revised Code; 59929

(2) Participants in the Ohio works first program established 59930  
under Chapter 5107. of the Revised Code; 59931

(3) Individuals who would be participating in the Ohio works 59932  
first program if not for a sanction under section 5107.16 of the 59933  
Revised Code and who continue to participate in a work activity, 59934  
developmental activity, or alternative work activity pursuant to 59935  
an assignment under section 5107.42 of the Revised Code; 59936

(4) A family receiving publicly funded child care on October 59937  
1, 1997, until the family's income reaches one hundred fifty per 59938  
cent of the federal poverty line; 59939

(5) Subject to available funds, other individuals determined 59940  
eligible in accordance with rules adopted under section 5104.38 of 59941  
the Revised Code. 59942

The department shall apply to the United States department of 59943  
health and human services for authority to operate a coordinated 59944  
program for publicly funded child care, if the director of job and 59945  
family services determines that the application is necessary. For 59946  
purposes of this section, the department of job and family 59947  
services may enter into agreements with other state agencies that 59948  
are involved in regulation or funding of child care. The 59949  
department shall consider the special needs of migrant workers 59950  
when it administers and coordinates publicly funded child care and 59951  
shall develop appropriate procedures for accommodating the needs 59952  
of migrant workers for publicly funded child care. 59953

(B) The department of job and family services shall 59954  
distribute state and federal funds for publicly funded child care, 59955  
including appropriations of state funds for publicly funded child 59956  
care and appropriations of federal funds available under the child 59957  
care block grant act, Title IV-A, and Title XX. The department may 59958  
use any state funds appropriated for publicly funded child care as 59959

the state share required to match any federal funds appropriated 59960  
for publicly funded child care. 59961

(C) In the use of federal funds available under the child 59962  
care block grant act, all of the following apply: 59963

(1) The department may use the federal funds to hire staff to 59964  
prepare any rules required under this chapter and to administer 59965  
and coordinate federal and state funding for publicly funded child 59966  
care. 59967

(2) Not more than five per cent of the aggregate amount of 59968  
the federal funds received for a fiscal year may be expended for 59969  
administrative costs. 59970

(3) The department shall allocate and use at least four per 59971  
cent of the federal funds for the following: 59972

(a) Activities designed to provide comprehensive consumer 59973  
education to parents and the public; 59974

(b) Activities that increase parental choice; 59975

(c) Activities, including child care resource and referral 59976  
services, designed to improve the quality, and increase the 59977  
supply, of child care; 59978

(d) Establishing a tiered quality rating and improvement 59979  
system in which participation in the program may allow child 59980  
day-care providers to be eligible for grants, technical 59981  
assistance, training, or other assistance and become eligible for 59982  
unrestricted monetary awards for maintaining a quality rating. 59983

(4) The department shall ensure that the federal funds will 59984  
be used only to supplement, and will not be used to supplant, 59985  
federal, state, and local funds available on the effective date of 59986  
the child care block grant act for publicly funded child care and 59987  
related programs. If authorized by rules adopted by the department 59988  
pursuant to section 5104.42 of the Revised Code, county 59989

departments of job and family services may purchase child care 59990  
from funds obtained through any other means. 59991

(D) The department shall encourage the development of 59992  
suitable child care throughout the state, especially in areas with 59993  
high concentrations of recipients of public assistance and 59994  
families with low incomes. The department shall encourage the 59995  
development of suitable child care designed to accommodate the 59996  
special needs of migrant workers. On request, the department, 59997  
through its employees or contracts with state or community child 59998  
care resource and referral service organizations, shall provide 59999  
consultation to groups and individuals interested in developing 60000  
child care. The department of job and family services may enter 60001  
into interagency agreements with the department of education, the 60002  
~~board of regents~~ director of higher education, the department of 60003  
development, and other state agencies and entities whenever the 60004  
cooperative efforts of the other state agencies and entities are 60005  
necessary for the department of job and family services to fulfill 60006  
its duties and responsibilities under this chapter. 60007

The department shall develop and maintain a registry of 60008  
persons providing child care. The director shall adopt rules in 60009  
accordance with Chapter 119. of the Revised Code establishing 60010  
procedures and requirements for the registry's administration. 60011

(E)(1) The director shall adopt rules in accordance with 60012  
Chapter 119. of the Revised Code establishing both of the 60013  
following: 60014

(a) Reimbursement ceilings for providers of publicly funded 60015  
child care not later than the first day of July in each 60016  
odd-numbered year; 60017

(b) A procedure for reimbursing and paying providers of 60018  
publicly funded child care. 60019

(2) In establishing reimbursement ceilings under division 60020

(E)(1)(a) of this section, the director shall do all of the 60021  
following: 60022

(a) Use the information obtained under division (B)(3) of 60023  
section 5104.04 of the Revised Code; 60024

(b) Establish an enhanced reimbursement ceiling for providers 60025  
who provide child care for caretaker parents who work 60026  
nontraditional hours; 60027

(c) For an in-home aide, establish a an hourly reimbursement 60028  
ceiling ~~that is seventy five per cent of the reimbursement ceiling~~ 60029  
~~that applies to a licensed type B family day care home;~~ 60030

(d) With regard to the tiered quality rating and improvement 60031  
system established pursuant to division (C)(3)(d) of this section, 60032  
do both of the following: 60033

(i) Establish enhanced reimbursement ceilings for child 60034  
day-care providers that participate in the system and maintain 60035  
quality ratings under the system; 60036

(ii) In the case of child day-care providers that have been 60037  
given access to the system by the department, weigh any reduction 60038  
in reimbursement ceilings more heavily against those providers 60039  
that do not participate in the system or do not maintain quality 60040  
ratings under the system. 60041

(3) In establishing reimbursement ceilings under division 60042  
(E)(1)(a) of this section, the director may establish different 60043  
reimbursement ceilings based on any of the following: 60044

(a) Geographic location of the provider; 60045

(b) Type of care provided; 60046

(c) Age of the child served; 60047

(d) Special needs of the child served; 60048

(e) Whether the expanded hours of service are provided; 60049

(f) Whether weekend service is provided; 60050

(g) Whether the provider has exceeded the minimum 60051  
requirements of state statutes and rules governing child care; 60052

(h) Any other factors the director considers appropriate. 60053

(F) The director shall adopt rules in accordance with Chapter 60054  
119. of the Revised Code to implement the tiered quality rating 60055  
and improvement system described in division (C)(3)(d) of this 60056  
section. 60057

**Sec. 5104.37.** (A) As used in this section, "eligible 60058  
provider" means an individual or entity eligible to provide 60059  
publicly funded child care pursuant to section 5104.31 of the 60060  
Revised Code. 60061

(B) The department of job and family services may withhold 60062  
any money due under this chapter and recover through any 60063  
appropriate method any money erroneously paid under this chapter 60064  
if evidence exists of less than full compliance with this chapter 60065  
and any rules adopted under it. 60066

(C) Notwithstanding any other provision of this chapter to 60067  
the contrary, the department shall take action against an eligible 60068  
provider as described in this section. 60069

(D) Subject to the notice and appeal provisions of divisions 60070  
(G) and (H) of this section, the department may suspend a contract 60071  
entered into under section 5104.32 of the Revised Code with an 60072  
eligible provider if the department has initiated an investigation 60073  
of the provider for either of the following reasons: 60074

(1) The department has evidence that the eligible provider 60075  
received an improper child care payment as a result of the 60076  
provider's intentional act. 60077

(2) The department receives notice and a copy of an 60078  
indictment, information, or complaint charging the eligible 60079

provider or the owner or operator of the provider with committing 60080  
any of the following: 60081

(a) An act that is a felony or misdemeanor relating to 60082  
providing or billing for publicly funded child care or providing 60083  
management or administrative services relating to providing 60084  
publicly funded child care; 60085

(b) An act that would constitute an offense described in 60086  
division (A)(5) of section 5104.09 109.572 of the Revised Code. 60087

(E)(1) Except as provided in division (E)(2) of this section, 60088  
the suspension of a contract under division (D) of this section 60089  
shall continue until the department completes its investigation or 60090  
all criminal charges are disposed of through dismissal, a finding 60091  
of not guilty, conviction, or a plea of guilty. 60092

(2) If the department initiates the termination of a contract 60093  
that has been suspended pursuant to division (D) of this section, 60094  
the suspension shall continue until the termination process is 60095  
completed. 60096

(F) An eligible provider shall not provide publicly funded 60097  
child care while the provider's contract is under suspension 60098  
pursuant to division (D) of this section. As of the date the 60099  
eligible provider's contract is suspended, the department shall 60100  
withhold payment to the eligible provider for publicly funded 60101  
child care. 60102

(G) Before suspending an eligible provider's contract 60103  
pursuant to division (D) of this section, the department shall 60104  
notify the eligible provider. The notice shall include all of the 60105  
following: 60106

(1) A description, which need not disclose specific 60107  
information concerning any ongoing administrative or criminal 60108  
investigation, of the reason that the department initiated its 60109  
investigation of the provider; 60110

(2) A statement that the eligible provider will be prohibited 60111  
from providing publicly funded child care while the contract is 60112  
under suspension; 60113

(3) A statement that the suspension will continue until the 60114  
department completes its investigation or all criminal charges are 60115  
disposed of through dismissal, a finding of not guilty, 60116  
conviction, or a plea of guilty, and that if the department 60117  
initiates the termination of the contract, the suspension will 60118  
continue until the termination process is completed. 60119

(H) An eligible provider may file an appeal with the 60120  
department regarding any proposal by the department to suspend the 60121  
provider's contract pursuant to division (D) of this section. The 60122  
appeal must be received by the department not later than fifteen 60123  
days after the date the provider receives the notification 60124  
described in division (G) of this section. The department shall 60125  
review the evidence and issue a decision not later than thirty 60126  
days after receiving the appeal. The department shall not suspend 60127  
a contract pursuant to division (D) of this section until the time 60128  
for filing the appeal has passed or, if the provider files a 60129  
timely appeal, the department has issued a decision on the appeal. 60130

**Sec. 5104.38.** In addition to any other rules adopted under 60131  
this chapter, the director of job and family services shall adopt 60132  
rules in accordance with Chapter 119. of the Revised Code 60133  
governing financial and administrative requirements for publicly 60134  
funded child care and establishing all of the following: 60135

(A) Procedures and criteria to be used in making 60136  
determinations of eligibility for publicly funded child care that 60137  
give priority to children of families with lower incomes and 60138  
procedures and criteria for eligibility for publicly funded 60139  
protective child care. The rules shall specify the maximum amount 60140  
of income a family may have for initial and continued eligibility. 60141

The maximum amount shall not exceed ~~two~~ three hundred per cent of 60142  
the federal poverty line. The rules may specify exceptions to the 60143  
eligibility requirements in the case of a family that previously 60144  
received publicly funded child care and is seeking to have the 60145  
child care reinstated after the family's eligibility was 60146  
terminated. 60147

(B) Procedures under which an applicant for publicly funded 60148  
child care may receive publicly funded child care while the county 60149  
department of job and family services determines eligibility and 60150  
under which a licensed child care program may appeal a denial of 60151  
payment under division (A)(2)(b) of section 5104.34 of the Revised 60152  
Code; 60153

(C) A schedule of fees requiring all eligible caretaker 60154  
parents to pay a fee for publicly funded child care according to 60155  
income and family size, which shall be uniform for all types of 60156  
publicly funded child care, except as authorized by rule, and, to 60157  
the extent permitted by federal law, shall permit the use of state 60158  
and federal funds to pay the customary deposits and other advance 60159  
payments that a provider charges all children who receive child 60160  
care from that provider. ~~The schedule of fees may not provide for~~ 60161  
~~a caretaker parent to pay a fee that exceeds ten per cent of the~~ 60162  
~~parent's family income.~~ 60163

(D) A formula for determining the amount of state and federal 60164  
funds appropriated for publicly funded child care that may be 60165  
allocated to a county department to use for administrative 60166  
purposes; 60167

(E) Procedures to be followed by the department and county 60168  
departments in recruiting individuals and groups to become 60169  
providers of child care; 60170

(F) Procedures to be followed in establishing state or local 60171  
programs designed to assist individuals who are eligible for 60172



publicly funded child care in identifying the resources available 60173  
to them and to refer the individuals to appropriate sources to 60174  
obtain child care; 60175

(G) Procedures to deal with fraud and abuse committed by 60176  
either recipients or providers of publicly funded child care; 60177

(H) Procedures for establishing a child care grant or loan 60178  
program in accordance with the child care block grant act; 60179

(I) Standards and procedures for applicants to apply for 60180  
grants and loans, and for the department to make grants and loans; 60181

(J) A definition of "person who stands in loco parentis" for 60182  
the purposes of division (JJ)(1) of section 5104.01 of the Revised 60183  
Code; 60184

(K) Procedures for a county department of job and family 60185  
services to follow in making eligibility determinations and 60186  
redeterminations for publicly funded child care available through 60187  
telephone, computer, and other means at locations other than the 60188  
county department; 60189

(L) If the director establishes a different reimbursement 60190  
ceiling under division (E)(3)(d) of section 5104.30 of the Revised 60191  
Code, standards and procedures for determining the amount of the 60192  
higher payment that is to be issued to a child care provider based 60193  
on the special needs of the child being served; 60194

(M) To the extent permitted by federal law, procedures for 60195  
paying for up to thirty days of child care for a child whose 60196  
caretaker parent is seeking employment, taking part in employment 60197  
orientation activities, or taking part in activities in 60198  
anticipation of enrolling in or attending an education or training 60199  
program or activity, if the employment or the education or 60200  
training program or activity is expected to begin within the 60201  
thirty-day period; 60202

(N) Any other rules necessary to carry out sections 5104.30 60203  
to 5104.43 of the Revised Code. 60204

**Sec. 5104.99.** (A) Whoever violates section 5104.02 of the 60205  
Revised Code shall be punished as follows: 60206

(1) For each offense, the offender shall be fined not less 60207  
than one hundred dollars nor more than five hundred dollars 60208  
multiplied by the number of children receiving child care at the 60209  
child day-care center or type A family day-care home that either 60210  
exceeds the number of children to which a type B family day-care 60211  
home may provide child care or, if the offender is a licensed type 60212  
A family day-care home that is operating as a child day-care 60213  
center without being licensed as a center, exceeds the license 60214  
capacity of the type A home. 60215

(2) In addition to the fine specified in division (A)(1) of 60216  
this section, all of the following apply: 60217

(a) Except as provided in divisions (A)(2)(b), (c), and (d) 60218  
of this section, the court shall order the offender to reduce the 60219  
number of children to which it provides child care to a number 60220  
that does not exceed either the number of children to which a type 60221  
B family day-care home may provide child care or, if the offender 60222  
is a licensed type A family day-care home that is operating as a 60223  
child day-care center without being licensed as a center, the 60224  
license capacity of the type A home. 60225

(b) If the offender previously has been convicted of or 60226  
pleaded guilty to one violation of section 5104.02 of the Revised 60227  
Code, the court shall order the offender to cease the provision of 60228  
child care to any person until it obtains a child day-care center 60229  
license or a type A family day-care home license, as appropriate, 60230  
under section 5104.03 of the Revised Code. 60231

(c) If the offender previously has been convicted of or 60232

pleaded guilty to two violations of section 5104.02 of the Revised Code, the offender is guilty of a misdemeanor of the first degree, and the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code. The court shall impose the fine specified in division (A)(1) of this section and may impose an additional fine provided that the total amount of the fines so imposed does not exceed the maximum fine authorized for a misdemeanor of the first degree under section 2929.28 of the Revised Code.

(d) If the offender previously has been convicted of or pleaded guilty to three or more violations of section 5104.02 of the Revised Code, the offender is guilty of a felony of the fifth degree, and the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code. The court shall impose the fine specified in division (A)(1) of this section and may impose an additional fine provided that the total amount of the fines so imposed does not exceed the maximum fine authorized for a felony of the fifth degree under section 2929.18 of the Revised Code.

(B) Whoever violates division ~~(B)~~(M)(4) of section ~~5104.09~~5104.013 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender is a licensee of a center ~~or~~, type A home, or licensed type B home, the conviction shall constitute grounds for denial or revocation of an application for licensure pursuant to section 5104.04 of the Revised Code. Except as otherwise provided in this division, the offense established under division (M)(4) of section 5104.013 of the Revised Code is a strict liability offense, and section 2901.20 of the Revised Code

does not apply. If the offender is a person eighteen years of age 60265  
or older residing in a ~~center or~~ type A home or licensed type B 60266  
home or is an employee of a center ~~or a,~~ type A home, or licensed 60267  
type B home and if the licensee had knowledge of, and acquiesced 60268  
in, the commission of the offense, the conviction shall constitute 60269  
grounds for denial or revocation of an application for licensure 60270  
pursuant to section 5104.04 of the Revised Code. 60271

(C) Whoever violates ~~division (C) of~~ section 5104.09 of the 60272  
Revised Code is guilty of a misdemeanor of the third degree. 60273

**Sec. 5107.05.** The director of job and family services shall 60274  
adopt rules to implement this chapter. The rules shall be 60275  
consistent with Title IV-A, Title IV-D, federal regulations, state 60276  
law, the Title IV-A state plan submitted to the United States 60277  
secretary of health and human services under section 5101.80 of 60278  
the Revised Code, amendments to the plan, and waivers granted by 60279  
the United States secretary. Rules governing eligibility, program 60280  
participation, and other applicant and participant requirements 60281  
shall be adopted in accordance with Chapter 119. of the Revised 60282  
Code. Rules governing financial and other administrative 60283  
requirements applicable to the department of job and family 60284  
services and county departments of job and family services shall 60285  
be adopted in accordance with section 111.15 of the Revised Code. 60286

(A) The rules shall specify, establish, or govern all of the 60287  
following: 60288

(1) A payment standard for Ohio works first based on federal 60289  
and state appropriations that is increased in accordance with 60290  
section 5107.04 of the Revised Code; 60291

(2) For the purpose of section 5107.04 of the Revised Code, 60292  
the method of determining the amount of cash assistance an 60293  
assistance group receives under Ohio works first; 60294

(3) Requirements for initial and continued eligibility for Ohio works first, including requirements regarding income, citizenship, age, residence, and assistance group composition;	60295 60296 60297
(4) For the purpose of section 5107.12 of the Revised Code, application and verification procedures, including the minimum information an application must contain;	60298 60299 60300
(5) The extent to which a participant of Ohio works first must notify, pursuant to section 5107.12 of the Revised Code, a county department of job and family services of additional income not previously reported to the county department;	60301 60302 60303 60304
(6) For the purpose of section 5107.16 of the Revised Code, both of the following:	60305 60306
(a) Standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract;	60307 60308 60309
(b) The compliance activities a member of an assistance group must complete for the member to be considered to have ceased to fail or refuse to comply in full with a provision of a self-sufficiency contract.	60310 60311 60312 60313
(7) The department of job and family services providing written notice of a sanction under section 5107.161 of the Revised Code;	60314 60315 60316
(8) For the purpose of division (B) of section 5107.17 of the Revised Code, the circumstances under which the adult member of an assistance group or an assistance group's minor head of household whose failure or refusal, without good cause, to comply in full with a provision of a self-sufficiency contract causes a sanction under section 5107.16 of the Revised Code must enter into a new, or amend an existing, self-sufficiency contract before the assistance group may resume participation in Ohio works first following the sanction;	60317 60318 60319 60320 60321 60322 60323 60324 60325

- (9) Requirements for the collection and distribution of support payments owed participants of Ohio works first pursuant to section 5107.20 of the Revised Code; 60326  
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- (10) For the purpose of section 5107.22 of the Revised Code, what constitutes cooperating in establishing a minor child's paternity or establishing, modifying, or enforcing a child support order and good cause for failure or refusal to cooperate; 60329  
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- (11) The requirements governing the LEAP program, including the definitions of "equivalent of a high school diploma" and "good cause," and the incentives provided under the LEAP program; 60333  
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60335
- (12) If the director implements section 5107.301 of the Revised Code, the requirements governing the award provided under that section, including the form that the award is to take and requirements an individual must satisfy to receive the award; 60336  
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- (13) Circumstances under which a county department of job and family services may exempt a minor head of household or adult from participating in a work activity or developmental activity for all or some of the weekly hours otherwise required by section 5107.43 of the Revised Code. 60340  
60341  
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- (14) The maximum amount of time the department will subsidize positions created by state agencies and political subdivisions under division (C) of section 5107.52 of the Revised Code; 60345  
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60347
- (15) The implementation of sections 5107.71 to 5107.717 of the Revised Code by county departments of job and family services; 60348  
60349
- (16) A domestic violence screening process to be used for the purpose of division (A) of section 5107.71 of the Revised Code; 60350  
60351
- (17) The minimum frequency with which county departments of job and family services must redetermine a member of an assistance group's need for a waiver issued under section 5107.714 of the Revised Code; 60352  
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(18) Requirements for work activities, developmental activities, and alternative work activities for Ohio works first participants. 60356  
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(B) The rules adopted under division (A)(3) of this section regarding income shall specify what is countable income, gross earned income, and gross unearned income for the purpose of section 5107.10 of the Revised Code. 60359  
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The rules adopted under division (A)(10) of this section shall be consistent with 42 U.S.C. 654(29). 60363  
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The rules adopted under division (A)(13) of this section shall specify that the circumstances include that a school or place of work is closed due to a holiday or weather or other emergency and that an employer grants the minor head of household or adult leave for illness or earned vacation. 60365  
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(C) The rules may provide that a county department of job and family services is not required to take action under section 5107.76 of the Revised Code to recover an erroneous payment under circumstances the rules specify. 60370  
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**Sec. 5107.64.** County departments of job and family services shall establish and administer alternative work activities for minor heads of households and adults participating in Ohio works first. In establishing alternative work activities, county departments are not limited by the restrictions Title IV-A imposes on work activities. The following are examples of alternative work activities that a county department may establish: 60374  
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(A) Parenting classes and life-skills training; 60381

(B) Participation in addiction services provided by a community addiction services provider certified by the department of mental health and addiction services under section 5119.36, as defined in section 5119.01 of the Revised Code; 60382  
60383  
60384  
60385

(C) In the case of a homeless assistance group, finding a home; 60386  
60387

(D) In the case of a minor head of household or adult with a disability, active work in an individual written rehabilitation plan with the opportunities for Ohioans with disabilities agency; 60388  
60389  
60390

(E) In the case of a minor head of household or adult who has been the victim of domestic violence, residing in a domestic violence shelter, receiving counseling or treatment related to the domestic violence, or participating in criminal justice activities against the domestic violence offender; 60391  
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(F) An education program under which a participant who does not speak English attends English as a second language course. 60396  
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**Sec. 5108.01.** As used in this chapter: 60398

(A) "Additional benefits and services" means the benefits and services that a county department of job and family services may include in its county prevention, retention, and contingency program plan. "Additional benefits and services" are in addition to required benefits and services. 60399  
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(B) "County family services planning committee" means the county family services planning committee established under section 329.06 of the Revised Code or the board created by consolidation under division (C) of section 6301.06 of the Revised Code. 60404  
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~~(B)~~(C) "County prevention, retention, and contingency program plan" and "county plan" mean the plan each county department of job and family services must adopt under section 5108.04 of the Revised Code. 60409  
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(D) "Ohio works first" has the same meaning as in section 5107.02 of the Revised Code. 60413  
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(E) "Prevention, retention, and contingency program" means 60415



the program established by this chapter and funded in part with federal funds provided under Title IV-A.

(C)(F) "Required benefits and services" means the benefits and services specified in rules adopted under section 5108.03 of the Revised Code that a county department of job and family services must include in its county prevention, retention, and contingency program plan.

(G) "Title IV-A" means Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

Sec. 5108.021. All of the following apply to all benefits and services provided under the prevention, retention, and contingency program, regardless of whether they are required benefits and services or additional benefits and services:

(A) The benefits and services must be allowable uses of federal Title IV-A funds under sections 401 and 404(a) of the "Social Security Act," 42 U.S.C. 601 and 604(a).

(B) The benefits and services must not be "assistance" as defined in 45 C.F.R. 260.31(a) and, except as provided in division (C) of this section, must be benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of "assistance."

(C) The benefits and services must not include work subsidies specified in 45 C.F.R. 260.31(b)(2).

(D) The benefits and services must have the following primary purposes:

(1) Diverting families from participating in Ohio works first;

(2) Meeting an emergent need that, if not met, would threaten the safety, health, or well-being of one or more members of a family.

Sec. 5108.022. Required benefits and services provided under 60445  
the prevention, retention, and contingency program shall not be 60446  
suspended by a county department of job and family services unless 60447  
funds allocated for the program by the director of job and family 60448  
services have been exhausted and the county department of job and 60449  
family services submits an amended prevention, retention, and 60450  
contingency program plan in accordance with section 5108.04 of the 60451  
Revised Code. 60452

Sec. 5108.03. (A) The director of job and family services 60453  
shall adopt rules in accordance with Chapter 119. of the Revised 60454  
Code to implement this chapter. The rules shall specify and 60455  
establish all of the following: 60456

(1) The required benefits and services that each county 60457  
department of job and family services must include in its county 60458  
prevention, retention, and contingency program plan; 60459

(2) Income and other eligibility requirements for required 60460  
benefits and services and maximum eligibility requirements for 60461  
additional benefits and services; 60462

(3) The maximum amount of required benefits and services and 60463  
additional benefits and services an eligible individual may 60464  
receive in a year; 60465

(4) Other requirements for county prevention, retention, and 60466  
contingency program plans, including requirements for adopting, 60467  
updating, amending, and suspending county plans. 60468

(B) All of the following shall be specified as required 60469  
benefits and services in the rules adopted under division (A)(1) 60470  
of this section: 60471

(1) Short-term supportive services that address the specific 60472  
crisis or episode of need, including assistance with employment, 60473  
housing, utilities, transportation, or other employment-related 60474

needs; 60475

(2) Disaster assistance; 60476

(3) Any other benefits and services the director specifies. 60477

**Sec. 5108.04.** Each county department of job and family 60478  
services shall adopt a written ~~statement of policies governing the~~ 60479  
county prevention, retention, and contingency program plan for the 60480  
county. The ~~statement of policies~~ initial county plan shall be 60481  
adopted not later than ~~October 1~~ November 15, 2003, and 2015. The 60482  
county plan shall be updated not later than October 1, 2017, and 60483  
at least every two years thereafter. A county department may amend 60484  
its ~~statement of policies to modify, terminate, and establish new~~ 60485  
~~policies~~ county plan, except that required benefits and services 60486  
may be suspended only as provided in section 5108.022 of the 60487  
Revised Code. A ~~county department also may amend its statement of~~ 60488  
~~policies to suspend operation of its prevention, retention, and~~ 60489  
~~contingency program temporarily.~~ The county director of job and 60490  
family services shall sign and date the ~~statement of policies~~ 60491  
county plan and any amendment to it. Neither the ~~statement of~~ 60492  
~~policies~~ county plan nor any amendment to it may have an effective 60493  
date that is earlier than the date of the county director's 60494  
signature. 60495

Each county department ~~of job and family services~~ shall 60496  
provide the department of job and family services a written copy 60497  
of the ~~statement of policies~~ county department's initial and 60498  
updated county plans, and any amendments it adopts to ~~the~~ 60499  
~~statement~~ a county plan, including any amendment concerning a 60500  
suspension, not later than ten calendar days after the ~~statement~~ 60501  
county plan's or amendment's effective date. 60502

Each county department shall comply with section 5108.022 of 60503  
the Revised Code and rules adopted under section 5108.03 of the 60504  
Revised Code when adopting, updating, amending, or suspending a 60505

county plan under this section. 60506

~~Sec. 5108.05 5108.041. In adopting a statement of policies~~ 60507  
~~under section 5108.04 of the Revised Code for the county's (A)~~ 60508  
Each county prevention, retention, and contingency program, ~~each~~ 60509  
~~county department of job and family services plan shall do all of~~ 60510  
~~the following:~~ 60511

~~(A) Establish or specify all of the following:~~ 60512

~~(1) Benefits include all required benefits and services and~~ 60513  
~~may include additional benefits and services to be provided under~~ 60514  
~~the program that are allowable uses of federal Title IV A funds~~ 60515  
~~under 42 U.S.C. 601 and 604(a), except that they may not be~~ 60516  
~~"assistance" as defined in 45 C.F.R. 260.31(a) but rather benefits~~ 60517  
~~and services that 45 C.F.R. 260.31(b) excludes from the definition~~ 60518  
~~of assistance:~~ 60519

~~(2). If a county plan includes additional benefits and~~ 60520  
~~services, the county plan shall establish or specify all of the~~ 60521  
~~following:~~ 60522

~~(1) Restrictions on the amount, duration, and frequency of~~ 60523  
~~the additional benefits and services;~~ 60524

~~(3)(2) Eligibility requirements for the additional benefits~~ 60525  
~~and services that do not exceed the maximum eligibility~~ 60526  
~~requirements for additional benefits and services specified in~~ 60527  
~~rules adopted under section 5108.03 of the Revised Code;~~ 60528

~~(4)(3) Fair and equitable procedures for both of the~~ 60529  
~~following:~~ 60530

~~(a) The certification of eligibility for the additional~~ 60531  
~~benefits and services that do not have a financial need~~ 60532  
~~eligibility requirement;~~ 60533

~~(b) The determination and verification of eligibility for the~~ 60534  
~~additional benefits and services that have a financial need~~ 60535

eligibility requirement. 60536

~~(5)~~(4) Objective criteria for the delivery of the additional 60537  
benefits and services; 60538

~~(6)~~(5) Administrative requirements; 60539

~~(7)~~(6) Other matters the county department of job and family 60540  
services determines are necessary. 60541

(B) ~~Provide for the statement of policies to be~~ Each county 60542  
prevention, retention, and contingency program plan shall be 60543  
consistent with all of the following: 60544

(1) The plan of cooperation the board of county commissioners 60545  
develops under section 307.983 of the Revised Code; 60546

(2) The review and analysis of the county family services 60547  
committee conducted in accordance with division (B)(2) of section 60548  
329.06 of the Revised Code; 60549

(3) Title IV-A, federal regulations, state law, the Title 60550  
IV-A state plan submitted to the United States secretary of health 60551  
and human services under section 5101.80 of the Revised Code, ~~and~~ 60552  
amendments to the plan, and rules adopted under section 5108.03 of 60553  
the Revised Code. 60554

(C) ~~Either~~ Each county department of job and family services 60555  
shall either provide the public and local government entities at 60556  
least thirty days to submit comments on, or have the county family 60557  
services planning committee review, the ~~statement of policies~~ 60558  
county prevention, retention, and contingency program plan, 60559  
including the design of the county's prevention, retention, and 60560  
contingency program, before the county ~~director signs and dates~~ 60561  
the statement of policies plan is submitted to the department of 60562  
job and family services under section 5108.04 of the Revised Code. 60563

~~Sec. 5108.03~~ 5108.05. ~~Under the prevention, retention, and~~ 60564  
~~contingency program, each~~ Each county department of job and family 60565

services shall do ~~both~~ all of the following in accordance with its 60566  
county prevention, retention, and contingency program plan and the 60567  
~~statement of policies the county department develops~~ rules adopted 60568  
under section ~~5108.04~~ 5108.03 of the Revised Code: 60569

(A) ~~Provide~~ Make all required benefits and services ~~that~~ 60570  
~~individuals need to overcome immediate barriers to achieving or~~ 60571  
~~maintaining self sufficiency and personal responsibility~~ available 60572  
in the county or counties the county department serves; 60573

(B) Make the additional benefits and services, if any, 60574  
included in its county plan available in the county or counties 60575  
the county department serves; 60576

~~(B)~~(C) Perform related administrative duties. 60577

**Sec. 5108.06.** In adopting a ~~statement of policies under~~ 60578  
~~section 5108.04 of the Revised Code for the county's prevention,~~ 60579  
~~retention, and contingency program~~ county prevention, retention, 60580  
and contingency program plan, a county department of job and 60581  
family services may specify both of the following: 60582

(A) Benefits and services to be provided under the program 60583  
that prevent and reduce the incidence of out-of-wedlock 60584  
pregnancies or encourage the formation and maintenance of 60585  
two-parent families as permitted by 45 C.F.R. 260.20(c) and (d); 60586

(B) How the county department will certify individuals' 60587  
eligibility for such benefits and services. 60588

**Sec. 5108.07.** (A) Each ~~statement of policies adopted under~~ 60589  
~~section 5108.04 of the Revised Code~~ county prevention, retention, 60590  
and contingency program plan shall include the board of county 60591  
commissioners' certification that the county department of job and 60592  
family services complied with this chapter and rules adopted under 60593  
section 5108.03 of the Revised Code in adopting the ~~statement of~~ 60594  
~~policies~~ county plan. 60595

(B) The board of county commissioners shall revise its certification under division (A) of this section if the county department ~~adopts an amendment under section 5108.04 of the Revised Code~~ amends its county prevention, retention, and contingency program plan to suspend operation of its prevention, retention, and contingency program temporarily or to make any other ~~amendment under that section~~ change the board considers to be significant.

**Sec. 5108.09.** When a state hearing under division (B) of section 5101.35 of the Revised Code or an administrative appeal under division (C) of that section is held regarding the prevention, retention, and contingency program, the hearing officer, director of job and family services, or director's designee shall base the decision in the hearing or appeal on the county department of job and family services' ~~written statement of policies adopted under section 5108.04 of the Revised Code~~ county prevention, retention, and contingency program plan and any amendments ~~the county department adopted to the statement~~ county plan if the county department provides a written copy of the ~~statement of policies~~ county plan and all amendments to the hearing officer, director, or director's designee at the hearing or appeal.

**Sec. 5108.11.** (A) To the extent permitted by section 307.982 of the Revised Code, a board of county commissioners may enter into a written contract with a private or government entity for the entity to do either or both of the following for the county's prevention, retention, and contingency program:

(1) Certify eligibility for benefits and services that do not have a financial need eligibility requirement;

(2) Accept applications and determine and verify eligibility

for benefits and services that have a financial need eligibility requirement. 60626  
60627

(B) If a board of county commissioners enters into a contract under division (A) of this section with a private or government entity, the county department of job and family services shall do all of the following: 60628  
60629  
60630  
60631

(1) Ensure that eligibility for benefits and services is certified or determined and verified in accordance with the ~~statement of policies adopted under section 5108.04~~ county prevention, retention, and contingency program plan and rules adopted under section 5108.03 of the Revised Code; 60632  
60633  
60634  
60635  
60636

(2) Ensure that the private or government entity maintains all records that are necessary for audits; 60637  
60638

(3) Monitor the private or government entity for compliance with Title IV-A, this chapter of the Revised Code, ~~and the statement of policies~~ county prevention, retention, and contingency program plan, and rules adopted under section 5108.03 of the Revised Code; 60639  
60640  
60641  
60642  
60643

(4) Take actions that are necessary to recover any funds that are not spent in accordance with Title IV-A ~~or~~, this chapter of the Revised Code, or rules adopted under section 5108.03 of the Revised Code. 60644  
60645  
60646  
60647

**Sec. 5115.04.** ~~(A)~~ The department of job and family services shall supervise and administer the disability financial assistance program, ~~except that the~~ subject to the following exceptions: 60648  
60649  
60650

The department may require county departments of job and family services to perform any administrative function for the program, as specified in rules adopted by the director of job and family services. 60651  
60652  
60653  
60654

~~(B)~~ If the department requires county departments to perform 60655



administrative functions under this ~~section~~ division, the director 60656  
shall adopt rules in accordance with section 111.15 of the Revised 60657  
Code governing the performance of the functions ~~to be performed~~ by 60658  
county departments. County departments shall perform the functions 60659  
in accordance with the rules. The director shall conduct 60660  
investigations to determine whether disability financial 60661  
assistance is being administered in compliance with the Revised 60662  
Code and rules adopted by the director. 60663

~~(C)~~ If disability financial assistance payments are made by 60664  
the county department of job and family services, the department 60665  
shall advance sufficient funds to provide the county treasurer 60666  
with the amount estimated for the payments. Financial assistance 60667  
payments shall be distributed in accordance with sections 126.35, 60668  
319.16, and 329.03 of the Revised Code. 60669

The department may enter into an agreement with a state 60670  
agency whereby the state agency agrees to make eligibility 60671  
determinations for the program. If the department enters into such 60672  
an agreement, the department shall cover the administrative costs 60673  
incurred by the state agency to make the eligibility 60674  
determinations. 60675

As used in this division, "state agency" has the same meaning 60676  
as in section 117.01 of the Revised Code. 60677

**Sec. 5119.01.** (A) As used in this chapter: 60678

(1) "Addiction" means the chronic and habitual use of 60679  
alcoholic beverages, the use of a drug of abuse as defined in 60680  
section 3719.011 of the Revised Code, or the use of gambling by an 60681  
individual to the extent that the individual no longer can control 60682  
the individual's use of alcohol, the individual becomes physically 60683  
or psychologically dependent on the drug, the individual's use of 60684  
alcohol or drugs endangers the health, safety, or welfare of the 60685  
individual or others, or the individual's gambling causes 60686

psychological, financial, emotional, marital, legal, or other 60687  
difficulties endangering the health, safety, or welfare of the 60688  
individual or others. 60689

(2) "Addiction services" means services, including 60690  
intervention, for the treatment of persons with alcohol, drug, or 60691  
gambling addictions, and for the prevention of such addictions. 60692

(3) "Alcohol and drug addiction services" means services, 60693  
including intervention, for the treatment of alcoholics or persons 60694  
who abuse drugs of abuse and for the prevention of alcoholism and 60695  
drug addiction. 60696

(4) "Alcoholic" means a person suffering from alcoholism. 60697

(5) "Alcoholism" means the chronic and habitual use of 60698  
alcoholic beverages by an individual to the extent that the 60699  
individual no longer can control the individual's use of alcohol 60700  
or endangers the health, safety, or welfare of the individual or 60701  
others. 60702

(6) "Community addiction services provider" means an agency, 60703  
association, corporation, individual, or program that provides 60704  
~~community~~ alcohol, drug addiction, or gambling addiction services 60705  
that are certified by the department of mental health and 60706  
addiction services under section 5119.36 of the Revised Code. 60707

(7) "Community mental health services provider" means an 60708  
agency, association, corporation, individual, or program that 60709  
provides ~~community~~ mental health services that are certified by 60710  
the department of mental health and addiction services under 60711  
section 5119.36 of the Revised Code. 60712

(8) "Drug addiction" means the use of a drug of abuse, as 60713  
defined in section 3719.011 of the Revised Code, by an individual 60714  
to the extent that the individual becomes physically or 60715  
psychologically dependent on the drug or endangers the health, 60716  
safety, or welfare of the individual or others. 60717

(9) "Gambling addiction" means the use of gambling by an individual to the extent that it causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(10) "Gambling addiction services" means services for the treatment of persons who have a gambling addiction and for the prevention of gambling addiction.

(11) "Hospital" means a hospital or inpatient unit licensed by the department of mental health and addiction services under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code.

(12) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(13) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness as defined in this section.

(14)(a) "Residence" means a person's physical presence in a county with intent to remain there, except in either of the following circumstances:

(i) If a person is receiving a mental health treatment service at a facility that includes nighttime sleeping accommodations, "residence" means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;

(ii) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, "residence" means the county where the criminal charges were filed.

(b) When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health and addiction services for investigation and determination. Residence shall not be a basis for a board of alcohol, drug addiction, and mental health services to deny services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

(B) Any reference in this chapter to a board of alcohol, drug addiction, and mental health services also refers to an alcohol and drug addiction services board or a community mental health board in a service district in which an alcohol and drug addiction services board or a community mental health board has been established under section 340.021 or former section 340.02 of the Revised Code.

**Sec. 5119.10.** (A) The director of mental health and addiction services is the chief executive and appointing authority of the department of mental health and addiction services. The director may organize the department for its efficient operation, including creating divisions or offices as necessary. The director may establish procedures for the governance of the department, conduct of its employees and officers, performance of its business, and custody, use, and preservation of departmental records, papers, books, documents, and property. Whenever the Revised Code imposes a duty upon or requires an action of the department or any of its institutions, the director or the director's designee shall perform the action or duty in the name of the department, except that the medical director appointed pursuant to section 5119.11 of the Revised Code shall be responsible for decisions relating to medical diagnosis, treatment, rehabilitation, quality assurance, and the clinical aspects of the following: licensure of hospitals and residential facilities, research, community addiction and

mental health services plans, and certification and delivery of 60781  
~~mental health and~~ addiction and mental health services. 60782

60783

(B) The director shall: 60784

(1) Adopt rules for the proper execution of the powers and 60785  
duties of the department with respect to the institutions under 60786  
its control, and require the performance of additional duties by 60787  
the officers of the institutions as necessary to fully meet the 60788  
requirements, intents, and purposes of this chapter. In case of an 60789  
apparent conflict between the powers conferred upon any managing 60790  
officer and those conferred by such sections upon the department, 60791  
the presumption shall be conclusive in favor of the department. 60792

(2) Adopt rules for the nonpartisan management of the 60793  
institutions under the department's control. An officer or 60794  
employee of the department or any officer or employee of any 60795  
institution under its control who, by solicitation or otherwise, 60796  
exerts influence directly or indirectly to induce any other 60797  
officer or employee of the department or any of its institutions 60798  
to adopt the exerting officer's or employee's political views or 60799  
to favor any particular person, issue, or candidate for office 60800  
shall be removed from the exerting officer's or employee's office 60801  
or position, by the department in case of an officer or employee, 60802  
and by the governor in case of the director. 60803

(3) Appoint such employees, including the medical director, 60804  
as are necessary for the efficient conduct of the department, and 60805  
prescribe their titles and duties; 60806

(4) Prescribe the forms of affidavits, applications, medical 60807  
certificates, orders of hospitalization and release, and all other 60808  
forms, reports, and records that are required in the 60809  
hospitalization or admission and release of all persons to the 60810  
institutions under the control of the department, or are otherwise 60811

required under this chapter or Chapter 5122. of the Revised Code; 60812

(5) Exercise the powers and perform the duties relating to 60813  
~~community~~ addiction and mental health facilities and services that 60814  
are assigned to the director under this chapter and Chapter 340. 60815  
of the Revised Code; 60816

(6) Develop and implement clinical evaluation and monitoring 60817  
of services that are operated by the department; 60818

(7) Adopt rules establishing standards for the performance of 60819  
evaluations by a forensic center or other psychiatric program or 60820  
facility of the mental condition of defendants ordered by the 60821  
court under section 2919.271, or 2945.371 of the Revised Code, and 60822  
for the treatment of defendants who have been found incompetent to 60823  
stand trial and ordered by the court under section 2945.38, 60824  
2945.39, 2945.401, or 2945.402 of the Revised Code to receive 60825  
treatment in facilities; 60826

(8) On behalf of the department, have the authority and 60827  
responsibility for entering into contracts and other agreements 60828  
with providers, agencies, institutions, and other entities, both 60829  
public and private, as necessary for the department to carry out 60830  
its duties under this chapter and Chapters 340., 2919., 2945., and 60831  
5122. of the Revised Code. Chapter 125. of the Revised Code does 60832  
not apply to contracts the director enters into under this section 60833  
for services provided to individuals with mental illness by 60834  
providers, agencies, institutions, and other entities not owned or 60835  
operated by the department. 60836

(9) Adopt rules in accordance with Chapter 119. of the 60837  
Revised Code specifying the supplemental services that may be 60838  
provided through a trust authorized by section 5815.28 of the 60839  
Revised Code; 60840

(10) Adopt rules in accordance with Chapter 119. of the 60841  
Revised Code establishing standards for the maintenance and 60842

distribution to a beneficiary of assets of a trust authorized by 60843  
section 5815.28 of the Revised Code. 60844

(C) The director may contract with hospitals licensed by the 60845  
department under section 5119.33 of the Revised Code for the care 60846  
and treatment of mentally ill patients, or with persons, 60847  
organizations, or agencies for the custody, evaluation, 60848  
supervision, care, or treatment of mentally ill persons receiving 60849  
services elsewhere than within the enclosure of a hospital 60850  
operated under section 5119.14 of the Revised Code. 60851

**Sec. 5119.11.** (A) The director of mental health and addiction 60852  
services shall appoint a medical director who is eligible or 60853  
certified by the American board of psychiatry and neurology or the 60854  
American osteopathic board of neurology and psychiatry, and has at 60855  
least five years of clinical and two years of administrative 60856  
experience. The medical director shall also have certification or 60857  
substantial training and experience in the field of addiction 60858  
medicine or addiction psychiatry. The medical director shall be 60859  
responsible for decisions relating to medical diagnosis, 60860  
treatment, prevention, rehabilitation, quality assurance, and the 60861  
clinical aspects of ~~mental health and~~ addiction and mental health 60862  
services involving all of the following: 60863

(1) Licensure of hospitals, residential facilities, and 60864  
outpatient facilities; 60865

(2) Research; 60866

(3) Community addiction and mental health services plans; 60867

(4) Certification and delivery of ~~mental health and~~ addiction 60868  
and mental health services. 60869

(B) The medical director shall also exercise clinical 60870  
supervision of the chief clinical officers of hospitals and 60871  
institutions under the jurisdiction of the department and shall 60872

review and approve decisions relating to the employment of the 60873  
chief clinical officers. The medical director or the medical 60874  
director's designee shall advise the director on matters relating 60875  
to licensure, research, and the certification and delivery of 60876  
~~mental health and addiction~~ and mental health services and 60877  
community addiction and mental health plans. The medical director 60878  
shall participate in the development of guidelines for community 60879  
addiction and mental health services plans. The director of mental 60880  
health and addiction services may establish other duties of the 60881  
medical director. 60882

**Sec. 5119.161.** The department of mental health and addiction 60883  
services, in conjunction with the department of job and family 60884  
services, shall develop a joint state plan to improve the 60885  
accessibility and timeliness of alcohol and drug addiction 60886  
services for individuals identified by a public children services 60887  
agency as in need of those services. The plan shall address the 60888  
fact that Ohio works first participants may be among the persons 60889  
receiving services under section 340.15 of the Revised Code and 60890  
shall require the department of job and family services to seek 60891  
federal funds available under Title IV-A of the "Social Security 60892  
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, for the 60893  
provision of the services to Ohio works first participants who are 60894  
receiving services under section 340.15 of the Revised Code. 60895

~~The plan shall address the need and manner for sharing 60896  
information and include a request for the general assembly to 60897  
appropriate an amount of funds specified in the report to be used 60898  
by the departments to pay for services under section 340.15 of the 60899  
Revised Code.~~ The departments shall review and amend the plan as 60900  
necessary. 60901

~~Not later than the first day of July of each even numbered 60902  
year, the departments shall submit a report on the progress made 60903~~



~~under the joint state plan to the governor, president of the senate, and speaker of the house of representatives. The report shall include information on treatment capacity, needs assessments, and number of individuals who received services pursuant to section 340.15 of the Revised Code.~~

**Sec. 5119.186.** (A) The director of mental health and addiction services or the managing officer of an institution of the department may enter into an agreement with boards of trustees or boards of directors of one or more institutions of higher education or hospitals licensed pursuant to section 5119.33 of the Revised Code to establish, manage, and conduct collaborative training efforts for students enrolled in courses of studies for occupations or professions that involve the care and treatment for persons receiving ~~mental health or~~ addiction or mental health services.

(B) Such collaborative training efforts may include but are not limited to programs in psychiatry, psychology, nursing, social work, counseling professions, and others considered appropriate by the director of mental health and addiction services. Any such program shall be approved or accredited by its respective professional organization or state board having jurisdiction over the profession.

(1) The department shall require that the following be provided for in agreements between the department and institutions of higher education or hospitals licensed pursuant to section 5119.33 of the Revised Code:

(a) Establishment of inter-disciplinary committees to advise persons responsible for training programs. Each committee shall have representation drawn from the geographical community the institution of higher education or hospital serves and shall include representatives of agencies, boards, targeted populations

as determined by the department, racial and ethnic minority groups, and publicly funded programs;	60935 60936
(b) Funding procedures;	60937
(c) Specific outcomes and accomplishments that are expected or required of a program under such agreement;	60938 60939
(d) The types of services to be provided under such agreement.	60940 60941
(2) The department may require that the following be provided for in agreements between the department and institutions of higher education or hospitals licensed pursuant to section 5119.33 of the Revised Code:	60942 60943 60944 60945
(a) Special arrangements for individual residents or trainees to encourage their employment in publicly funded settings upon completion of their training;	60946 60947 60948
(b) Procedures for the selection of residents or trainees to promote the admission, retention, and graduation of women, minorities, and disabled persons;	60949 60950 60951
(c) Cross-cultural training and other subjects considered necessary to enhance training efforts and the care and treatment of patients and clients;	60952 60953 60954
(d) Funding of faculty positions oriented toward meeting the needs of publicly funded programs.	60955 60956
Subject to appropriations by the general assembly, the director of mental health and addiction services has final approval of the funding of these collaborative training efforts.	60957 60958 60959
<b>Sec. 5119.21.</b> (A) The department of mental health and addiction services shall:	60960 60961
(1) To the extent the department has available resources and in consultation with boards of alcohol, drug addiction, and mental	60962 60963

health services, support a continuum of care in accordance with 60964  
Chapter 340. of the Revised Code on a district or multi-district 60965  
basis. The department shall define the essential elements of a 60966  
continuum of care, shall assist in identifying resources, and may 60967  
prioritize support for one or more of the elements. 60968

(2) Provide training, consultation, and technical assistance 60969  
regarding ~~mental health and~~ addiction and mental health services 60970  
and appropriate prevention, recovery, and mental health promotion 60971  
activities, including those that are culturally competent, to 60972  
employees of the department, community mental health and addiction 60973  
services providers, boards of alcohol, drug addiction, and mental 60974  
health services, and other agencies providing ~~mental health and~~ 60975  
addiction and mental health services; 60976

(3) To the extent the department has available resources, 60977  
promote and support a full range of ~~mental health and~~ addiction 60978  
and mental health services that are available and accessible to 60979  
all residents of this state, especially for severely ~~mentally~~ 60980  
~~disabled~~ emotionally disturbed children, and adolescents, severely 60981  
mentally disabled adults, pregnant women, parents, guardians or 60982  
custodians of children at risk of abuse or neglect, and other 60983  
special target populations, including racial and ethnic 60984  
minorities, as determined by the department; 60985

(4) Develop standards and measures for evaluating the 60986  
effectiveness of ~~mental health and~~ addiction and mental health 60987  
services, including services that use methadone treatment, of 60988  
gambling addiction services, and for increasing the accountability 60989  
of community mental health and ~~alcohol and~~ addiction services 60990  
providers ~~and of gambling addiction services providers;~~ 60991

(5) Design and set criteria for the determination of priority 60992  
populations; 60993

(6) Promote, direct, conduct, and coordinate scientific 60994

research, taking ethnic and racial differences into consideration, 60995  
concerning the causes and prevention of mental illness and 60996  
addiction, methods of providing effective services and treatment, 60997  
and means of enhancing the mental health of and recovery from 60998  
addiction of all residents of this state; 60999

(7) Foster the establishment and availability of vocational 61000  
rehabilitation services and the creation of employment 61001  
opportunities for ~~consumers of mental health and~~ individuals with 61002  
addiction ~~services~~ and mental health needs, including members of 61003  
racial and ethnic minorities; 61004

(8) Establish a program to protect and promote the rights of 61005  
persons receiving ~~mental health and~~ addiction and mental health 61006  
services, including the issuance of guidelines on informed consent 61007  
and other rights; 61008

(9) Promote the involvement of persons who are receiving or 61009  
have received ~~mental health or~~ addiction or mental health 61010  
services, including families and other persons having a close 61011  
relationship to a person receiving those services, in the 61012  
planning, evaluation, delivery, and operation of ~~mental health and~~ 61013  
addiction and mental health services; 61014

(10) Notify and consult with the relevant constituencies that 61015  
may be affected by rules, standards, and guidelines issued by the 61016  
department of mental health and addiction services. These 61017  
constituencies shall include consumers of ~~mental health and~~ 61018  
addiction and mental health services and their families, and may 61019  
include public and private providers, employee organizations, and 61020  
others when appropriate. Whenever the department proposes the 61021  
adoption, amendment, or rescission of rules under Chapter 119. of 61022  
the Revised Code, the notification and consultation required by 61023  
this division shall occur prior to the commencement of proceedings 61024  
under Chapter 119. The department shall adopt rules under Chapter 61025  
119. of the Revised Code that establish procedures for the 61026

notification and consultation required by this division. 61027

(11) Provide consultation to the department of rehabilitation 61028  
and correction concerning the delivery of ~~mental health and~~ 61029  
addiction and mental health services in state correctional 61030  
institutions-; 61031

(12) Promote and coordinate efforts in the provision of 61032  
alcohol and drug addiction services and of gambling addiction 61033  
services by other state agencies, as defined in section 1.60 of 61034  
the Revised Code; courts; hospitals; clinics; physicians in 61035  
private practice; public health authorities; boards of alcohol, 61036  
drug addiction, and mental health services; ~~alcohol and drug~~ 61037  
community addiction services providers; law enforcement agencies; 61038  
~~gambling addiction services providers;~~ and related groups; 61039

(13) Provide to each court of record, and biennially update, 61040  
a list of the treatment and education programs within that court's 61041  
jurisdiction that the court may require an offender, sentenced 61042  
pursuant to section 4511.19 of the Revised Code, to attend; 61043

(14) Make the warning sign described in sections 3313.752, 61044  
3345.41, and 3707.50 of the Revised Code available on the 61045  
department's internet web site; 61046

(15) Provide a program of gambling addiction services on 61047  
behalf of the state lottery commission, pursuant to an agreement 61048  
entered into with the director of the commission under division 61049  
(K) of section 3770.02 of the Revised Code, and provide a program 61050  
of gambling addiction services on behalf of the Ohio casino 61051  
control commission, under an agreement entered into with the 61052  
executive director of the commission under section 3772.062 of the 61053  
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 61054  
Constitution, the department may enter into agreements with boards 61055  
of alcohol, drug addiction, and mental health services, including 61056  
boards with districts in which a casino facility is not located, 61057

and nonprofit organizations to provide gambling addiction services 61058  
and ~~substance abuse~~ alcohol and drug addiction services, and with 61059  
state institutions of higher education or private nonprofit 61060  
institutions that possess a certificate of authorization issued 61061  
under Chapter 1713. of the Revised Code to perform related 61062  
research. 61063

(B) The department may accept and administer grants from 61064  
public or private sources for carrying out any of the duties 61065  
enumerated in this section. 61066

(C) ~~Pursuant to Chapter 119. of the Revised Code, the~~ 61067  
~~department shall adopt a rule defining the term "intervention" as~~ 61068  
~~it is used in this chapter in connection with alcohol and drug~~ 61069  
~~addiction services and in connection with gambling addiction~~ 61070  
~~services.~~ The department may adopt ~~other~~ rules in accordance with 61071  
Chapter 119. of the Revised Code as necessary to implement the 61072  
requirements of this chapter. 61073

**Sec. 5119.23.** (A) The department of mental health and 61074  
addiction services shall establish a methodology for allocating to 61075  
boards of alcohol, drug addiction, and mental health services the 61076  
funds appropriated by the general assembly to the department for 61077  
the purpose of ~~local mental health and addiction services~~ 61078  
~~continuum~~ the continuum of care that each board establishes under 61079  
section 340.03 of the Revised Code. The department shall establish 61080  
the methodology after notifying and consulting with relevant 61081  
constituencies as required by division (A)(10) of section 5119.21 61082  
of the Revised Code. The methodology may provide for the funds to 61083  
be allocated to boards on a district or multi-district basis. 61084

(B) Subject to section 5119.25 of the Revised Code, and to 61085  
required submissions and approvals under section 340.08 of the 61086  
Revised Code, the department shall allocate the funds to the 61087  
boards in a manner consistent with the methodology, this section, 61088

other state and federal laws, rules, and regulations. 61089

(C) In consultation with boards, community addiction services 61090  
providers, community mental health ~~and addiction~~ services 61091  
providers, and persons receiving services, the department shall 61092  
establish guidelines for the use of funds allocated ~~and~~ 61093  
~~distributed~~ under this section. 61094

**Sec. 5119.25.** (A) The director of mental health and addiction 61095  
services, in whole or in part, may withhold funds otherwise to be 61096  
allocated to a board of alcohol, drug addiction, and mental health 61097  
services under section 5119.23 of the Revised Code if the board 61098  
fails to comply with Chapter 340. or ~~section 5119.22, 5119.24,~~ 61099  
~~5119.36, or 5119.371~~ 5119. of the Revised Code or rules of the 61100  
department of mental health and addiction services. However, 61101  
beginning September 15, 2016, the director shall withhold all such 61102  
funds from the board when required to do so under division (A)(4) 61103  
of section 340.08 of the Revised Code or division (G)(1) of 61104  
section 5119.22 of the Revised Code. 61105

(B) The director of mental health and addiction services may 61106  
withhold funds otherwise to be allocated to a board of alcohol, 61107  
drug addiction, and mental health services under section 5119.23 61108  
of the Revised Code if the board denies available service on the 61109  
basis of race, color, religion, creed, sex, age, national origin, 61110  
disability as defined in section 4112.01 of the Revised Code, or 61111  
developmental disability. 61112

(C) The director shall issue a notice identifying the areas 61113  
of noncompliance and the action necessary to achieve compliance. 61114  
The director may offer technical assistance to the board to 61115  
achieve compliance. The board shall have thirty days from receipt 61116  
of the notice of noncompliance to present its position that it is 61117  
in compliance or to submit to the director evidence of corrective 61118  
action the board took to achieve compliance. Before withholding 61119

funds, the director or the director's designee shall hold a 61120  
hearing within thirty days of receipt of the board's position or 61121  
evidence to determine if there are continuing violations and that 61122  
either assistance is rejected or the board is unable, or has 61123  
failed, to achieve compliance. The director may appoint a 61124  
representative from another board of alcohol, drug addiction, and 61125  
mental health services to serve as a mentor for the board in 61126  
developing and executing a plan of corrective action to achieve 61127  
compliance. Any such representative shall be from a board that is 61128  
in compliance with Chapter 340. of the Revised Code, ~~sections~~ 61129  
~~5119.22, 5119.24, 5119.36, and 5119.371 of the Revised Code~~ this 61130  
chapter, and the department's rules. Subsequent to the hearing 61131  
process, if it is determined that compliance has not been 61132  
achieved, the director may allocate all or part of the withheld 61133  
funds to one or more community mental health services providers or 61134  
community addiction services providers to provide the ~~community~~ 61135  
mental health ~~or community~~ service or addiction service for which 61136  
the board is not in compliance until the time that there is 61137  
compliance. The director shall adopt rules in accordance with 61138  
Chapter 119. of the Revised Code to implement this section. 61139

**Sec. 5119.28.** (A) All records, and reports, other than court 61140  
journal entries or court docket entries, identifying a person and 61141  
pertaining to the person's mental health condition, assessment, 61142  
provision of care or treatment, or payment for assessment, care or 61143  
treatment that are maintained in connection with any services 61144  
certified by the department of mental health and addiction 61145  
services, or any hospitals or facilities licensed or operated by 61146  
the department, shall be kept confidential and shall not be 61147  
disclosed by any person except: 61148

(1) If the person identified, or the person's legal guardian, 61149  
if any, or if the person is a minor, the person's parent or legal 61150  
guardian, consents; 61151



(2) When disclosure is provided for in this chapter or Chapter 340. or 5122. of the Revised Code or in accordance with other provisions of state or federal law authorizing such disclosure;

(3) That hospitals, boards of alcohol, drug addiction, and mental health services, licensed facilities, and community mental health services providers may release necessary information to insurers and other third-party payers, including government entities responsible for processing and authorizing payment, to obtain payment for goods and services furnished to the person;

(4) Pursuant to a court order signed by a judge;

(5) That a person shall be granted access to the person's own psychiatric and medical records, unless access specifically is restricted in a person's treatment plan for clear treatment reasons;

(6) That the department of mental health and addiction services may exchange psychiatric records and other pertinent information with community mental health services providers and boards of alcohol, drug addiction, and mental health services relating to the person's care or services. Records and information that may be exchanged pursuant to this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment, summary of treatment needs, and a discharge summary, if any.

(7) That the department of mental health and addiction services, hospitals and community providers operated by the department, hospitals licensed by the department under section 5119.33 of the Revised Code, and community mental health services providers may exchange psychiatric records and other pertinent information with payers and other providers of treatment and health services if the purpose of the exchange is to facilitate

continuity of care for the person or for the emergency treatment 61183  
of the person; 61184

(8) That the department of mental health and addiction 61185  
services and community mental health services providers may 61186  
exchange psychiatric records and other pertinent information with 61187  
boards of alcohol, drug addiction, and mental health services for 61188  
purposes of any board function set forth in Chapter 340. of the 61189  
Revised Code. Boards of alcohol, drug addiction, and mental health 61190  
services shall not access any personal information from the 61191  
department or providers except as required or permitted by this 61192  
section, or Chapter 340. or 5122. of the Revised Code for purposes 61193  
related to payment, care coordination, health care operations, 61194  
program and service evaluation, reporting activities, research, 61195  
system administration, oversight, or other authorized purposes. 61196

(9) That a person's family member who is involved in the 61197  
provision, planning, and monitoring of services to the person may 61198  
receive medication information, a summary of the person's 61199  
diagnosis and prognosis, and a list of the services and personnel 61200  
available to assist the person and the person's family, if the 61201  
person's treatment provider determines that the disclosure would 61202  
be in the best interests of the person. No such disclosure shall 61203  
be made unless the person is notified first and receives the 61204  
information and does not object to the disclosure. 61205

(10) That community mental health services providers may 61206  
exchange psychiatric records and certain other information with 61207  
the board of alcohol, drug addiction, and mental health services 61208  
and other providers in order to provide services to a person 61209  
involuntarily committed to a board. Release of records under this 61210  
division shall be limited to medication history, physical health 61211  
status and history, financial status, summary of course of 61212  
treatment, summary of treatment needs, and discharge summary, if 61213  
any. 61214

(11) That information may be disclosed to the executor or the administrator of an estate of a deceased person when the information is necessary to administer the estate;

(12) That information may be disclosed to staff members of the appropriate board or to staff members designated by the director of mental health and addiction services for the purpose of evaluating the quality, effectiveness, and efficiency of services and determining if the services meet minimum standards. Information obtained during such evaluations shall not be retained with the name of any person.

(13) That records pertaining to the person's diagnosis, course of treatment, treatment needs, and prognosis shall be disclosed and released to the appropriate prosecuting attorney if the person was committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or to the attorney designated by the board for proceedings pursuant to involuntary commitment under Chapter 5122. of the Revised Code;

(14) That the department of mental health and addiction services may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction and with the department of youth services to ensure continuity of care for inmates and offenders who are receiving mental health services in an institution of the department of rehabilitation and correction or the department of youth services and may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with boards of alcohol, drug addiction, and mental health services and community mental health services providers to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution and are scheduled for release within six months. The release of records under this division is limited to records

regarding an inmate's or offender's medication history, physical 61247  
health status and history, summary of course of treatment, summary 61248  
of treatment needs, and a discharge summary, if any. 61249

(15) That a community mental health services provider that 61250  
ceases to operate may transfer to either a community mental health 61251  
services provider that assumes its caseload or to the board of 61252  
alcohol, drug addiction, and mental health services of the service 61253  
district in which the person resided at the time services were 61254  
most recently provided any ~~treatment~~ records concerning treatment 61255  
that have not been transferred elsewhere at the person's request; 61256

(16) That records and reports relating to a person who has 61257  
been deceased for fifty years or more are no longer considered 61258  
confidential. 61259

(B) Before records are disclosed pursuant to divisions 61260  
(A)(3), (6), and (10) of this section, the custodian of the 61261  
records shall attempt to obtain the person's consent for the 61262  
disclosure. 61263

(C) No person shall reveal the content of a medical record of 61264  
a person that is confidential pursuant to this section, except as 61265  
authorized by law. 61266

**Sec. 5119.31.** The department of administrative services shall 61267  
purchase all supplies needed for the proper support and 61268  
maintenance of the institutions under the control of the 61269  
department of mental health and addiction services in accordance 61270  
with the competitive selection procedures of Chapter 125. of the 61271  
Revised Code and such rules as the department of administrative 61272  
services adopts. All bids shall be publicly opened on the day and 61273  
hour and at the place specified in the advertisement. 61274

Preference shall be given to bidders in localities wherein 61275  
the institution is located, if the price is fair and reasonable 61276

and not greater than the usual price; but bids not meeting the specifications shall be rejected. 61277  
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The department of administrative services may require such security as it considers proper to accompany the bids and shall fix the security to be given by the contractor. 61279  
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The department of administrative services may reject any or all bids and secure new bids, if for any reason it is deemed for the best interest of the state to do so, and it may authorize the managing officer of any institution to purchase perishable goods and supplies for use in cases of emergency, in which cases such managing officer shall certify such fact in writing and the department of administrative services shall record the reasons for such purchase. 61282  
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**Sec. 5119.33. (A)(1)** The department of mental health and addiction services shall inspect and license all hospitals that receive mentally ill persons, except those hospitals managed by the department. No hospital may receive for care or treatment, either at public or private expense, any person who is or appears to be mentally ill, whether or not so adjudicated, unless the hospital has received a license from the department authorizing it to receive for care or treatment persons who are mentally ill or the hospital is managed by the department. 61290  
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(2) No such license shall be granted to a hospital for the treatment of mentally ill persons unless the department is satisfied, after investigation, that the hospital is managed and operated by qualified persons and has on its staff one or more qualified physicians responsible for the medical care of the patients confined there. At least one such physician shall be a psychiatrist. 61299  
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(B) The department shall adopt rules under Chapter 119. of the Revised Code prescribing minimum standards for the operation 61306  
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of hospitals for the care and treatment of mentally ill persons 61308  
and establishing standards and procedures for the issuance, 61309  
renewal, or revocation of full, probationary, and interim 61310  
licenses. No license shall be granted to any hospital established 61311  
or used for the care of mentally ill persons unless such hospital 61312  
is operating in accordance with this section and rules adopted 61313  
pursuant to this section. A full license shall expire one year 61314  
after the date of issuance, a probationary license shall expire at 61315  
the time prescribed by rule adopted pursuant to Chapter 119. of 61316  
the Revised Code by the director of mental health and addiction 61317  
services, and an interim license shall expire ninety days after 61318  
the date of issuance. A full, probationary, or interim license may 61319  
be renewed, except that an interim license may be renewed only 61320  
twice. The department may fix reasonable fees for licenses and for 61321  
license renewals. Such hospitals are subject to inspection and 61322  
on-site review by the department. 61323

(C) Except as otherwise provided in Chapter 5122. of the 61324  
Revised Code, neither the director of mental health and addiction 61325  
services; an employee of the department; a board of alcohol, drug 61326  
addiction, and mental health services or employee of a community 61327  
mental health services provider; nor any other public official 61328  
shall hospitalize any mentally ill person for care or treatment in 61329  
any hospital that is not licensed in accordance with this section. 61330

(D) The department may issue an order suspending the 61331  
admission of patients who are mentally ill to a hospital for care 61332  
or treatment if it finds either of the following: 61333

(1) The hospital is not in compliance with rules adopted by 61334  
the director pursuant to this section. 61335

(2) The hospital has been cited for more than one violation 61336  
of statutes or rules during any previous period of time during 61337  
which the hospital is licensed pursuant to this section. 61338

(E) Any license issued by the department under this section 61339  
may be revoked or not renewed by the department for any of the 61340  
following reasons: 61341

~~(A)~~(1) The hospital is no longer a suitable place for the 61342  
care or treatment of mentally ill persons. 61343

~~(B)~~(2) The hospital refuses to be subject to inspection or 61344  
on-site review by the department. 61345

~~(C)~~(3) The hospital has failed to furnish humane, kind, and 61346  
adequate treatment and care. 61347

~~(D)~~(4) The hospital fails to comply with the licensure rules 61348  
of the department. 61349

(F) The department may inspect, conduct an on-site review, 61350  
and review the records of any hospital that the department has 61351  
reason to believe is operating without a license. 61352

**Sec. 5119.34.** (A) As used in this section and sections 61353  
5119.341 and 5119.342 of the Revised Code: 61354

(1) "Accommodations" means housing, daily meal preparation, 61355  
laundry, housekeeping, arranging for transportation, social and 61356  
recreational activities, maintenance, security, and other services 61357  
that do not constitute personal care services or skilled nursing 61358  
care. 61359

(2) "ADAMHS board" means a board of alcohol, drug addiction, 61360  
and mental health services. 61361

(3) "Adult" means a person who is eighteen years of age or 61362  
older, other than a person described in division (A)(4) of this 61363  
section who is between eighteen and twenty-one years of age. 61364

(4) "Child" means a person who is under eighteen years of age 61365  
or a person with a mental disability who is under twenty-one years 61366  
of age. 61367

(5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code.

(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code.

(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license.

(8) "Personal care services" means services including, but not limited to, the following:

(a) Assisting residents with activities of daily living;

(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section;

(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.

"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(8) of this section to be considered to be providing personal care services.

~~(9) "Residential facility" means a publicly or privately operated home or facility that provides one of the following:~~

~~(a) Accommodations, supervision, personal care services, and community mental health services for one or more unrelated adults with mental illness or severe mental disabilities or to one or~~



~~more unrelated children and adolescents with a serious emotional disturbance or who are in need of mental health services who are referred by or are receiving community mental health services from a community mental health services provider, hospital, or practitioner.~~

~~(b) Accommodations, supervision, and personal care services to any of the following:~~

~~(i) One or two unrelated persons with mental illness or persons with severe mental disabilities who are referred by or are receiving mental health services from a community mental health services provider, hospital, or practitioner;~~

~~(ii) One or two unrelated adults who are receiving residential state supplement payments;~~

~~(iii) Three to sixteen unrelated adults.~~

~~(c) Room and board for five or more unrelated adults with mental illness or severe mental disability who are referred by or are receiving community mental health services from a community mental health services provider, hospital, or practitioner.~~

~~(10) "Residential facility" does not include any of the following:~~

~~(a) A hospital subject to licensure under section 5119.33 of the Revised Code;~~

~~(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;~~

~~(c) An institution or association subject to certification under section 5103.03 of the Revised Code;~~

~~(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;~~

<del>(e) A nursing home, residential care facility, or home for</del>	61428
<del>the aging as defined in section 3721.02 of the Revised Code;</del>	61429
<del>(f) Alcohol or drug addiction services certified pursuant to</del>	61430
<del>section 5119.36 of the Revised Code;</del>	61431
<del>(g) A facility licensed to provide methadone treatment under</del>	61432
<del>section 5119.391 of the Revised Code;</del>	61433
<del>(h) Any facility that receives funding for operating costs</del>	61434
<del>from the development services agency under any program established</del>	61435
<del>to provide emergency shelter housing or transitional housing for</del>	61436
<del>the homeless;</del>	61437
<del>(i) A terminal care facility for the homeless that has</del>	61438
<del>entered into an agreement with a hospice care program under</del>	61439
<del>section 3712.07 of the Revised Code;</del>	61440
<del>(j) A facility approved by the veterans administration under</del>	61441
<del>section 104(a) of the "Veterans Health Care Amendments of 1983,"</del>	61442
<del>97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for</del>	61443
<del>the placement and care of veterans.</del>	61444
<del>(11) "Room and board" means the provision of sleeping and</del>	61445
<del>living space, meals or meal preparation, laundry services,</del>	61446
<del>housekeeping services, or any combination thereof.</del>	61447
<del>(12)</del> <u>(10)</u> "Residential state supplement" means the program	61448
administered under section 5119.41 of the Revised Code and related	61449
provisions of the Administrative Code under which the state	61450
supplements the supplemental security income payments received by	61451
aged, blind, or disabled adults under Title XVI of the Social	61452
Security Act. Residential state supplement payments are used for	61453
the provision of accommodations, supervision, and personal care	61454
services to supplemental security income recipients the department	61455
of mental health and addition services determines are at risk of	61456
needing institutional care.	61457

~~(13)~~(11) "Supervision" means any of the following: 61458

(a) Observing a resident to ensure the resident's health, 61459  
safety, and welfare while the resident engages in activities of 61460  
daily living or other activities; 61461

(b) Reminding a resident to perform or complete an activity, 61462  
such as reminding a resident to engage in personal hygiene or 61463  
other self-care activities; 61464

(c) Assisting a resident in making or keeping an appointment. 61465

~~(14)~~(12) "Unrelated" means that a resident is not related to 61466  
the owner or operator of a residential facility or to the owner's 61467  
or operator's spouse as a parent, grandparent, child, stepchild, 61468  
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 61469  
the child of an aunt or uncle. 61470

(B)(1) A "residential facility" is a publicly or privately 61471  
operated home or facility that falls into one of the following 61472  
categories: 61473

(a) Class one facilities provide accommodations, supervision, 61474  
personal care services, and mental health services for one or more 61475  
unrelated adults with mental illness or one or more unrelated 61476  
children or adolescents with severe emotional disturbances; 61477

(b) Class two facilities provide accommodations, supervision, 61478  
and personal care services to any of the following: 61479

(i) One or two unrelated persons with mental illness; 61480

(ii) One or two unrelated adults who are receiving 61481  
residential state supplement payments; 61482

(iii) Three to sixteen unrelated adults. 61483

(c) Class three facilities provide room and board for five or 61484  
more unrelated adults with mental illness. 61485

(2) "Residential facility" does not include any of the 61486

<u>following:</u>	61487
<u>(a) A hospital subject to licensure under section 5119.33 of the Revised Code or an institution maintained, operated, managed, and governed by the department of mental health and addiction services for the hospitalization of mentally ill persons pursuant to section 5119.14 of the Revised Code;</u>	61488 61489 61490 61491 61492
<u>(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;</u>	61493 61494 61495
<u>(c) An institution or association subject to certification under section 5103.03 of the Revised Code;</u>	61496 61497
<u>(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;</u>	61498 61499 61500
<u>(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code;</u>	61501 61502
<u>(f) A facility licensed to provide methadone treatment under section 5119.319 of the Revised Code;</u>	61503 61504
<u>(g) Any facility that receives funding for operating costs from the development services agency under any program established to provide emergency shelter housing or transitional housing for the homeless;</u>	61505 61506 61507 61508
<u>(h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;</u>	61509 61510 61511
<u>(i) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans;</u>	61512 61513 61514 61515
<u>(j) The residence of a relative or guardian of a person with</u>	61516

mental illness. 61517

(C) Nothing in division ~~(A)(9)(B)~~ of this section shall be 61518  
construed to permit personal care services to be imposed on a 61519  
resident who is capable of performing the activity in question 61520  
without assistance. 61521

~~(C)~~(D) Except in the case of a residential facility described 61522  
in division ~~(A)(9)(a)~~ (B)(1)(a) of this section, members of the 61523  
staff of a residential facility shall not administer medication to 61524  
the facility's residents, but may do any of the following: 61525

(1) Remind a resident when to take medication and watch to 61526  
ensure that the resident follows the directions on the container; 61527

(2) Assist a resident in the self-administration of 61528  
medication by taking the medication from the locked area where it 61529  
is stored, in accordance with rules adopted pursuant to this 61530  
section, and handing it to the resident. If the resident is 61531  
physically unable to open the container, a staff member may open 61532  
the container for the resident. 61533

(3) Assist a physically impaired but mentally alert resident, 61534  
such as a resident with arthritis, cerebral palsy, or Parkinson's 61535  
disease, in removing oral or topical medication from containers 61536  
and in consuming or applying the medication, upon request by or 61537  
with the consent of the resident. If a resident is physically 61538  
unable to place a dose of medicine to the resident's mouth without 61539  
spilling it, a staff member may place the dose in a container and 61540  
place the container to the mouth of the resident. 61541

~~(D)~~(E)(1) Except as provided in division ~~(D)~~(E)(2) of this 61542  
section, a person operating or seeking to operate a residential 61543  
facility shall apply for licensure of the facility to the 61544  
department of mental health and addiction services. The 61545  
application shall be submitted by the operator. When applying for 61546  
the license, the applicant shall pay to the department the 61547

application fee specified in rules adopted under division ~~(K)~~(L) 61548  
of this section. The fee is nonrefundable. 61549

The department shall send a copy of an application to the 61550  
ADAMHS board serving the county in which the person operates or 61551  
seeks to operate the facility. The ADAMHS board shall review the 61552  
application and provide to the department any information about 61553  
the applicant or the facility that the board would like the 61554  
department to consider in reviewing the application. 61555

(2) A person may not apply for a license to operate a 61556  
residential facility if the person is or has been the owner, 61557  
operator, or manager of a residential facility for which a license 61558  
to operate was revoked or for which renewal of a license was 61559  
refused for any reason other than nonpayment of the license 61560  
renewal fee, unless both of the following conditions are met: 61561

(a) A period of not less than two years has elapsed since the 61562  
date the director of mental health and addiction services issued 61563  
the order revoking or refusing to renew the facility's license. 61564

(b) The director's revocation or refusal to renew the license 61565  
was not based on an act or omission at the facility that violated 61566  
a resident's right to be free from abuse, neglect, or 61567  
exploitation. 61568

~~(E)~~(F)(1) The department of mental health and addiction 61569  
services shall inspect and license the operation of residential 61570  
facilities. The department shall consider the past record of the 61571  
facility and the applicant or licensee in arriving at its 61572  
licensure decision. 61573

The department may issue full, probationary, and interim 61574  
licenses. A full license shall expire up to three years after the 61575  
date of issuance, a probationary license shall expire in a shorter 61576  
period of time as specified in rules adopted by the director of 61577  
~~mental health~~ mental health and addiction services under division 61578

~~(K)~~(L) of this section, and an interim license shall expire ninety 61579  
days after the date of issuance. A license may be renewed in 61580  
accordance with rules adopted by the director under division 61581  
~~(K)~~(L) of this section. The renewal application shall be submitted 61582  
by the operator. When applying for renewal of a license, the 61583  
applicant shall pay to the department the renewal fee specified in 61584  
rules adopted under division ~~(K)~~(L) of this section. The fee is 61585  
nonrefundable. 61586

(2) The department may issue an order suspending the 61587  
admission of residents to the facility or refuse to issue or renew 61588  
and may revoke a license if it finds ~~the~~ any of the following: 61589

(a) The facility is not in compliance with rules adopted by 61590  
the director pursuant to division ~~(K)~~(L) of this section ~~or if~~ 61591  
any; 61592

(b) Any facility operated by the applicant or licensee has 61593  
been cited for a pattern of serious noncompliance or repeated 61594  
violations of statutes or rules during the period of current or 61595  
previous licenses. ~~Proceedings;~~ 61596

(c) The applicant or licensee submits false or misleading 61597  
information as part of a license application, renewal, or 61598  
investigation. 61599

Proceedings initiated to deny applications for full or 61600  
probationary licenses or to revoke such licenses are governed by 61601  
Chapter 119. of the Revised Code. An order issued pursuant to this 61602  
division remains in effect during the pendency of those 61603  
proceedings. 61604

~~(F)~~(G) The department may issue an interim license to operate 61605  
a residential facility if both of the following conditions are 61606  
met: 61607

(1) The department determines that the closing of or the need 61608  
to remove residents from another residential facility has created 61609

an emergency situation requiring immediate removal of residents 61610  
and an insufficient number of licensed beds are available. 61611

(2) The residential facility applying for an interim license 61612  
meets standards established for interim licenses in rules adopted 61613  
by the director under division ~~(K)~~(L) of this section. 61614

An interim license shall be valid for ninety days and may be 61615  
renewed by the director no more than twice. Proceedings initiated 61616  
to deny applications for or to revoke interim licenses under this 61617  
division are not subject to Chapter 119. of the Revised Code. 61618

~~(G)~~(H)(1) The department of mental health and addiction 61619  
services may conduct an inspection of a residential facility as 61620  
follows: 61621

(a) Prior to issuance of a license for the facility; 61622

(b) Prior to renewal of the license; 61623

(c) To determine whether the facility has completed a plan of 61624  
correction required pursuant to division ~~(G)~~(H)(2) of this section 61625  
and corrected deficiencies to the satisfaction of the department 61626  
and in compliance with this section and rules adopted pursuant to 61627  
it; 61628

(d) Upon complaint by any individual or agency; 61629

(e) At any time the director considers an inspection to be 61630  
necessary in order to determine whether the facility is in 61631  
compliance with this section and rules adopted pursuant to this 61632  
section. 61633

(2) In conducting inspections the department may conduct an 61634  
on-site examination and evaluation of the residential facility and 61635  
its personnel, activities, and services. The department shall have 61636  
access to examine and copy all records, accounts, and any other 61637  
documents relating to the operation of the residential facility, 61638  
including records pertaining to residents, and shall have access 61639



to the facility in order to conduct interviews with the operator, 61640  
staff, and residents. Following each inspection and review, the 61641  
department shall complete a report listing any deficiencies, and 61642  
including, when appropriate, a time table within which the 61643  
operator shall correct the deficiencies. The department may 61644  
require the operator to submit a plan of correction describing how 61645  
the deficiencies will be corrected. 61646

~~(H)~~(I) No person shall do any of the following: 61647

(1) Operate a residential facility unless the facility holds 61648  
a valid license; 61649

(2) Violate any of the conditions of licensure after having 61650  
been granted a license; 61651

(3) Interfere with a state or local official's inspection or 61652  
investigation of a residential facility; 61653

(4) Violate any of the provisions of this section or any 61654  
rules adopted pursuant to this section. 61655

~~(I)~~(J) The following may enter a residential facility at any 61656  
time: 61657

(1) Employees designated by the director of mental health and 61658  
addiction services; 61659

(2) Employees of an ADAMHS board under either of the 61660  
following circumstances: 61661

(a) When a resident of the facility is receiving services 61662  
from a community mental health services provider under contract 61663  
with that ADAMHS board or another ADAMHS board; 61664

(b) When authorized by section 340.05 of the Revised Code. 61665

(3) Employees of a community mental health services provider 61666  
under either of the following circumstances: 61667

(a) When the ~~services~~ provider has a person receiving 61668

services residing in the facility; 61669

(b) When the ~~services~~ provider is acting as an agent of an 61670  
ADAMHS board other than the board with which it is under contract. 61671

(4) Representatives of the state long-term care ombudsman 61672  
program when the facility provides accommodations, supervision, 61673  
and personal care services for three to sixteen unrelated adults 61674  
or to one or two unrelated adults who are recipients under the 61675  
residential state supplement program. 61676

The persons specified in division ~~(I)~~(J) of this section 61677  
shall be afforded access to examine and copy all records, 61678  
accounts, and any other documents relating to the operation of the 61679  
residential facility, including records pertaining to residents. 61680

~~(J)~~(K) Employees of the department of mental health and 61681  
addiction services may enter, for the purpose of investigation, 61682  
any institution, residence, facility, or other structure which has 61683  
been reported to the department as, or that the department has 61684  
reasonable cause to believe is, operating as a residential 61685  
facility without a valid license. 61686

~~(K)~~(L) The director shall adopt and may amend and rescind 61687  
rules pursuant to Chapter 119. of the Revised Code governing the 61688  
licensing and operation of residential facilities. The rules shall 61689  
establish all of the following: 61690

(1) Minimum standards for the health, safety, adequacy, and 61691  
cultural competency of treatment of and services for persons in 61692  
residential facilities; 61693

(2) Procedures for the issuance, renewal, or revocation of 61694  
the licenses of residential facilities; 61695

(3) Procedures for conducting ~~criminal records checks~~ 61696  
background investigations for prospective or current operators, 61697  
employees, ~~and~~ volunteers, and other non-resident occupants who 61698

may have direct access to facility residents;	61699
(4) The fee to be paid when applying for a new residential facility license or renewing the license;	61700 61701
(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;	61702 61703 61704 61705 61706 61707
(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;	61708 61709
(7) Measures to be taken by residential facilities relative to residents' medication;	61710 61711
(8) Requirements relating to preparation of special diets;	61712
(9) The maximum number of residents who may be served in a residential facility;	61713 61714
(10) The rights of residents of residential facilities and procedures to protect such rights;	61715 61716
<del>(11) Procedures for obtaining an affiliation agreement approved by the board between a residential facility and a community mental health services provider;</del>	61717 61718 61719
<del>(12)</del> Standards and procedures under which the director may waive the requirements of any of the rules adopted.	61720 61721
<del>(L)</del> <u>(M)</u> (1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent	61722 61723 61724 61725 61726 61727 61728

jurisdiction. 61729

(2) Any person who makes a complaint under division ~~(H)~~(M)(1) 61730  
of this section, or any person who participates in an 61731  
administrative or judicial proceeding resulting from such a 61732  
complaint, is immune from civil liability and is not subject to 61733  
criminal prosecution, other than for perjury, unless the person 61734  
has acted in bad faith or with malicious purpose. 61735

~~(M)~~(N)(1) The director of mental health and addiction 61736  
services may petition the court of common pleas of the county in 61737  
which a residential facility is located for an order enjoining any 61738  
person from operating a residential facility without a license or 61739  
from operating a licensed facility when, in the director's 61740  
judgment, there is a present danger to the health or safety of any 61741  
of the occupants of the facility. The court shall have 61742  
jurisdiction to grant such injunctive relief upon a showing that 61743  
the respondent named in the petition is operating a facility 61744  
without a license or there is a present danger to the health or 61745  
safety of any residents of the facility. 61746

(2) When the court grants injunctive relief in the case of a 61747  
facility operating without a license, the court shall issue, at a 61748  
minimum, an order enjoining the facility from admitting new 61749  
residents to the facility and an order requiring the facility to 61750  
assist with the safe and orderly relocation of the facility's 61751  
residents. 61752

(3) If injunctive relief is granted against a facility for 61753  
operating without a license and the facility continues to operate 61754  
without a license, the director shall refer the case to the 61755  
attorney general for further action. 61756

~~(N)~~(O) The director may fine a person for violating division 61757  
~~(H)~~(I) of this section. The fine shall be five hundred dollars for 61758  
a first offense; for each subsequent offense, the fine shall be 61759

one thousand dollars. The director's actions in imposing a fine 61760  
shall be taken in accordance with Chapter 119. of the Revised 61761  
Code. 61762

**Sec. 5119.341.** (A) Any person may operate a residential 61763  
facility providing accommodations and personal care services for 61764  
one to five unrelated persons and licensed as a residential 61765  
facility that meets the criteria specified in division ~~(A)(9)(b)~~ 61766  
(B)(1)(b) of section 5119.34 of the Revised Code as a permitted 61767  
use in any residential district or zone, including any 61768  
single-family residential district or zone of any political 61769  
subdivision. Such facilities may be required to comply with area, 61770  
height, yard, and architectural compatibility requirements that 61771  
are uniformly imposed upon all single-family residences within the 61772  
district or zone. 61773

(B) Any person may operate a residential facility providing 61774  
accommodations and personal care services for six to sixteen 61775  
persons and licensed as a residential facility that meets the 61776  
criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 61777  
5119.34 of the Revised Code as a permitted use in any 61778  
multiple-family residential district or zone of any political 61779  
subdivision, except that a political subdivision that has enacted 61780  
a zoning ordinance or resolution establishing planned-unit 61781  
developments as defined in section 519.021 of the Revised Code may 61782  
exclude such facilities from such districts, and a political 61783  
subdivision that has enacted a zoning ordinance or resolution may 61784  
regulate such facilities in multiple-family residential districts 61785  
or zones as a conditionally permitted use or special exception, in 61786  
either case, under reasonable and specific standards and 61787  
conditions set out in the zoning ordinance or resolution to: 61788

(1) Require the architectural design and site layout of the 61789  
home and the location, nature, and height of any walls, screens, 61790

and fences to be compatible with adjoining land uses and the residential character of the neighborhood;

(2) Require compliance with yard, parking, and sign regulation.

(C) Divisions (A) and (B) of this section do not affect any right of a political subdivision to permit a person to operate a residential facility licensed under section 5119.34 of the Revised Code in a single-family residential district or zone under conditions established by the political subdivision.

(D)(1) Notwithstanding divisions (A) and (B) of this section and except as provided in division (D)(2) of this section, a political subdivision that has enacted a zoning ordinance or resolution may limit the excessive concentration of licensed residential facilities that meet the criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code.

(2) Division (D)(1) of this section does not authorize a political subdivision to prevent or limit the continued existence and operation of residential facilities existing and operating on September 10, 2012, and that meet the criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code. A political subdivision may consider the existence of such facilities for the purpose of limiting the excessive concentration of such facilities that meet the criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code that are not existing and operating on September 10, 2012.

**Sec. 5119.36.** (A) A community mental health services provider applicant or community addiction services provider applicant that seeks certification of its ~~community~~ mental health services or ~~community~~ addiction services shall submit an application to the director of mental health and addiction services. On receipt of

the application, the director may conduct an on-site review and 61822  
shall evaluate the ~~provider~~ applicant to determine whether its 61823  
services satisfy the standards established by rules adopted under 61824  
division (E) of this section. The director shall make the 61825  
evaluation, and, if the director conducts an on-site review of the 61826  
~~provider~~ applicant, may make the review, in cooperation with the 61827  
board of alcohol, drug addiction, and mental health services for 61828  
treatment or prevention services with which the ~~provider~~ applicant 61829  
seeks to contract under division (A)(8)(a) of section 340.03 of 61830  
the Revised Code. 61831

(B) Subject to section 5119.371 of the Revised Code, the 61832  
director shall determine whether the services of ~~an~~ a community 61833  
mental health services provider applicant or community addiction 61834  
services applicant satisfy the standards for certification of the 61835  
services. If the director determines that ~~a community mental~~ 61836  
~~health services provider's or a community addiction services~~ 61837  
~~provider's~~ an applicant's services satisfy the standards for 61838  
certification and the ~~provider~~ applicant has paid the fee required 61839  
under division (D) of this section, the director shall certify the 61840  
services. No community mental health services provider or 61841  
community addiction services provider shall be eligible to receive 61842  
state or federal funds, or funds administered by a board of 61843  
alcohol, drug addiction, and mental health services for treatment 61844  
or prevention services unless its services have been certified by 61845  
the department. 61846

(C) If the director determines that a community mental health 61847  
services ~~provider's~~ provider applicant's or a community addiction 61848  
services ~~provider's~~ provider applicant's services do not satisfy 61849  
the standards for certification, the director shall identify the 61850  
areas of noncompliance, specify what action is necessary to 61851  
satisfy the standards, and may offer technical assistance to the 61852  
~~provider~~ applicant and to the board of alcohol, drug addiction, 61853

and mental health services so that the board may assist the 61854  
~~provider~~ applicant in satisfying the standards. The director shall 61855  
give the ~~provider~~ applicant a reasonable time within which to 61856  
demonstrate that its services satisfy the standards or to bring 61857  
the services into compliance with the standards. If the director 61858  
concludes that the services continue to fail to satisfy the 61859  
standards, the director may request that the board reallocate any 61860  
funds for the mental health or addiction services the ~~provider~~ 61861  
applicant was to provide to another community mental health or 61862  
addiction services provider whose ~~community~~ mental health or 61863  
~~community~~ addiction services satisfy the standards. If the board 61864  
does not reallocate such funds in a reasonable period of time, the 61865  
director may withhold state and federal funds for the services and 61866  
allocate those funds directly to a community mental health or 61867  
community addiction services provider whose services satisfy the 61868  
standards. 61869

(D) Each community mental health services provider applicant 61870  
or community addiction services provider applicant seeking 61871  
certification of its ~~mental health or~~ addiction or mental health 61872  
services under this section shall pay a fee for the certification 61873  
required by this section, unless the ~~provider~~ applicant is exempt 61874  
under rules adopted under division (E) of this section. Fees shall 61875  
be paid into the state treasury to the credit of the sale of goods 61876  
and services fund created pursuant to section 5119.45 of the 61877  
Revised Code. 61878

(E) The director shall adopt rules in accordance with Chapter 61879  
119. of the Revised Code to implement this section. The rules 61880  
shall do all of the following: 61881

(1) Establish certification standards for mental health 61882  
services and addiction services that are consistent with 61883  
nationally recognized applicable standards and facilitate 61884  
participation in federal assistance programs. The rules shall 61885



include as certification standards only requirements that improve 61886  
the quality of services or the health and safety of persons 61887  
receiving ~~community mental health and addiction~~ and mental health 61888  
services. The standards shall address at a minimum all of the 61889  
following: 61890

(a) Reporting major unusual incidents to the director; 61891

(b) Procedures for applicants for and persons receiving 61892  
~~community mental health and addiction~~ and mental health services 61893  
to file grievances and complaints; 61894

(c) Seclusion; 61895

(d) Restraint; 61896

(e) Requirements regarding physical facilities of service 61897  
delivery sites; 61898

(f) Requirements with regard to health, safety, adequacy, and 61899  
cultural specificity and sensitivity; 61900

(g) Standards for evaluating services; 61901

(h) Standards and procedures for granting full ~~or~~ 61902  
conditional, probationary, and interim certification to a ~~service~~ 61903  
community mental health services provider applicant or community 61904  
addiction services applicant; 61905

(i) Standards and procedures for revoking the certification 61906  
of a community mental health or addiction services provider's 61907  
services that do not continue to meet the minimum standards 61908  
established pursuant to this section; 61909

(j) The limitations to be placed on a provider that is 61910  
granted ~~conditional~~ probationary or interim certification; 61911

(k) Development of written policies addressing the rights of 61912  
persons receiving services, including all of the following: 61913

(i) The right to a copy of the written policies addressing 61914

the rights of persons receiving services;	61915
(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;	61916 61917
(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;	61918 61919 61920 61921
(iv) The right to have a client rights officer provided by the <del>services</del> provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board.	61922 61923 61924 61925 61926
(2) Establish the process for certification of <del>community mental health and</del> addiction <u>and mental health</u> services;	61927 61928
(3) Set the amount of certification review fees;	61929
(4) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.	61930 61931
(F) <u>The department may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if it finds either of the following:</u>	61932 61933 61934
(1) <u>The provider is not in compliance with rules adopted by the director pursuant to division (E) of this section;</u>	61935 61936
(2) <u>The provider has been cited for more than one violation of statutes or rules during any previous certification period of the provider.</u>	61937 61938 61939
(G) The department shall maintain a current list of <u>community addiction services</u> providers <del>whose addiction services are certified by the department under division (B) of this section</del> and shall provide a copy of the list to a judge of a court of common pleas who requests a copy for the use of the judge under division	61940 61941 61942 61943 61944

(H) of section 2925.03 of the Revised Code. The list of ~~certified~~ 61945  
~~addiction services~~ shall identify each provider by its name, its 61946  
address, and the county in which it is located. 61947

~~(G)~~(H) No person shall represent in any manner that a 61948  
provider is certified by the department if the provider is not 61949  
certified at the time the representation is made. 61950

**Sec. 5119.361.** The director of mental health and addiction 61951  
services shall require that each board of alcohol, drug addiction, 61952  
and mental health services ensure that each community mental 61953  
health services provider and community addiction services provider 61954  
with which it contracts under division (A)(8)(a) of section 340.03 61955  
of the Revised Code to provide ~~community mental health or~~ 61956  
addiction or mental health services establish grievance procedures 61957  
consistent with rules adopted under section 5119.36 of the Revised 61958  
Code that are available to all persons seeking or receiving 61959  
services from a community mental health or addiction services 61960  
provider. 61961

**Sec. 5119.365.** The director of mental health and addiction 61962  
services shall adopt rules in accordance with Chapter 119. of the 61963  
Revised Code to do both of the following: 61964

(A) Streamline the intake procedures used by a community 61965  
addiction services provider accepting and beginning to serve a new 61966  
~~patient~~ individual, including procedures regarding intake forms 61967  
and questionnaires; 61968

(B) Enable a community addiction services provider to retain 61969  
~~a patient~~ an individual as an active patient even though the 61970  
patient last received services from the provider more than thirty 61971  
days before resumption of services so that the ~~patient~~ individual 61972  
and provider do not have to repeat the intake procedures. 61973

Sec. 5119.41. (A) As used in this section <del>and section</del>	61974
<del>5119.411 of the Revised Code:</del>	61975
(1) "Nursing facility" has the same meaning as in section	61976
5165.01 of the Revised Code.	61977
(2) "Residential state supplement administrative agency"	61978
means the department of mental health and addiction services or,	61979
if the department designates an entity under division (C) of this	61980
section for a particular area, the designated entity.	61981
(3) "Residential state supplement program" means the program	61982
administered pursuant to this section.	61983
(B) The department of mental health and addiction services	61984
shall implement the residential state supplement program under	61985
which the state supplements the supplemental security income	61986
payments received by aged, blind, or disabled adults under Title	61987
XVI of the "Social Security Act," 42 U.S.C. 1381 et seq.	61988
Residential state supplement payments shall be used for the	61989
provision of accommodations, supervision, and personal care	61990
services to social security, supplemental security income, and	61991
social security disability insurance recipients who the department	61992
determines are at risk of needing institutional care.	61993
(C) In implementing the program, the department may designate	61994
one or more entities to be responsible for providing	61995
administrative services regarding the program. The department may	61996
designate an entity to be a residential state supplement	61997
administrative agency under this division either by entering into	61998
a contract with the entity to serve in that capacity or by	61999
otherwise delegating to the entity the responsibility to serve in	62000
that capacity.	62001
(D) For an individual to be eligible for residential state	62002
supplement payments, all of the following must be the case:	62003

(1) Except as provided by division ~~(H)~~(G) of this section, 62004  
the individual must reside in one of the following living 62005  
arrangements: 62006

(a) A residential care facility licensed by the department of 62007  
health under Chapter 3721. of the Revised Code or an assisted 62008  
living program as defined in section 5111.89 of the Revised Code; 62009

~~(b) A residential facility as defined in division (A)(9)(b)~~ 62010  
~~of licensed by the department of mental health and addiction~~ 62011  
~~services under section 5119.34 of the Revised Code licensed by the~~ 62012  
~~department of mental health and addiction services;~~ 62013

~~(c) An apartment or room used to provide community mental~~ 62014  
~~health housing services certified by the department of mental~~ 62015  
~~health and addiction services under section 5119.36 of the Revised~~ 62016  
~~Code and approved by a board of alcohol, drug addiction, and~~ 62017  
~~mental health services under division (A)(14) of section 340.03 of~~ 62018  
~~the Revised Code.~~ 62019

~~(2) A residential state supplement administrative agency must~~ 62020  
~~have determined that the environment in which the individual will~~ 62021  
~~be living while receiving the payments is appropriate for the~~ 62022  
~~individual's needs. If the individual is eligible for social~~ 62023  
~~security payments, supplemental security income payments, or~~ 62024  
~~social security disability insurance benefits because of a mental~~ 62025  
~~disability, the If a residential state supplement administrative~~ 62026  
~~agency is aware that an individual enrolled in the program has~~ 62027  
~~mental health needs, the agency shall refer the individual to a~~ 62028  
~~community mental health services provider for an assessment under~~ 62029  
~~pursuant to division (A) of section 340.091 of the Revised Code.~~ 62030

(3) The individual satisfies all eligibility requirements 62031  
established by rules adopted under division (E) of this section. 62032

(4) An individual residing in a living arrangement housing 62033  
more than sixteen individuals shall not be eligible for inclusion 62034

in the program unless the director of mental health and addiction services specifically waives this size limitation with respect to that individual in that living arrangement. An individual with such a waiver as of October 1, 2015, shall remain eligible for the program as long as the individual remains in that living arrangement.

(E) The director of mental health and addiction services and medicaid director shall adopt rules in accordance with ~~section 111.15~~ Chapter 119. of the Revised Code as necessary to implement the residential state supplement program.

To the extent permitted by Title XVI of the "Social Security Act," and any other provision of federal law, the medicaid director may adopt rules establishing standards for adjusting the eligibility requirements concerning the level of impairment a person must have so that the amount appropriated for the program by the general assembly is adequate for the number of eligible individuals. The rules shall not limit the eligibility of disabled persons solely on a basis classifying disabilities as physical or mental. The medicaid director also may adopt rules that establish eligibility standards for aged, blind, or disabled individuals who reside in one of the homes or facilities specified in division (D)(1) of this section but who, because of their income, do not receive supplemental security income payments. The rules may provide that these individuals may include individuals who receive other types of benefits, including, social security payments or social security disability insurance benefits provided under Title II of the "Social Security Act," 42 U.S.C. 401, et seq. Notwithstanding division (B) of this section, such payments may be made if funds are available for them.

The director of mental health and addiction services may adopt rules establishing the method to be used to determine the amount an eligible individual will receive under the program. The

amount the general assembly appropriates for the program may be a factor included in the method that director establishes.

(F) The county department of job and family services of the county in which an applicant for the residential state supplement program resides or the department of medicaid shall determine whether the applicant meets income and resource requirements for the program.

~~(G) The department of mental health and addiction services shall maintain a waiting list of any individuals eligible for payments under this section but not receiving them because moneys appropriated to the department for the purposes of this section are insufficient to make payments to all eligible individuals. An individual may apply to be placed on the waiting list even though the individual does not reside in one of the homes or facilities specified in division (D)(1) of this section at the time of application. The director of mental health and addiction services, by rules adopted in accordance with Chapter 119. of the Revised Code, may specify procedures and requirements for placing an individual on the waiting list and priorities for the order in which individuals placed on the waiting list are to begin to receive residential state supplement payments. The rules specifying priorities may give priority to individuals placed on the waiting list on or after July 1, 2006, who receive social security payments, social security disability insurance, or supplemental security income benefits under Title XVI of the "Social Security Act," 42 U.S.C. 1381, et seq. The rules shall not affect the place on the waiting list of any person who was on the list on July 1, 2006. The rules specifying priorities may also set additional priorities based on living arrangement, such as whether an individual resides in a facility listed in division (D)(1) of this section or has been admitted to a nursing facility.~~

~~(H) An individual in a licensed or certified living~~

arrangement receiving state supplementation on November 15, 1990, 62099  
under former section 5101.531 of the Revised Code shall not become 62100  
ineligible for payments under this section solely by reason of the 62101  
individual's living arrangement as long as the individual remains 62102  
in the living arrangement in which the individual resided on 62103  
November 15, 1990. 62104

~~(I)~~(H) The county department of job and family services from 62105  
which the person is receiving benefits or the department of 62106  
medicaid shall notify each person denied approval for payments 62107  
under this section of the person's right to a hearing. On request, 62108  
the hearing shall be provided in accordance with ~~Chapter 119.~~ 62109  
section 5101.35 of the Revised Code. 62110

**Sec. 5119.44.** As used in this section, "free clinic" has the 62111  
same meaning as in section 2305.2341 of the Revised Code. 62112

(A) The department of mental health and addiction services 62113  
may provide certain goods and services for the department of 62114  
mental health and addiction services, the department of 62115  
developmental disabilities, the department of rehabilitation and 62116  
correction, the department of youth services, and other state, 62117  
county, or municipal agencies requesting such goods and services 62118  
when the department of mental health and addiction services 62119  
determines that it is in the public interest, and considers it 62120  
advisable, to provide these goods and services. The department of 62121  
mental health and addiction services also may provide goods and 62122  
services to agencies operated by the United States government and 62123  
to public or private nonprofit agencies, other than free clinics, 62124  
that are funded in whole or in part by the state if the public or 62125  
private nonprofit agencies are designated for participation in 62126  
this program by the director of mental health and addiction 62127  
services for community addiction services providers and community 62128  
mental health services providers, the director of developmental 62129



disabilities for community mental retardation and developmental 62130  
disabilities agencies, the director of rehabilitation and 62131  
correction for community rehabilitation and correction agencies, 62132  
or the director of youth services for community youth services 62133  
agencies. 62134

Designated community agencies or services providers shall 62135  
receive goods and services through the department of mental health 62136  
and addiction services only in those cases where the designating 62137  
state agency certifies that providing such goods and services to 62138  
the agency or services provider will conserve public resources to 62139  
the benefit of the public and where the provision of such goods 62140  
and services is considered feasible by the department of mental 62141  
health and addiction services. 62142

(B) The department of mental health and addiction services 62143  
may permit free clinics to purchase certain goods and services to 62144  
the extent the purchases fall within the exemption to the 62145  
Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit 62146  
institutions, in 15 U.S.C. 13c, as amended. 62147

(C) The goods and services that may be provided by the 62148  
department of mental health and addiction services under divisions 62149  
(A) and (B) of this section may include: 62150

(1) Procurement, storage, processing, and distribution of 62151  
food and professional consultation on food operations; 62152

(2) Procurement, storage, and distribution of medical and 62153  
laboratory supplies, dental supplies, medical records, forms, 62154  
optical supplies, and sundries, subject to section 5120.135 of the 62155  
Revised Code; 62156

(3) Procurement, storage, repackaging, distribution, and 62157  
dispensing of drugs, the provision of professional pharmacy 62158  
consultation, and drug information services; 62159

(4) Other goods and services. 62160

(D) The department of mental health and addiction services 62161  
may provide the goods and services designated in division (C) of 62162  
this section to its institutions and to state-operated 62163  
community-based mental health or addiction services providers. 62164

(E) After consultation with and advice from the director of 62165  
developmental disabilities, the director of rehabilitation and 62166  
correction, and the director of youth services, the department of 62167  
mental health and addiction services may provide the goods and 62168  
services designated in division (C) of this section to the 62169  
department of developmental disabilities, the department of 62170  
rehabilitation and correction, and the department of youth 62171  
services. 62172

(F) The cost of administration of this section shall be 62173  
determined by the department of mental health and addiction 62174  
services and paid by the agencies, services providers, or free 62175  
clinics receiving the goods and services to the department for 62176  
deposit in the state treasury to the credit of the ~~office of~~ 62177  
~~support~~ Ohio pharmacy services fund, which is hereby created. The 62178  
fund shall be used to pay the cost of administration of this 62179  
section to the department. 62180

(G) Whenever a state agency fails to make a payment for goods 62181  
and services provided under this section within thirty-one days 62182  
after the date the payment was due, the office of budget and 62183  
management may transfer moneys from the state agency to the 62184  
department of mental health and addiction services. The amount 62185  
transferred shall not exceed the amount of overdue payments. Prior 62186  
to making a transfer under this division, the office of budget and 62187  
management shall apply any credits the state agency has 62188  
accumulated in payments for goods and services provided under this 62189  
section. 62190

(H) Purchases of goods and services under this section are 62191  
not subject to section 307.86 of the Revised Code. 62192

**Sec. 5119.61.** (A) The department of mental health and 62193  
addiction services shall collect and compile statistics and other 62194  
information on the care and treatment of mentally disabled 62195  
persons, and the care, treatment, and rehabilitation of 62196  
alcoholics, drug dependent persons, and persons in danger of drug 62197  
dependence in this state, including, without limitation, 62198  
information on the number of such persons, the type of drug 62199  
involved, the type of care, treatment, or rehabilitation 62200  
prescribed or undertaken, and the success or failure of the care, 62201  
treatment, or rehabilitation. The department shall collect 62202  
information about services delivered and persons served as 62203  
required for reporting and evaluation relating to state and 62204  
federal funds expended for such purposes. 62205

(B) No alcohol, drug addiction, or mental health services 62206  
provider shall fail to supply statistics and other information 62207  
within its knowledge and with respect to its services, upon 62208  
request of the department. 62209

(C) Communications by a person seeking aid in good faith for 62210  
alcoholism or drug dependence are confidential, and this section 62211  
does not require the collection or permit the disclosure of 62212  
information which reveals or comprises the identity of any person 62213  
seeking aid. 62214

(D) Based on the information collected and compiled under 62215  
division (A) of this section, the department shall develop a 62216  
project to assess the outcomes of persons served by community 62217  
alcohol and drug addiction services providers and community mental 62218  
health services providers that receive funds distributed by the 62219  
department. 62220

**Sec. 5119.94.** (A) Upon receipt of a petition filed under 62221  
section 5119.93 of the Revised Code and the payment of the 62222

appropriate filing fee, if any, the probate court shall examine 62223  
the petitioner under oath as to the contents of the petition. 62224

(B) If, after reviewing the allegations contained in the 62225  
petition and examining the petitioner under oath, it appears to 62226  
the probate court that there is probable cause to believe the 62227  
respondent may reasonably benefit from treatment, the court shall 62228  
do all of the following: 62229

(1) Schedule a hearing to be held within seven days to 62230  
determine if there is clear and convincing evidence that the 62231  
respondent may reasonably benefit from treatment for alcohol and 62232  
other drug abuse; 62233

(2) Notify the respondent, the legal guardian, if any and if 62234  
known, and the spouse, parents, or nearest relative or friend of 62235  
the respondent concerning the allegations and contents of the 62236  
petition and of the date and purpose of the hearing; 62237

(3) Notify the respondent that the respondent may retain 62238  
counsel and, if the person is unable to obtain an attorney, that 62239  
the respondent may be represented by court-appointed counsel at 62240  
public expense if the person is indigent. Upon the appointment of 62241  
an attorney to represent an indigent respondent, the court shall 62242  
notify the respondent of the name, address, and telephone number 62243  
of the attorney appointed to represent the respondent. 62244

(4) Notify the respondent that the court shall cause the 62245  
respondent to be examined not later than twenty-four hours before 62246  
the hearing date by a physician for the purpose of a physical 62247  
examination and by a qualified health professional for the purpose 62248  
of a drug and alcohol addiction assessment and diagnosis. In 62249  
addition, the court shall notify the respondent that the 62250  
respondent may have an independent expert evaluation of the 62251  
person's physical and mental condition conducted at the 62252  
respondent's own expense. 62253

(5) Cause the respondent to be examined not later than 62254  
twenty-four hours before the hearing date by a physician for the 62255  
purpose of a physical examination and by a qualified health 62256  
professional for the purpose of a drug and alcohol addiction 62257  
assessment and diagnosis; 62258

(6) Conduct the hearing. 62259

(C) The physician and qualified health professional who 62260  
examine the respondent pursuant to division (B)(5) of this section 62261  
or who are obtained by the respondent at the respondent's own 62262  
expense shall certify their findings to the court within 62263  
twenty-four hours of the examinations. The findings of each 62264  
qualified health professional shall include a recommendation for 62265  
treatment if the qualified health professional determines that 62266  
treatment is necessary. 62267

(D)(1) If upon completion of the hearing held under this 62268  
section the probate court finds by clear and convincing evidence 62269  
that the respondent may reasonably benefit from treatment, the 62270  
court may order the treatment after considering the qualified 62271  
health professionals' recommendations for treatment that have been 62272  
submitted to the court under division (C) of this section. If the 62273  
court orders the treatment under this division, the court shall 62274  
order the treatment to be provided through a community addiction 62275  
services provider ~~certified under section 5119.36 of the Revised~~ 62276  
~~Code~~ or by an individual licensed or certified by the state 62277  
medical board under Chapter 4731. of the Revised Code, the 62278  
chemical dependency professionals board under Chapter 4758. of the 62279  
Revised Code, the counselor, social worker, and marriage and 62280  
family therapist board under Chapter 4757. of the Revised Code, or 62281  
a similar board of another state authorized to provide substance 62282  
abuse treatment. 62283

(2) Failure of a respondent to undergo and complete any 62284  
treatment ordered pursuant to this division is contempt of court. 62285

Any ~~alcohol and drug~~ community addiction ~~program~~ services provider 62286  
or person providing treatment under this division shall notify the 62287  
probate court of a respondent's failure to undergo or complete the 62288  
ordered treatment. 62289

(E) If, at any time after a petition is filed under section 62290  
5119.93 of the Revised Code, the probate court finds that there is 62291  
not probable cause to continue treatment or if the petitioner 62292  
withdraws the petition, then the court shall dismiss the 62293  
proceedings against the respondent. 62294

**Sec. 5119.99.** (A) Whoever violates section 5119.333 of the 62295  
Revised Code is guilty of a misdemeanor of the first degree. 62296

(B) Whoever violates division (B) of section 5119.61 of the 62297  
Revised Code is guilty of a misdemeanor of the fourth degree. 62298

(C) Whoever violates section 5119.27 or 5119.28 or division 62299  
~~(G)~~(H) of section 5119.36 of the Revised Code is guilty of a 62300  
felony of the fifth degree. 62301

**Sec. 5120.112.** (A) The division of parole and community 62302  
services shall accept applications for state financial assistance 62303  
for the renovation, maintenance, and operation of proposed and 62304  
approved community-based correctional facilities and programs and 62305  
district community-based correctional facilities and programs that 62306  
are filed in accordance with section 2301.56 of the Revised Code. 62307  
The division, upon receipt of an application for a particular 62308  
facility and program, shall determine whether the application is 62309  
in proper form, whether the applicant satisfies the standards of 62310  
operation that are prescribed by the department of rehabilitation 62311  
and correction under section 5120.111 of the Revised Code, whether 62312  
the applicant has established the facility and program, and, if 62313  
the applicant has not at that time established the facility and 62314  
program, whether the proposal of the applicant sufficiently 62315

indicates that the standards will be satisfied upon the 62316  
establishment of the facility and program. If the division 62317  
determines that the application is in proper form and that the 62318  
applicant has satisfied or will satisfy the standards of the 62319  
department, the division shall notify the applicant that it is 62320  
qualified to receive state financial assistance for the facility 62321  
and program under this section from moneys made available to the 62322  
division for purposes of providing assistance to community-based 62323  
correctional facilities and programs and district community-based 62324  
correctional facilities and programs. 62325

(B) The amount of state financial assistance that is awarded 62326  
to a qualified applicant under this section shall be determined by 62327  
the division of parole and community services in accordance with 62328  
this division. In determining the amount of state financial 62329  
assistance to be awarded to a qualified applicant under this 62330  
section, the division shall not calculate the cost of an offender 62331  
incarcerated in a community-based correctional facility and 62332  
program or district community-based correctional facility program 62333  
to be greater than the average yearly cost of incarceration per 62334  
inmate in all state correctional institutions, as defined in 62335  
section 2967.01 of the Revised Code, as determined by the 62336  
department of rehabilitation and correction. 62337

The times and manner of distribution of state financial 62338  
assistance to be awarded to a qualified applicant under this 62339  
section shall be determined by the division of parole and 62340  
community services. 62341

(C) Upon approval of a proposal for a community-based 62342  
correctional facility and program or a district community-based 62343  
correctional facility and program by the division of parole and 62344  
community services, the facility governing board, upon the advice 62345  
of the judicial advisory board, shall enter into an award 62346  
agreement with the department of rehabilitation and correction 62347

that outlines terms and conditions of the agreement on an annual 62348  
basis. In the award agreement, the facility governing board shall 62349  
identify a fiscal agent responsible for the deposit of funds and 62350  
compliance with sections 2301.55 and 2301.56 of the Revised Code. 62351

(D) No state financial assistance shall be distributed to a 62352  
qualified applicant until an agreement concerning the assistance 62353  
has been entered into by the director of rehabilitation and 62354  
correction and the deputy director of the division of parole and 62355  
community services on the part of the state, and by the 62356  
chairperson of the facility governing board of the community-based 62357  
correctional facility and program or district community-based 62358  
correctional facility and program to receive the financial 62359  
assistance, whichever is applicable. The agreement shall be 62360  
effective for a period of one year from the date of the agreement 62361  
and shall specify all terms and conditions that are applicable to 62362  
the awarding of the assistance, including, but not limited to: 62363

(1) The total amount of assistance to be awarded for each 62364  
community-based correctional facility and program or district 62365  
community-based correctional facility and program, and the times 62366  
and manner of the payment of the assistance; 62367

(2) How persons who will staff and operate the facility and 62368  
program are to be utilized during the period for which the 62369  
assistance is to be granted, including descriptions of their 62370  
positions and duties, and their salaries and fringe benefits; 62371

(3) A statement that none of the persons who will staff and 62372  
operate the facility and program, including those who are 62373  
receiving some or all of their salaries out of funds received by 62374  
the facility and program as state financial assistance, are 62375  
employees or are to be considered as being employees of the 62376  
department of rehabilitation and correction, and a statement that 62377  
the employees who will staff and operate that facility and program 62378  
are employees of the facility and program; 62379



(4) A list of the type of expenses, other than salaries of persons who will staff and operate the facility and program, for which the state financial assistance can be used, and a requirement that purchases made with funds received as state financial assistance follow established fiscal guidelines as determined by the division of parole and community services and any applicable sections of the Revised Code, including, but not limited to, sections 125.01 to 125.11 and Chapter 153. of the Revised Code;

(5) The accounting procedures that are to be used by the facility and program in relation to the state financial assistance;

(6) A requirement that the facility and program file reports, during the period that it receives state financial assistance, with the division of parole and community services, which reports shall be statistical in nature and shall contain that information required under a research design agreed upon by all parties to the agreement, for purposes of evaluating the facility and program;

(7) A requirement that the facility and program comply with standards of operation as prescribed by the department under section 5120.111 of the Revised Code, and with all information submitted on its application;

(8) A statement that the facility and program will make a reasonable effort to augment the funding received from the state.

(E)(1) No state financial assistance shall be distributed to a qualified applicant until its proposal for a community-based correctional facility and program or district community-based correctional facility and program has been approved by the division of parole and community services.

(2) State financial assistance may be denied to any applicant if it fails to comply with the terms of any agreement entered into

pursuant to division (D) of this section. 62411

(F) The division of parole and community services may expend 62412  
up to one-half per cent of the annual appropriation made for 62413  
community-based correctional facility programs, for goods or 62414  
services that benefit those programs. 62415

**Sec. 5120.135.** (A) As used in this section, "laboratory 62416  
services" includes the performance of medical laboratory analysis; 62417  
professional laboratory and pathologist consultation; the 62418  
procurement, storage, and distribution of laboratory supplies; and 62419  
the performance of phlebotomy services. 62420

(B) The department of rehabilitation and correction may 62421  
provide laboratory services to the departments of mental health 62422  
and addiction services, developmental disabilities, youth 62423  
services, and rehabilitation and correction. The department of 62424  
rehabilitation and correction may also provide laboratory services 62425  
to other state, county, or municipal agencies and to private 62426  
persons that request laboratory services if the department of 62427  
rehabilitation and correction determines that the provision of 62428  
laboratory services is in the public interest and considers it 62429  
advisable to provide such services. The department of 62430  
rehabilitation and correction may also provide laboratory services 62431  
to agencies operated by the United States government and to public 62432  
and private entities funded in whole or in part by the state if 62433  
the director of rehabilitation and correction designates them as 62434  
eligible to receive such services. 62435

The department of rehabilitation and correction shall provide 62436  
laboratory services from a laboratory that complies with the 62437  
standards for certification set by the United States department of 62438  
health and human services under the "Clinical Laboratory 62439  
Improvement Amendments of 1988," 102 Stat. 293, 42 U.S.C.A. 263a. 62440  
In addition, the laboratory shall maintain accreditation or 62441

certification with an appropriate accrediting or certifying 62442  
organization as considered necessary by the recipients of its 62443  
laboratory services and as authorized by the director of 62444  
rehabilitation and correction. 62445

~~(C) The cost of administering this section shall be 62446  
determined by the department of rehabilitation and correction and 62447  
shall be paid by entities that receive laboratory services to the 62448  
department for deposit in the state treasury to the credit of the 62449  
laboratory services fund, which is hereby created. The fund shall 62450  
be used to pay the costs the department incurs in administering 62451  
this section. 62452~~

~~(D) Whenever a state agency fails to make a payment for 62453  
laboratory services provided to it by the department of 62454  
rehabilitation and correction under this section within thirty one 62455  
days after the date the payment was due, the office of budget and 62456  
management may transfer moneys from that state agency to the 62457  
department of rehabilitation and correction for deposit to the 62458  
credit of the laboratory services fund. The amount transferred 62459  
shall not exceed the amount of the overdue payments. Prior to 62460  
making a transfer under this division, the office shall apply any 62461  
credits the state agency has accumulated in payment for laboratory 62462  
services provided under this section. 62463~~

**Sec. 5120.28.** (A) The department of rehabilitation and 62464  
correction, ~~subject to the approval of the office of budget and 62465  
management,~~ shall fix the prices at which all labor and services 62466  
performed, all agricultural products produced, and all articles 62467  
manufactured in correctional and penal institutions shall be 62468  
furnished to the state, the political subdivisions of the state, 62469  
and the public institutions of the state and the political 62470  
subdivisions, and to private persons. The prices shall be uniform 62471  
to all and not higher than the usual market price for like labor, 62472

products, services, and articles. 62473

(B) Any money received by the department of rehabilitation 62474  
and correction for labor and services performed shall be deposited 62475  
into the institutional services fund created pursuant to division 62476  
(A) of section 5120.29 of the Revised Code and shall be used and 62477  
accounted for as provided in that section and division (B) of 62478  
section 5145.03 of the Revised Code. 62479

(C) Any money received by the department of rehabilitation 62480  
and correction for articles manufactured and agricultural products 62481  
produced in penal and correctional institutions shall be deposited 62482  
into the Ohio penal industries manufacturing fund created pursuant 62483  
to division (B) of section 5120.29 of the Revised Code and shall 62484  
be used and accounted for as provided in that section and division 62485  
(B) of section 5145.03 of the Revised Code. 62486

**Sec. 5120.38.** Subject to the rules of the department of 62487  
rehabilitation and correction, each institution under the 62488  
department's jurisdiction other than an institution operated 62489  
pursuant to a contract entered into under section 9.06 of the 62490  
Revised Code shall be under the control of a managing officer 62491  
known as a warden or other appropriate title. The managing officer 62492  
shall be appointed by the director of ~~the department of~~ 62493  
rehabilitation and correction and shall be in the unclassified 62494  
service and serve at the pleasure of the director. Appointment to 62495  
the position of managing officer shall be made from persons who 62496  
have criminal justice experience. 62497

A person who is appointed to the position of managing officer 62498  
from a permanent, classified position ~~in the classified service~~ 62499  
within the department shall retain the right to resume the 62500  
position and status that the person held in the classified service 62501  
immediately prior to the person's appointment to the position in 62502  
the unclassified service, regardless of the number of positions 62503

~~the person held in the unclassified service. Upon being relieved~~ 62504  
~~of the person's duties as managing officer, the person shall be~~ 62505  
~~reinstated to the~~ An employee's right to resume a position in the 62506  
~~classified service that the person held immediately prior may be~~ 62507  
~~exercised only when an appointing authority demotes the employee~~ 62508  
~~to a pay range lower than the employee's current pay range or~~ 62509  
~~revokes the employee's appointment to the position of managing~~ 62510  
~~officer or to another position that~~ in the unclassified service. 62511  
An employee forfeits the right to resume a position in the 62512  
classified service if the employee is removed from a position in 62513  
the unclassified service due to incompetence, inefficiency, 62514  
dishonesty, drunkenness, immoral conduct, insubordination, 62515  
discourteous treatment of the public, neglect of duty, a violation 62516  
of this chapter or the rules of the department or the director, 62517  
~~with approval of the state department of administrative services,~~ 62518  
~~certifies as being~~ any other failure of good behavior, any other 62519  
acts of misfeasance, malfeasance, or nonfeasance in office, or 62520  
conviction of or plea of guilty to a felony. An employee also 62521  
forfeits the right to resume the prior position in the classified 62522  
service upon transfer to a different agency. Reinstatement to a 62523  
position in the classified service shall be to a position 62524  
substantially equal to ~~that prior~~ the position in the classified 62525  
service that the person previously held, as certified by the 62526  
director of rehabilitation and correction and approved by the 62527  
director of administrative services. If the position the person 62528  
previously held in the classified service has been placed in the 62529  
unclassified service or is otherwise unavailable, the person shall 62530  
be appointed to a position in the classified service within the 62531  
department that the director of administrative services certifies 62532  
is comparable in compensation to the position the person 62533  
previously held in the classified service. Service as a managing 62534  
officer in a position in the unclassified service shall be counted 62535  
as service in the position in the classified service held by the 62536

person immediately preceding the person's appointment ~~as managing~~ 62537  
~~officer~~ to the position in the unclassified service. ~~A~~ When a 62538  
person ~~who~~ is reinstated to a position in the classified service, 62539  
as provided in this section, ~~shall be the person~~ is entitled to 62540  
all rights and ~~emoluments~~ benefits and any status accruing to the 62541  
position in the classified service during the time of the person's 62542  
service ~~as managing officer in the position in the unclassified~~ 62543  
service. 62544

The managing officer, under the director of rehabilitation 62545  
and correction, shall have entire executive charge of the 62546  
institution for which the managing officer is appointed. Subject 62547  
to civil service rules and regulations, the managing officer shall 62548  
appoint the necessary employees and the managing officer or the 62549  
director may remove such employees for cause. ~~A report of all~~ 62550  
~~appointments, resignations, and discharges shall be filed with the~~ 62551  
~~director at the close of each month.~~ 62552

**Sec. 5120.381.** Subject to the rules of the department of 62553  
rehabilitation and correction, the director of rehabilitation and 62554  
correction may appoint a deputy warden for each institution under 62555  
the jurisdiction of the department. A deputy warden shall be in 62556  
the unclassified service and serve at the pleasure of the director 62557  
of rehabilitation and correction. The director of rehabilitation 62558  
and correction shall make an appointment to the position of deputy 62559  
warden from persons having criminal justice experience. A person 62560  
who is appointed to a position as deputy warden from a permanent, 62561  
classified position in the classified service within the 62562  
department shall retain the right to resume the position and 62563  
status that the person held in the classified service immediately 62564  
prior to the person's appointment to the position in the 62565  
unclassified service, regardless of the number of positions the 62566  
person held in the unclassified service. ~~If the person is relieved~~ 62567  
~~of the person's duties as deputy warden, the director shall~~ 62568

~~reinstate the person to the~~ An employee's right to resume a 62569  
~~position in the classified service that the person held~~ 62570  
~~immediately prior to the appointment as deputy warden or to~~ 62571  
~~another position that is certified by~~ may be exercised only when 62572  
an appointing authority demotes the employee to a pay range lower 62573  
than the employee's current pay range or revokes the employee's 62574  
appointment to the unclassified service. An employee forfeits the 62575  
right to resume a position in the classified service when the 62576  
employee is removed from the position in the unclassified service 62577  
due to incompetence, inefficiency, dishonesty, drunkenness, 62578  
immoral conduct, insubordination, discourteous treatment of the 62579  
public, neglect of duty, a violation of this chapter or the rules 62580  
of the department or the director, with approval of the department 62581  
of administrative services, as being any other failure of good 62582  
behavior, any other acts of misfeasance, malfeasance, or 62583  
nonfeasance in office, or conviction of or plea of guilty to a 62584  
felony. An employee also forfeits the right to resume the prior 62585  
position in the classified service upon transfer to a different 62586  
agency. Reinstatement to a position in the classified service 62587  
shall be to a position substantially equal to that prior the 62588  
position in the classified service that the person previously 62589  
held, as certified by the director of rehabilitation and 62590  
correction and approved by the director of administrative 62591  
services. If the position the person previously held in the 62592  
classified service has been placed in the unclassified service or 62593  
is otherwise unavailable, the person shall be appointed to a 62594  
position in the classified service within the department that the 62595  
director of administrative services certifies is comparable in 62596  
compensation to the position the person previously held in the 62597  
classified service. Service as deputy warden in the position in 62598  
the unclassified service shall be counted as service in the 62599  
position in the classified service that the person held 62600  
immediately preceding the person's appointment as deputy warden to 62601

the position in the unclassified service. A When a person who is 62602  
reinstated to a position in the classified service as provided in 62603  
this section, the person is entitled to all rights and ~~emoluments~~ 62604  
benefits and any status accruing to the position during the time 62605  
of the person's service ~~as deputy warden~~ in the unclassified 62606  
service. 62607

**Sec. 5120.382.** Except as otherwise provided in this chapter 62608  
for appointments by division chiefs and managing officers, the 62609  
director of rehabilitation and correction shall appoint employees 62610  
who are necessary for the efficient conduct of the department of 62611  
rehabilitation and correction and prescribe their titles and 62612  
duties. A person who is appointed to an unclassified position from 62613  
a permanent, classified position in the classified service within 62614  
the department shall ~~serve at the pleasure of the director and~~ 62615  
retain the right to resume the position and status that the person 62616  
held in the classified service immediately prior to the person's 62617  
appointment to the position in the unclassified service, 62618  
regardless of the number of positions the person held in the 62619  
unclassified service. ~~If the person is relieved of the person's~~ 62620  
~~duties for the unclassified position, the director shall reinstate~~ 62621  
~~the person to the~~ An employee's right to resume a position in the 62622  
classified service ~~that the person held immediately prior to the~~ 62623  
~~appointment or to another position that is certified by~~ may be 62624  
exercised only when an appointing authority demotes the employee 62625  
to a pay range lower than the employee's current pay range or 62626  
revokes the employee's appointment to the unclassified service. An 62627  
employee forfeits the right to resume a position in the classified 62628  
service when the employee is removed from the position in the 62629  
unclassified service due to incompetence, inefficiency, 62630  
dishonesty, drunkenness, immoral conduct, insubordination, 62631  
discourteous treatment of the public, neglect of duty, a violation 62632  
of this chapter or the rules of the department or the director, 62633



with approval of the department of administrative services, as 62634  
being any other failure of good behavior, any other acts of 62635  
misfeasance, malfeasance, or nonfeasance in office, or conviction 62636  
of or plea of guilty to a felony. An employee also forfeits the 62637  
right to resume the prior position in the classified service upon 62638  
transfer to a different agency. Reinstatement to a position in the 62639  
classified service shall be to a position substantially equal to 62640  
that prior classified the position in the classified service that 62641  
the person previously held, as certified by the director of 62642  
rehabilitation and correction and approved by the director of 62643  
administrative services. If the position the person previously 62644  
held in the classified service has been placed in the unclassified 62645  
service or is otherwise unavailable, the person shall be appointed 62646  
to a position in the classified service within the department that 62647  
the director of administrative services certifies is comparable in 62648  
compensation to the position the person previously held in the 62649  
classified service. Service in the position in the unclassified 62650  
service pursuant to the appointment shall be counted as service in 62651  
the position in the classified service that the person held 62652  
immediately preceding the person's appointment to the position in 62653  
the unclassified service. A ~~When a person who~~ is reinstated to a 62654  
position in the classified service as provided in this section, 62655  
the person is entitled to all rights and ~~emoluments~~ benefits and 62656  
any status accruing to the position in the classified service 62657  
during the time of the person's service in the position in the 62658  
unclassified service. 62659

**Sec. 5122.31.** (A) All certificates, applications, records, 62660  
and reports made for the purpose of this chapter and sections 62661  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 62662  
Code, other than court journal entries or court docket entries, 62663  
and directly or indirectly identifying a patient or former patient 62664  
or person whose hospitalization or commitment has been sought 62665

under this chapter, shall be kept confidential and shall not be 62666  
disclosed by any person except: 62667

(1) If the person identified, or the person's legal guardian, 62668  
if any, or if the person is a minor, the person's parent or legal 62669  
guardian, consents, and if the disclosure is in the best interests 62670  
of the person, as may be determined by the court for judicial 62671  
records and by the chief clinical officer for medical records; 62672

(2) When disclosure is provided for in this chapter or 62673  
Chapters 340. or 5119. of the Revised Code or in accordance with 62674  
other provisions of state or federal law authorizing such 62675  
disclosure; 62676

(3) That hospitals, boards of alcohol, drug addiction, and 62677  
mental health services, and community mental health services 62678  
providers may release necessary medical information to insurers 62679  
and other third-party payers, including government entities 62680  
responsible for processing and authorizing payment, to obtain 62681  
payment for goods and services furnished to the patient; 62682

(4) Pursuant to a court order signed by a judge; 62683

(5) That a patient shall be granted access to the patient's 62684  
own psychiatric and medical records, unless access specifically is 62685  
restricted in a patient's treatment plan for clear treatment 62686  
reasons; 62687

(6) That hospitals and other institutions and facilities 62688  
within the department of mental health and addiction services may 62689  
exchange psychiatric records and other pertinent information with 62690  
other hospitals, institutions, and facilities of the department, 62691  
and with community mental health services providers and boards of 62692  
alcohol, drug addiction, and mental health services with which the 62693  
department has a current agreement for patient care or services. 62694  
Records and information that may be released pursuant to this 62695

division shall be limited to medication history, physical health 62696  
status and history, financial status, summary of course of 62697  
treatment in the hospital, summary of treatment needs, and a 62698  
discharge summary, if any. 62699

(7) That hospitals within the department and other 62700  
institutions and facilities within the department may exchange 62701  
psychiatric records and other pertinent information with payers 62702  
and other providers of treatment and health services if the 62703  
purpose of the exchange is to facilitate continuity of care for a 62704  
patient or for the emergency treatment of an individual; 62705

(8) That a patient's family member who is involved in the 62706  
provision, planning, and monitoring of services to the patient may 62707  
receive medication information, a summary of the patient's 62708  
diagnosis and prognosis, and a list of the services and personnel 62709  
available to assist the patient and the patient's family, if the 62710  
patient's treating physician determines that the disclosure would 62711  
be in the best interests of the patient. No such disclosure shall 62712  
be made unless the patient is notified first and receives the 62713  
information and does not object to the disclosure. 62714

(9) That community mental health services providers may 62715  
exchange psychiatric records and certain other information with 62716  
the board of alcohol, drug addiction, and mental health services 62717  
and other services providers in order to provide services to a 62718  
person involuntarily committed to a board. Release of records 62719  
under this division shall be limited to medication history, 62720  
physical health status and history, financial status, summary of 62721  
course of treatment, summary of treatment needs, and discharge 62722  
summary, if any. 62723

(10) That information may be disclosed to the executor or the 62724  
administrator of an estate of a deceased patient when the 62725  
information is necessary to administer the estate; 62726

(11) That records in the possession of the Ohio historical society may be released to the closest living relative of a deceased patient upon request of that relative;

(12) That records pertaining to the patient's diagnosis, course of treatment, treatment needs, and prognosis shall be disclosed and released to the appropriate prosecuting attorney if the patient was committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or to the attorney designated by the board for proceedings pursuant to involuntary commitment under this chapter.

(13) That the department of mental health and addiction services may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction and with the department of youth services to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution of the department of rehabilitation and correction or the department of youth services and may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with boards of alcohol, drug addiction, and mental health services and community mental health services providers to ensure continuity of care for inmates or offenders who are receiving mental health services in an institution and are scheduled for release within six months. The department shall not disclose those records unless the inmate or offender is notified, receives the information, and does not object to the disclosure. The release of records under this division is limited to records regarding an inmate's or offender's medication history, physical health status and history, summary of course of treatment, summary of treatment needs, and a discharge summary, if any;

(14) That records and reports relating to a person who has

been deceased for fifty years or more are no longer considered 62759  
confidential. 62760

(B) Before records are disclosed pursuant to divisions 62761  
(A)(3), (6), and (9) of this section, the custodian of the records 62762  
shall attempt to obtain the patient's consent for the disclosure. 62763  
No person shall reveal the contents of a medical record of a 62764  
patient except as authorized by law. 62765

(C) The managing officer of a hospital who releases necessary 62766  
medical information under division (A)(3) of this section to allow 62767  
an insurance carrier or other third party payor to comply with 62768  
section 5121.43 of the Revised Code shall neither be subject to 62769  
criminal nor civil liability. 62770

**Sec. 5122.36.** If the legal residence of a person suffering 62771  
from mental illness is in another county of the state, the 62772  
necessary expense of the person's return is a proper charge 62773  
against the county of legal residence. If an adjudication and 62774  
order of hospitalization by the probate court of the county of 62775  
temporary residence are required, the regular probate court fees 62776  
and expenses incident to the order of hospitalization under this 62777  
chapter and any other expense incurred on the person's behalf 62778  
shall be charged to and paid by the county of the person's legal 62779  
residence upon the approval and certification of the probate judge 62780  
of ~~that~~ the county of the person's legal residence. The ordering 62781  
court shall send to the probate court of the person's county of 62782  
legal residence a certified ~~transcript of all proceedings had in~~ 62783  
copy of the commitment order from the ordering court. The 62784  
receiving court shall enter and record the ~~transcript~~ commitment 62785  
order. The certified ~~transcript~~ commitment order is prima facie 62786  
evidence of the residence of the person. When the residence of the 62787  
person cannot be established as represented by the ordering court, 62788  
the matter of residence shall be referred to the department of 62789

mental health and addiction services for investigation and 62790  
determination. 62791

**Sec. 5123.032.** (A) As used in this section, ~~"developmental:~~ 62792

(1) "Closed" or "closure" means a situation in which either 62793  
of the following occurs: 62794

(a) A developmental center ceases operations; 62795

(b) Control of a developmental center is transferred from the 62796  
department of developmental disabilities to another entity that is 62797  
not a government entity. 62798

(2) "Developmental center" means any institution or facility 62799  
of the department of developmental disabilities that, on or after 62800  
January 30, 2004, is named, designated, or referred to as a 62801  
developmental center. 62802

(B) Notwithstanding any other provision of law, any closure 62803  
of a developmental center shall be subject to, and in accordance 62804  
with, this section. 62805

~~(C) Notwithstanding any other provision of law, at least ten 62806  
days prior to making any official, public announcement that the 62807  
governor intends to close one or more developmental centers, the 62808  
governor shall notify the general assembly in writing that the 62809  
governor intends to close one or more developmental centers. The 62810  
governor shall notify the general assembly in writing of the prior 62811  
announcement and that the governor intends to close the center 62812  
identified in the prior announcement, and the notification to the 62813  
general assembly shall constitute, for purposes of this section, 62814  
the governor's official, public announcement that the governor 62815  
intends to close that center. 62816~~

~~The notice required by this division shall identify by name 62817  
each developmental center that the governor intends to close or, 62818~~

~~if the governor has not determined any specific developmental center to close, shall state the governor's general intent to close one or more developmental centers. When the governor notifies the general assembly as required by this division, the legislative service commission promptly shall conduct an independent study of the developmental centers of the department of developmental disabilities and of the department's operation of the centers, and the study shall address relevant criteria and factors, including, but not limited to, all of the following~~ If the governor determines that one or more developmental centers should be closed, all of the following apply:

(1) For each developmental center, the governor shall notify the general assembly and the department of developmental disabilities of that determination and the rationale for it. If the rationale is expenditure reductions or budget cuts, the notice shall specify the anticipated savings to be obtained through the closure.

(2) Not later than seven days after the governor provides notice under this section, the officials who are to appoint members of the commission under division (D) of this section, shall appoint the members. As soon as possible after the appointments, the commission shall meet and commence deliberations. Not later than thirty days after the governor provides the notice, the commission shall provide to the general assembly, the governor, and the department a report of its recommendation concerning the developmental center. The commission may recommend closure for expenditure reductions or budget cuts only if the anticipated savings to be obtained by the closure are approximately the same as the anticipated savings specified in the governor's notice. If the governor gave notice of the proposed closure of more than one developmental center, the report shall list them in order of the commission's preference for closure.

(3) On receipt of a report that recommends closure of a developmental center, the governor may close the developmental center. Except as otherwise provided in this division, the governor shall not close a developmental center that is not listed in the commission's recommendation, and shall not close multiple developmental centers in any order other than the order of the commission's preference as specified in the recommendation. If the governor determines that it is not feasible to implement the recommendation because there has been a significant change in circumstances, the governor may call for a new commission regarding the developmental center. The new commission shall be created and function in accordance with this section.

(D) Each developmental center closure commission shall consist of thirteen members. Three members shall be members of the house of representatives, two of whom are members of the majority political party in the house of representatives appointed by the speaker of the house of representatives and one of whom is a member of the minority political party in the house of representatives appointed by the minority leader of the house of representatives. Three members shall be members of the senate, two of whom are members of the majority political party in the senate appointed by the president of the senate and one of whom is a member of the minority political party in the senate appointed by the minority leader of the senate. One member shall be the director of budget and management. One member shall be the director of developmental disabilities. Four members shall be persons with experience in the work of the department of developmental disabilities, with one of these members appointed by the speaker of the house of representatives, one by the minority leader of the house of representatives, one by the president of the senate, and one by the minority leader of the senate. One member shall be a representative of the employees' association representing the largest number of employees of the department, as



certified by the director of developmental disabilities, with that member being appointed by the president of the association. At the commission's first meeting, the members shall organize and appoint a chairperson and vice-chairperson. The members shall serve without compensation. 62884  
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(E) In making its determination of whether a developmental center should close, the commission shall consider the following factors and any other factors it considers appropriate: 62889  
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~~(1) The manner in which the closure of developmental centers in general would affect the safety, health, well being, and lifestyle of the centers' residents and their family members and would affect public safety and, if the governor's notice identifies by name one or more developmental centers that the governor intends to close, the manner in which the closure of each center so identified would affect the safety, health, well being, and lifestyle of the center's residents and their family members and would affect public safety~~ Whether there is a need to reduce the number of developmental centers; 62892  
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(2) The availability of alternate facilities; 62902

~~(3) The cost effectiveness of the facilities identified for closure~~ developmental center; 62903  
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~~(4) A comparison of the cost of residing at a facility identified for closure and the cost of new living arrangements~~ The opportunities for, and barriers to, transitioning staff of the center to other appropriate employment; 62905  
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(5) The geographic factors associated with each facility the center and its proximity to other similar facilities; 62909  
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~~(6) The impact of collective bargaining on facility operations;~~ 62911  
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~~(7) The utilization and maximization of resources;~~ 62913

~~(8)(7)~~ Continuity of the staff and ability to serve the facility center's population; 62914  
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~~(9)(8)~~ Continuing costs following closure of a ~~facility~~ the center; 62916  
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~~(10)(9)~~ The impact of the closure on the local economy; 62918

~~(11)(10)~~ Alternatives and opportunities for consolidation with other centers or facilities; 62919  
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~~(12)~~ How the closing of a facility identified for closure relates to the department's plans for the future of developmental centers in this state; 62921  
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~~(13)~~ The effect of the closure of developmental centers in general upon the state's fiscal resources and fiscal status and, if the governor's notice identifies by name one or more developmental centers that the governor intends to close, the effect of the closure of each center so identified upon the state's fiscal resources and fiscal status. 62924  
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~~(D)~~ The legislative service commission shall complete the study required by division (C) of this section, and prepare a report that contains its findings, not later than sixty days after the governor makes the official, public announcement that the governor intends to close one or more developmental centers as described in division (C) of this section. The commission shall provide a copy of the report to each member of the general assembly who requests a copy of the report and for collaboration with other state agencies and political subdivisions. 62930  
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(F) The commission shall meet as often as necessary to make its determination and may take testimony and consider all relevant information. 62939  
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On providing its report, the commission shall cease to exist, provided that another commission shall be created if the governor 62942  
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calls for a new commission pursuant to division (D) of this 62944  
section or the governor provides another notice of closure under 62945  
division (C)(1) of this section. 62946

**Sec. 5123.033.** The program fee fund is hereby created in the 62947  
state treasury. All fees collected pursuant to sections 5123.161, 62948  
5123.164, and 5123.19 of the Revised Code shall be credited to the 62949  
fund. Money credited to the fund shall be used solely for the 62950  
department of developmental disabilities' duties under sections 62951  
5123.16 to ~~5123.1610~~, 5123.1611 and 5123.19 of the Revised Code 62952  
and to provide continuing education and professional training to 62953  
providers of services to individuals with mental retardation or a 62954  
developmental disability. If the money credited to the fund is 62955  
inadequate to pay all of the department's costs in performing 62956  
those duties and providing the continuing education and 62957  
professional training, the department may use other available 62958  
funds appropriated to the department to pay the remaining costs of 62959  
performing those duties and providing the continuing education and 62960  
professional training. 62961

**Sec. 5123.16.** (A) As used in sections 5123.16 to ~~5123.1610~~ 62962  
5123.1611 of the Revised Code: 62963

(1) "Applicant" means any of the following: 62964

(a) The chief executive officer of a business that applies 62965  
under section 5123.161 of the Revised Code for a certificate to 62966  
provide supported living; 62967

(b) The chief executive officer of a business that seeks 62968  
renewal of the business's supported living certificate under 62969  
section 5123.164 of the Revised Code; 62970

(c) An individual who applies under section 5123.161 of the 62971  
Revised Code for a certificate to provide supported living as an 62972  
independent provider; 62973

(d) An independent provider who seeks renewal of the independent provider's supported living certificate under section 5123.164 of the Revised Code.	62974 62975 62976
(2) "Business" means an association, corporation, nonprofit organization, partnership, trust, or other group of persons. "Business" does not mean an independent provider.	62977 62978 62979
(3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	62980 62981
(4) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	62982 62983 62984
(5) "Independent provider" means a provider who provides supported living on a self-employed basis and does not employ, directly or through contract, another person to provide the supported living.	62985 62986 62987 62988
(6) "Provider" means a person or government entity certified by the director of developmental disabilities to provide supported living. For the purpose of division (A)(8) of this section, "provider" includes a person or government entity that seeks or previously held a certificate to provide supported living.	62989 62990 62991 62992 62993
(7) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	62994 62995
(8) "Related party" means any of the following:	62996
(a) In the case of a provider who is an individual, any of the following:	62997 62998
(i) The spouse of the provider;	62999
(ii) A parent or stepparent of the provider or provider's spouse;	63000 63001
(iii) A child of the provider or provider's spouse;	63002

(iv) A sibling, half sibling, or stepsibling of the provider	63003
or provider's spouse;	63004
(v) A grandparent of the provider or provider's spouse;	63005
(vi) A grandchild of the provider or provider's spouse.	63006
(b) In the case of a provider that is a person other than an	63007
individual, any of the following:	63008
(i) Any person or government entity that directly or	63009
indirectly controls the provider's day-to-day operations	63010
(including as a general manager, business manager, financial	63011
manager, administrator, or director), regardless of whether the	63012
person or government entity exercises the control pursuant to a	63013
contract or other arrangement and regardless of whether the person	63014
or government entity is required to file an Internal Revenue Code	63015
form W-2 for the provider;	63016
(ii) An officer of the provider, including the chief	63017
executive officer, president, vice-president, secretary, and	63018
treasurer;	63019
(iii) A member of the provider's board of directors or	63020
trustees;	63021
(iv) A person owning a financial interest of five per cent or	63022
more in the provider, including a direct, indirect, security, or	63023
mortgage financial interest;	63024
(v) The spouse, parent, stepparent, child, sibling, half	63025
sibling, stepsibling, grandparent, or grandchild of any of the	63026
persons specified in divisions (A)(8)(b)(i) to (iv) of this	63027
section;	63028
(vi) A person over which the provider has control of the	63029
day-to-day operation;	63030
(vii) A corporation that has a subsidiary relationship with	63031
the provider.	63032

(c) In the case of a provider that is a government entity, 63033  
any of the following: 63034

(i) Any person or government entity that directly or 63035  
indirectly controls the provider's day-to-day operations 63036  
(including as a general manager, financial manager, administrator, 63037  
or director), regardless of whether the person or government 63038  
entity exercises the control pursuant to a contract or other 63039  
arrangement; 63040

(ii) An officer of the provider; 63041

(iii) A member of the provider's governing board; 63042

(iv) A person or government entity over which the provider 63043  
has control of the day-to-day operation. 63044

(B) No person or government entity may provide supported 63045  
living without a valid supported living certificate issued by the 63046  
director of developmental disabilities. 63047

(C) A county board of developmental disabilities may provide 63048  
supported living only to the extent permitted by rules adopted 63049  
under section ~~5123.1610~~ 5123.1611 of the Revised Code. 63050

**Sec. 5123.161.** A person or government entity that seeks to 63051  
provide supported living shall apply to the director of 63052  
developmental disabilities for a supported living certificate. 63053

Except as provided in sections 5123.166 and 5123.169 of the 63054  
Revised Code, the director shall issue to the person or government 63055  
entity a supported living certificate if the person or government 63056  
entity follows the application process established in rules 63057  
adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code, 63058  
meets the applicable certification standards established in those 63059  
rules, and pays the certification fee established in those rules. 63060

**Sec. 5123.162.** (A) The director of developmental disabilities 63061

may conduct surveys of persons and government entities that seek a supported living certificate to determine whether the persons and government entities meet the certification standards. The director may also conduct surveys of providers to determine whether the providers continue to meet the certification standards. The director may assign to a county board of developmental disabilities the responsibility to conduct either type of survey. Each survey shall be conducted in accordance with rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code.

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(B) Following each survey of a provider, the director shall issue a report listing the date of the survey, any citations issued as a result of the survey, and the statutes or rules that purportedly have been violated and are the bases of the citations. The director shall also do both of the following:

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(1) Specify a date by which the provider may appeal any of the citations;

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(2) When appropriate, specify a timetable within which the provider must submit a plan of correction describing how the problems specified in the citations will be corrected and the date by which the provider anticipates the problems will be corrected.

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(C) If the director initiates a proceeding to revoke a provider's certification, the director shall include the report required by division (B) of this section with the notice of the proposed revocation the director sends to the provider. In this circumstance, the provider may not submit a plan of correction.

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(D) After a plan of correction is submitted, the director shall approve or disapprove the plan. If the plan of correction is approved, a copy of the approved plan shall be provided, not later than five business days after it is approved, to any person or government entity that requests it and made available on the

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internet web site maintained by the department of developmental 63093  
disabilities. If the plan of correction is not approved and the 63094  
director initiates a proceeding to revoke the provider's 63095  
certification, a copy of the survey report shall be provided to 63096  
any person or government entity that requests it and shall be made 63097  
available on the internet web site maintained by the department. 63098

(E) In addition to survey reports described in this section, 63099  
all other records associated with surveys conducted under this 63100  
section are public records for the purpose of section 149.43 of 63101  
the Revised Code and shall be made available on the request of any 63102  
person or government entity. 63103

**Sec. 5123.163.** A supported living certificate is valid for a 63104  
period of time established in rules adopted under section 63105  
~~5123.1610~~ 5123.1611 of the Revised Code, unless any of the 63106  
following occur before the end of that period of time: 63107

(A) The director of developmental disabilities issues an 63108  
order requiring that action be taken against the certificate 63109  
holder under section 5123.166 of the Revised Code. 63110

(B) The director issues an order terminating the certificate 63111  
under section 5123.168 of the Revised Code. 63112

(C) The certificate holder voluntarily surrenders the 63113  
certificate to the director. 63114

**Sec. 5123.164.** Except as provided in sections 5123.166 and 63115  
5123.169 of the Revised Code, the director of developmental 63116  
disabilities shall renew a supported living certificate if the 63117  
certificate holder follows the renewal process established in 63118  
rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised 63119  
Code, continues to meet the applicable certification standards 63120  
established in those rules, and pays the renewal fee established 63121  
in those rules. 63122



**Sec. 5123.166.** (A) If good cause exists as specified in 63123  
division (B) of this section and determined in accordance with 63124  
procedures established in rules adopted under section ~~5123.1610~~ 63125  
5123.1611 of the Revised Code, the director of developmental 63126  
disabilities may issue an adjudication order requiring that one of 63127  
the following actions be taken against a person or government 63128  
entity seeking or holding a supported living certificate: 63129

(1) Refusal to issue or renew a supported living certificate; 63130

(2) Revocation of a supported living certificate; 63131

(3) Suspension of a supported living certificate holder's 63132  
authority to do either or both of the following: 63133

(a) Continue to provide supported living to one or more 63134  
individuals from one or more counties who receive supported living 63135  
from the certificate holder at the time the director takes the 63136  
action; 63137

(b) Begin to provide supported living to one or more 63138  
individuals from one or more counties who do not receive supported 63139  
living from the certificate holder at the time the director takes 63140  
the action. 63141

(B) The following constitute good cause for taking action 63142  
under division (A) of this section against a person or government 63143  
entity seeking or holding a supported living certificate: 63144

(1) The person or government entity's failure to meet or 63145  
continue to meet the applicable certification standards 63146  
established in rules adopted under section ~~5123.1610~~ 5123.1611 of 63147  
the Revised Code; 63148

(2) The person or government entity violates section 5123.165 63149  
of the Revised Code; 63150

(3) The person or government entity's failure to satisfy the 63151  
requirements of section 5123.081 or 5123.52 of the Revised Code; 63152

(4) Misfeasance;	63153
(5) Malfeasance;	63154
(6) Nonfeasance;	63155
(7) Confirmed abuse or neglect;	63156
(8) Financial irresponsibility;	63157
(9) Other conduct the director determines is or would be injurious to individuals who receive or would receive supported living from the person or government entity.	63158 63159 63160
(C) Except as provided in division (D) of this section, the director shall issue an adjudication order under division (A) of this section in accordance with Chapter 119. of the Revised Code.	63161 63162 63163
(D)(1) The director may issue an order requiring that action specified in division (A)(3) of this section be taken before a provider is provided notice and an opportunity for a hearing if all of the following are the case:	63164 63165 63166 63167
(a) The director determines such action is warranted by the provider's failure to continue to meet the applicable certification standards;	63168 63169 63170
(b) The director determines that the failure either represents a pattern of serious noncompliance or creates a substantial risk to the health or safety of an individual who receives or would receive supported living from the provider;	63171 63172 63173 63174
(c) If the order will suspend the provider's authority to continue to provide supported living to an individual who receives supported living from the provider at the time the director issues the order, both of the following are the case:	63175 63176 63177 63178
(i) The director makes the individual, or the individual's guardian, aware of the director's determination under division (D)(1)(b) of this section and the individual or guardian does not select another provider.	63179 63180 63181 63182

(ii) A county board of developmental disabilities has filed a complaint with a probate court under section 5126.33 of the Revised Code that includes facts describing the nature of abuse or neglect that the individual has suffered due to the provider's actions that are the basis for the director making the determination under division (D)(1)(b) of this section and the probate court does not issue an order authorizing the county board to arrange services for the individual pursuant to an individualized service plan developed for the individual under section 5126.31 of the Revised Code.

(2) If the director issues an order under division (D)(1) of this section, sections 119.091 to 119.13 of the Revised Code and all of the following apply:

(a) The director shall send the provider notice of the order by registered mail, return receipt requested, not later than twenty-four hours after issuing the order and shall include in the notice the reasons for the order, the citation to the law or rule directly involved, and a statement that the provider will be afforded a hearing if the provider requests it within ten days of the time of receiving the notice.

(b) If the provider requests a hearing within the required time and the provider has provided the director the provider's current address, the director shall immediately set, and notify the provider of, the date, time, and place for the hearing.

(c) The date of the hearing shall be not later than thirty days after the director receives the provider's timely request for the hearing.

(d) The hearing shall be conducted in accordance with section 119.09 of the Revised Code, except for all of the following:

(i) The hearing shall continue uninterrupted until its close, except for weekends, legal holidays, and other interruptions the

provider and director agree to. 63214

(ii) If the director appoints a referee or examiner to 63215  
conduct the hearing, the referee or examiner, not later than ten 63216  
days after the date the referee or examiner receives a transcript 63217  
of the testimony and evidence presented at the hearing or, if the 63218  
referee or examiner does not receive the transcript or no such 63219  
transcript is made, the date that the referee or examiner closes 63220  
the record of the hearing, shall submit to the director a written 63221  
report setting forth the referee or examiner's findings of fact 63222  
and conclusions of law and a recommendation of the action the 63223  
director should take. 63224

(iii) The provider may, not later than five days after the 63225  
date the director, in accordance with section 119.09 of the 63226  
Revised Code, sends the provider or the provider's attorney or 63227  
other representative of record a copy of the referee or examiner's 63228  
report and recommendation, file with the director written 63229  
objections to the report and recommendation. 63230

(iv) The director shall approve, modify, or disapprove the 63231  
referee or examiner's report and recommendation not earlier than 63232  
six days, and not later than fifteen days, after the date the 63233  
director, in accordance with section 119.09 of the Revised Code, 63234  
sends a copy of the report and recommendation to the provider or 63235  
the provider's attorney or other representative of record. 63236

(3) The director may lift an order issued under division 63237  
(D)(1) of this section even though a hearing regarding the order 63238  
is occurring or pending if the director determines that the 63239  
provider has taken action eliminating the good cause for issuing 63240  
the order. The hearing shall proceed unless the provider withdraws 63241  
the request for the hearing in a written letter to the director. 63242

(4) The director shall lift an order issued under division 63243  
(D)(1) of this section if both of the following are the case: 63244

(a) The provider provides the director a plan of compliance 63245  
the director determines is acceptable. 63246

(b) The director determines that the provider has implemented 63247  
the plan of compliance correctly. 63248

**Sec. 5123.167.** If the director of developmental disabilities 63249  
issues an adjudication order under section 5123.166 of the Revised 63250  
Code refusing to issue a supported living certificate to a person 63251  
or government entity ~~or, refusing~~ to renew a person or government 63252  
entity's supported living certificate, or revoking the person or 63253  
government entity's supported living certificate, neither the 63254  
person or government entity nor a related party of the person or 63255  
government entity may apply for another supported living 63256  
certificate earlier than the date that is ~~one year~~ five years 63257  
after the date the order is issued. If a person or government 63258  
entity's authority to provide medicaid-funded supported living is 63259  
revoked or renewal of the authority is refused pursuant to section 63260  
5123.1610 of the Revised Code, neither the person or government 63261  
entity nor a related party of the person or government entity may 63262  
apply for authority to provide medicaid-funded supported living 63263  
again earlier than the date this is five years after the date the 63264  
authority is revoked or expired. 63265

~~If the director issues an adjudication order under that~~ 63266  
~~section revoking a person or government entity's supported living~~ 63267  
~~certificate, neither the person or government entity nor a related~~ 63268  
~~party of the person or government entity may apply for another~~ 63269  
~~supported living certificate earlier than the date that is five~~ 63270  
~~years after the date the order is issued.~~ 63271

**Sec. 5123.169.** (A) The director of developmental disabilities 63272  
shall not issue a supported living certificate to an applicant or 63273  
renew an applicant's supported living certificate if either of the 63274

following applies: 63275

(1) The applicant fails to comply with division (C)(2) of 63276  
this section; 63277

(2) Except as provided in rules adopted under section 63278  
~~5123.1610~~ 5123.1611 of the Revised Code, the applicant is found by 63279  
a criminal records check required by this section to have been 63280  
convicted of, pleaded guilty to, or been found eligible for 63281  
intervention in lieu of conviction for a disqualifying offense. 63282

(B) Before issuing a supported living certificate to an 63283  
applicant or renewing an applicant's supported living certificate, 63284  
the director shall require the applicant to submit a statement 63285  
with the applicant's signature attesting that the applicant has 63286  
not been convicted of, pleaded guilty to, or been found eligible 63287  
for intervention in lieu of conviction for a disqualifying 63288  
offense. The director also shall require the applicant to sign an 63289  
agreement under which the applicant agrees to notify the director 63290  
within fourteen calendar days if, while holding a supported living 63291  
certificate, the applicant is formally charged with, is convicted 63292  
of, pleads guilty to, or is found eligible for intervention in 63293  
lieu of conviction for a disqualifying offense. The agreement 63294  
shall provide that the applicant's failure to provide the 63295  
notification may result in action being taken by the director 63296  
against the applicant under section 5123.166 of the Revised Code. 63297

(C)(1) As a condition of receiving a supported living 63298  
certificate or having a supported living certificate renewed, an 63299  
applicant shall request the superintendent of the bureau of 63300  
criminal identification and investigation to conduct a criminal 63301  
records check of the applicant. If an applicant does not present 63302  
proof to the director that the applicant has been a resident of 63303  
this state for the five-year period immediately prior to the date 63304  
that the applicant applies for issuance or renewal of the 63305

supported living certificate, the director shall require the 63306  
applicant to request that the superintendent obtain information 63307  
from the federal bureau of investigation as a part of the criminal 63308  
records check. If the applicant presents proof to the director 63309  
that the applicant has been a resident of this state for that 63310  
five-year period, the director may require the applicant to 63311  
request that the superintendent include information from the 63312  
federal bureau of investigation in the criminal records check. For 63313  
purposes of this division, an applicant may provide proof of 63314  
residency in this state by presenting, with a notarized statement 63315  
asserting that the applicant has been a resident of this state for 63316  
that five-year period, a valid driver's license, notification of 63317  
registration as an elector, a copy of an officially filed federal 63318  
or state tax form identifying the applicant's permanent residence, 63319  
or any other document the director considers acceptable. 63320

(2) Each applicant shall do all of the following: 63321

(a) Obtain a copy of the form prescribed pursuant to division 63322  
(C)(1) of section 109.572 of the Revised Code and a standard 63323  
impression sheet prescribed pursuant to division (C)(2) of section 63324  
109.572 of the Revised Code; 63325

(b) Complete the form and provide the applicant's fingerprint 63326  
impressions on the standard impression sheet; 63327

(c) Forward the completed form and standard impression sheet 63328  
to the superintendent at the time the criminal records check is 63329  
requested; 63330

(d) Instruct the superintendent to submit the completed 63331  
report of the criminal records check directly to the director; 63332

(e) Pay to the bureau of criminal identification and 63333  
investigation the fee prescribed pursuant to division (C)(3) of 63334  
section 109.572 of the Revised Code for each criminal records 63335  
check of the applicant requested and conducted pursuant to this 63336

section. 63337

(D) The director may request any other state or federal 63338  
agency to supply the director with a written report regarding the 63339  
criminal record of an applicant. The director may consider the 63340  
reports when determining whether to issue a supported living 63341  
certificate to the applicant or to renew an applicant's supported 63342  
living certificate. 63343

(E) An applicant who seeks to be an independent provider or 63344  
is an independent provider seeking renewal of the applicant's 63345  
supported living certificate shall obtain the applicant's driving 63346  
record from the bureau of motor vehicles and provide a copy of the 63347  
record to the director if the supported living that the applicant 63348  
will provide involves transporting individuals with mental 63349  
retardation or developmental disabilities. The director may 63350  
consider the applicant's driving record when determining whether 63351  
to issue the applicant a supported living certificate or to renew 63352  
the applicant's supported living certificate. 63353

(F)(1) A report obtained pursuant to this section is not a 63354  
public record for purposes of section 149.43 of the Revised Code 63355  
and shall not be made available to any person, other than the 63356  
following: 63357

(a) The applicant who is the subject of the report or the 63358  
applicant's representative; 63359

(b) The director or the director's representative; 63360

(c) Any court, hearing officer, or other necessary individual 63361  
involved in a case dealing with any of the following: 63362

(i) The denial of a supported living certificate or refusal 63363  
to renew a supported living certificate; 63364

(ii) The denial, suspension, or revocation of a certificate 63365  
under section 5123.45 of the Revised Code; 63366



(iii) A civil or criminal action regarding the medicaid program. 63367  
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(2) An applicant for whom the director has obtained reports under this section may submit a written request to the director to have copies of the reports sent to any person or state or local government entity. The applicant shall specify in the request the person or entities to which the copies are to be sent. On receiving the request, the director shall send copies of the reports to the persons or entities specified. 63369  
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(3) The director may request that a person or state or local government entity send copies to the director of any report regarding a records check or criminal records check that the person or entity possesses, if the director obtains the written consent of the individual who is the subject of the report. 63376  
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(4) The director shall provide each applicant with a copy of any report obtained about the applicant under this section. 63381  
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Sec. 5123.1610. (A) Both of the following apply if the department of medicaid, pursuant to section 5164.38 of the Revised Code, terminates or refuses to revalidate a provider agreement that authorizes a person or government entity to provide supported living under the medicaid program: 63383  
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(1) In the case of a terminated provider agreement, the person or government entity's authority to provide medicaid-funded supported living under a supported living certificate is automatically revoked on the date that the provider agreement is terminated. 63388  
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(2) In the case of a provider agreement that expires because the department of medicaid refuses to revalidate it, the person or government entity's authority to provide medicaid-funded supported living under a supported living certificate is automatically 63393  
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revoked on the date that the provider agreement expires, unless 63397  
the expiration date of the provider agreement is the same as the 63398  
expiration date of the supported living certificate, in which case 63399  
the director of developmental disabilities shall refuse to renew 63400  
the person or government entity's authority to provide 63401  
medicaid-funded supported living under the certificate. 63402

(B) The director of developmental disabilities is not 63403  
required to issue an adjudication order in accordance with Chapter 63404  
119. of the Revised Code to do either of the following pursuant to 63405  
this section: 63406

(1) Revoke a person or government entity's authority to 63407  
provide medicaid-funded supported living; 63408

(2) Refuse to renew a person or government entity's authority 63409  
to provide medicaid-funded supported living. 63410

(C) This section does not affect a person or government 63411  
entity's authority to provide nonmedicaid-funded supported living 63412  
under a supported living certificate. 63413

**Sec. ~~5123.1610~~ 5123.1611.** The director of developmental 63414  
disabilities shall adopt rules under Chapter 119. of the Revised 63415  
Code establishing all of the following: 63416

(A) The extent to which a county board of developmental 63417  
disabilities may provide supported living; 63418

(B) The application process for obtaining a supported living 63419  
certificate under section 5123.161 of the Revised Code; 63420

(C) The certification standards a person or government entity 63421  
must meet to obtain a supported living certificate to provide 63422  
supported living; 63423

(D) The certification fee for a supported living certificate, 63424  
which shall be deposited into the program fee fund created under 63425  
section 5123.033 of the Revised Code; 63426

(E) The period of time a supported living certificate is valid;	63427 63428
(F) The process for renewing a supported living certificate under section 5123.164 of the Revised Code;	63429 63430
(G) The renewal fee for a supported living certificate, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;	63431 63432 63433
(H) Procedures for conducting surveys under section 5123.162 of the Revised Code;	63434 63435
(I) Procedures for determining whether there is good cause to take action under section 5123.166 of the Revised Code against a person or government entity seeking or holding a supported living certificate;	63436 63437 63438 63439
(J) Circumstances under which the director may issue a supported living certificate to an applicant or renew an applicant's supported living certificate if the applicant is found by a criminal records check required by section 5123.169 of the Revised Code to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets standards in regard to rehabilitation set by the director.	63440 63441 63442 63443 63444 63445 63446 63447
<b>Sec. 5123.19.</b> (A) As used in sections 5123.19 to 5123.20 of the Revised Code:	63448 63449
(1) "Independent living arrangement" means an arrangement in which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any	63450 63451 63452 63453 63454 63455 63456

governmental agency by a provider of residential services. 63457

(2) "Licensee" means the person or government agency that has 63458  
applied for a license to operate a residential facility and to 63459  
which the license was issued under this section. 63460

(3) "Political subdivision" means a municipal corporation, 63461  
county, or township. 63462

(4) "Related party" has the same meaning as in section 63463  
5123.16 of the Revised Code except that "provider" as used in the 63464  
definition of "related party" means a person or government entity 63465  
that held or applied for a license to operate a residential 63466  
facility, rather than a person or government entity certified to 63467  
provide supported living. 63468

(5)(a) Except as provided in division (A)(5)(b) of this 63469  
section, "residential facility" means a home or facility, 63470  
including an ICF/IID, in which an individual with mental 63471  
retardation or a developmental disability resides. 63472

(b) "Residential facility" does not mean any of the 63473  
following: 63474

(i) The home of a relative or legal guardian in which an 63475  
individual with mental retardation or a developmental disability 63476  
resides; 63477

(ii) A respite care home certified under section 5126.05 of 63478  
the Revised Code; 63479

(iii) A county home or district home operated pursuant to 63480  
Chapter 5155. of the Revised Code; 63481

(iv) A dwelling in which the only residents with mental 63482  
retardation or developmental disabilities are in independent 63483  
living arrangements or are being provided supported living. 63484

(B) Every person or government agency desiring to operate a 63485  
residential facility shall apply for licensure of the facility to 63486

the director of developmental disabilities unless the residential 63487  
facility is subject to section 3721.02, 5103.03, 5119.33, or 63488  
division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised 63489  
Code. 63490

(C) Subject to section 5123.196 of the Revised Code, the 63491  
director of developmental disabilities shall license the operation 63492  
of residential facilities. An initial license shall be issued for 63493  
a period that does not exceed one year, unless the director denies 63494  
the license under division (D) of this section. A license shall be 63495  
renewed for a period that does not exceed three years, unless the 63496  
director refuses to renew the license under division (D) of this 63497  
section. The director, when issuing or renewing a license, shall 63498  
specify the period for which the license is being issued or 63499  
renewed. A license remains valid for the length of the licensing 63500  
period specified by the director, unless the license is 63501  
terminated, revoked, or voluntarily surrendered. 63502

(D) If it is determined that an applicant or licensee is not 63503  
in compliance with a provision of this chapter that applies to 63504  
residential facilities or the rules adopted under such a 63505  
provision, the director may deny issuance of a license, refuse to 63506  
renew a license, terminate a license, revoke a license, issue an 63507  
order for the suspension of admissions to a facility, issue an 63508  
order for the placement of a monitor at a facility, issue an order 63509  
for the immediate removal of residents, or take any other action 63510  
the director considers necessary consistent with the director's 63511  
authority under this chapter regarding residential facilities. In 63512  
the director's selection and administration of the sanction to be 63513  
imposed, all of the following apply: 63514

(1) The director may deny, refuse to renew, or revoke a 63515  
license, if the director determines that the applicant or licensee 63516  
has demonstrated a pattern of serious noncompliance or that a 63517  
violation creates a substantial risk to the health and safety of 63518

residents of a residential facility. 63519

(2) The director may terminate a license if more than twelve 63520  
consecutive months have elapsed since the residential facility was 63521  
last occupied by a resident or a notice required by division 63522  
~~(K)~~(J) of this section is not given. 63523

(3) The director may issue an order for the suspension of 63524  
admissions to a facility for any violation that may result in 63525  
sanctions under division (D)(1) of this section and for any other 63526  
violation specified in rules adopted under division ~~(H)~~(G)(2) of 63527  
this section. If the suspension of admissions is imposed for a 63528  
violation that may result in sanctions under division (D)(1) of 63529  
this section, the director may impose the suspension before 63530  
providing an opportunity for an adjudication under Chapter 119. of 63531  
the Revised Code. The director shall lift an order for the 63532  
suspension of admissions when the director determines that the 63533  
violation that formed the basis for the order has been corrected. 63534

(4) The director may order the placement of a monitor at a 63535  
residential facility for any violation specified in rules adopted 63536  
under division ~~(H)~~(G)(2) of this section. The director shall lift 63537  
the order when the director determines that the violation that 63538  
formed the basis for the order has been corrected. 63539

~~(5) If the director determines that two or more residential 63540  
facilities owned or operated by the same person or government 63541  
entity are not being operated in compliance with a provision of 63542  
this chapter that applies to residential facilities or the rules 63543  
adopted under such a provision, and the director's findings are 63544  
based on the same or a substantially similar action, practice, 63545  
circumstance, or incident that creates a substantial risk to the 63546  
health and safety of the residents, the director shall conduct a 63547  
survey as soon as practicable at each residential facility owned 63548  
or operated by that person or government entity. The director may 63549  
take any action authorized by this section with respect to any 63550~~

~~facility found to be operating in violation of a provision of this chapter that applies to residential facilities or the rules adopted under such a provision.~~

~~(6)~~ When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also send a copy of the letter to the county board of developmental disabilities. The Except in the case of a licensee that is an ICF/IID, the county board shall send a copy of the letter to each of the following:

(a) Each resident who receives services from the licensee;

(b) The guardian of each resident who receives services from the licensee if the resident has a guardian;

(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor.

~~(7)~~(6) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents.

~~(8)~~(7) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of developmental disabilities or other governmental agencies.

~~(9)(8)~~ In proceedings initiated to deny, refuse to renew, or 63582  
revoke licenses, the director may deny, refuse to renew, or revoke 63583  
a license regardless of whether some or all of the deficiencies 63584  
that prompted the proceedings have been corrected at the time of 63585  
the hearing. 63586

~~(E) The director shall establish a program under which public 63587  
notification may be made when the director has initiated license 63588  
revocation proceedings or has issued an order for the suspension 63589  
of admissions, placement of a monitor, or removal of residents. 63590  
The director shall adopt rules in accordance with Chapter 119. of 63591  
the Revised Code to implement this division. The rules shall 63592  
establish the procedures by which the public notification will be 63593  
made and specify the circumstances for which the notification must 63594  
be made. The rules shall require that public notification be made 63595  
if the director has taken action against the facility in the 63596  
eighteen month period immediately preceding the director's latest 63597  
action against the facility and the latest action is being taken 63598  
for the same or a substantially similar violation of a provision 63599  
of this chapter that applies to residential facilities or the 63600  
rules adopted under such a provision. The rules shall specify a 63601  
method for removing or amending the public notification if the 63602  
director's action is found to have been unjustified or the 63603  
violation at the residential facility has been corrected. 63604~~

~~(F)(1)~~ Except as provided in division ~~(F)(E)(2)~~ of this 63605  
section, appeals from proceedings initiated to impose a sanction 63606  
under division (D) of this section shall be conducted in 63607  
accordance with Chapter 119. of the Revised Code. 63608

(2) Appeals from proceedings initiated to order the 63609  
suspension of admissions to a facility shall be conducted in 63610  
accordance with Chapter 119. of the Revised Code, unless the order 63611  
was issued before providing an opportunity for an adjudication, in 63612  
which case all of the following apply: 63613



(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed.

(f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations.

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the director

shall lift the order for the suspension of admissions when the 63644  
director determines that the violation that formed the basis for 63645  
the order has been corrected. 63646

~~(G)~~(F) Neither a person or government agency whose 63647  
application for a license to operate a residential facility is 63648  
denied nor a related party of the person or government agency may 63649  
apply for a license to operate a residential facility before the 63650  
date that is ~~one year~~ five years after the date of the denial. 63651  
Neither a licensee whose residential facility license is revoked 63652  
nor a related party of the licensee may apply for a residential 63653  
facility license before the date that is five years after the date 63654  
of the revocation. 63655

~~(H)~~(G) In accordance with Chapter 119. of the Revised Code, 63656  
the director shall adopt and may amend and rescind rules for 63657  
licensing and regulating the operation of residential facilities. 63658  
The rules for residential facilities that are ICFs/IID may differ 63659  
from those for other residential facilities. The rules shall 63660  
establish and specify the following: 63661

(1) Procedures and criteria for issuing and renewing 63662  
licenses, including procedures and criteria for determining the 63663  
length of the licensing period that the director must specify for 63664  
each license when it is issued or renewed; 63665

(2) Procedures and criteria for denying, refusing to renew, 63666  
terminating, and revoking licenses and for ordering the suspension 63667  
of admissions to a facility, placement of a monitor at a facility, 63668  
and the immediate removal of residents from a facility; 63669

(3) Fees for issuing and renewing licenses, which shall be 63670  
deposited into the program fee fund created under section 5123.033 63671  
of the Revised Code; 63672

(4) Procedures for surveying residential facilities; 63673

~~(5) Requirements for the training of residential facility~~ 63674

<del>personnel;</del>	63675
<del>(6) Classifications for the various types of residential facilities;</del>	63676 63677
<del>(7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;</del>	63678 63679 63680 63681
<del>(8)(6) The maximum number of persons who may be served in a particular type of residential facility;</del>	63682 63683
<del>(9)(7) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;</del>	63684 63685
<del>(10)(8) Other standards for the operation of residential facilities and the services provided at residential facilities;</del>	63686 63687
<del>(11)(9) Procedures for waiving any provision of any rule adopted under this section.</del>	63688 63689
<del>(I)(H)(1) Before issuing a license, the director shall conduct a survey of the residential facility for which application is made. The director shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there. The director may assign to a county board of developmental disabilities <u>or the department of health</u> the responsibility to conduct any survey or inspection under this section.</del>	63690 63691 63692 63693 63694 63695 63696 63697 63698 63699 63700
(2) In conducting surveys, the director shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf	63701 63702 63703 63704

of, under the control of, or in connection with the licensee. The 63705  
licensee and all persons on behalf of, under the control of, or in 63706  
connection with the licensee shall cooperate with the director in 63707  
conducting the survey. 63708

(3) Following each survey, the director shall provide the 63709  
licensee with a report listing the date of the survey, any 63710  
citations issued as a result of the survey, and the statutes or 63711  
rules that purportedly have been violated and are the bases of the 63712  
citations. The director shall also do both of the following: 63713

(a) Specify a date by which the licensee may appeal any of 63714  
the citations; 63715

(b) When appropriate, specify a timetable within which the 63716  
licensee must submit a plan of correction describing how the 63717  
problems specified in the citations will be corrected and, the 63718  
date by which the licensee anticipates the problems will be 63719  
corrected. 63720

(4) If the director initiates a proceeding to revoke a 63721  
license, the director shall include the report required by 63722  
division ~~(I)~~(H)(3) of this section with the notice of the proposed 63723  
revocation the director sends to the licensee. In this 63724  
circumstance, the licensee may not submit a plan of correction. 63725

(5) After a plan of correction is submitted, the director 63726  
shall approve or disapprove the plan. If the plan of correction is 63727  
approved, a copy of the approved plan shall be provided, not later 63728  
than five business days after it is approved, to any person or 63729  
government entity who requests it and made available on the 63730  
internet web site maintained by the department of developmental 63731  
disabilities. If the plan of correction is not approved and the 63732  
director initiates a proceeding to revoke the license, a copy of 63733  
the survey report shall be provided to any person or government 63734  
entity that requests it and shall be made available on the 63735

internet web site maintained by the department. 63736

(6) The director shall initiate disciplinary action against 63737  
any department employee who notifies or causes the notification to 63738  
any unauthorized person of an unannounced survey of a residential 63739  
facility by an authorized representative of the department. 63740

~~(J)~~(I) In addition to any other information which may be 63741  
required of applicants for a license pursuant to this section, the 63742  
director shall require each applicant to provide a copy of an 63743  
approved plan for a proposed residential facility pursuant to 63744  
section 5123.042 of the Revised Code. This division does not apply 63745  
to renewal of a license or to an applicant for an initial or 63746  
modified license who meets the requirements of section 5123.197 of 63747  
the Revised Code. 63748

~~(K)~~(J)(1) A licensee shall notify the owner of the building 63749  
in which the licensee's residential facility is located of any 63750  
significant change in the identity of the licensee or management 63751  
contractor before the effective date of the change if the licensee 63752  
is not the owner of the building. 63753

(2) Pursuant to rules, which shall be adopted in accordance 63754  
with Chapter 119. of the Revised Code, the director may require 63755  
notification to the department of any significant change in the 63756  
ownership of a residential facility or in the identity of the 63757  
licensee or management contractor. If the director determines that 63758  
a significant change of ownership is proposed, the director shall 63759  
consider the proposed change to be an application for development 63760  
by a new operator pursuant to section 5123.042 of the Revised Code 63761  
and shall advise the applicant within sixty days of the 63762  
notification that the current license shall continue in effect or 63763  
a new license will be required pursuant to this section. If the 63764  
director requires a new license, the director shall permit the 63765  
facility to continue to operate under the current license until 63766  
the new license is issued, unless the current license is revoked, 63767

refused to be renewed, or terminated in accordance with Chapter 63768  
119. of the Revised Code. 63769

(3) A licensee shall transfer to the new licensee or 63770  
management contractor all records related to the residents of the 63771  
facility following any significant change in the identity of the 63772  
licensee or management contractor. 63773

~~(L)(K)~~ A county board of developmental disabilities and any 63774  
interested person may file complaints alleging violations of 63775  
statute or department rule relating to residential facilities with 63776  
the department. All complaints shall ~~be in writing and shall~~ state 63777  
the facts constituting the basis of the allegation. The department 63778  
shall not reveal the source of any complaint unless the 63779  
complainant agrees in writing to waive the right to 63780  
confidentiality or until so ordered by a court of competent 63781  
jurisdiction. 63782

The department shall adopt rules in accordance with Chapter 63783  
119. of the Revised Code establishing procedures for the receipt, 63784  
referral, investigation, and disposition of complaints filed with 63785  
the department under this division. 63786

~~(M) The department shall establish procedures for the 63787  
notification of interested parties of the transfer or interim care 63788  
of residents from residential facilities that are closing or are 63789  
losing their license. 63790~~

~~(N)(L)~~ Before issuing a license under this section to a 63791  
residential facility that will accommodate at any time more than 63792  
one mentally retarded or developmentally disabled individual, the 63793  
director shall, by first class mail, notify the following: 63794

(1) If the facility will be located in a municipal 63795  
corporation, the clerk of the legislative authority of the 63796  
municipal corporation; 63797

(2) If the facility will be located in unincorporated 63798

territory, the clerk of the appropriate board of county 63799  
commissioners and the fiscal officer of the appropriate board of 63800  
township trustees. 63801

The director shall not issue the license for ten days after 63802  
mailing the notice, excluding Saturdays, Sundays, and legal 63803  
holidays, in order to give the notified local officials time in 63804  
which to comment on the proposed issuance. 63805

Any legislative authority of a municipal corporation, board 63806  
of county commissioners, or board of township trustees that 63807  
receives notice under this division of the proposed issuance of a 63808  
license for a residential facility may comment on it in writing to 63809  
the director within ten days after the director mailed the notice, 63810  
excluding Saturdays, Sundays, and legal holidays. If the director 63811  
receives written comments from any notified officials within the 63812  
specified time, the director shall make written findings 63813  
concerning the comments and the director's decision on the 63814  
issuance of the license. If the director does not receive written 63815  
comments from any notified local officials within the specified 63816  
time, the director shall continue the process for issuance of the 63817  
license. 63818

~~(O)~~(M) Any person may operate a licensed residential facility 63819  
that provides room and board, personal care, habilitation 63820  
services, and supervision in a family setting for at least six but 63821  
not more than eight persons with mental retardation or a 63822  
developmental disability as a permitted use in any residential 63823  
district or zone, including any single-family residential district 63824  
or zone, of any political subdivision. These residential 63825  
facilities may be required to comply with area, height, yard, and 63826  
architectural compatibility requirements that are uniformly 63827  
imposed upon all single-family residences within the district or 63828  
zone. 63829

~~(P)~~(N) Any person may operate a licensed residential facility 63830

that provides room and board, personal care, habilitation 63831  
services, and supervision in a family setting for at least nine 63832  
but not more than sixteen persons with mental retardation or a 63833  
developmental disability as a permitted use in any multiple-family 63834  
residential district or zone of any political subdivision, except 63835  
that a political subdivision that has enacted a zoning ordinance 63836  
or resolution establishing planned unit development districts may 63837  
exclude these residential facilities from those districts, and a 63838  
political subdivision that has enacted a zoning ordinance or 63839  
resolution may regulate these residential facilities in 63840  
multiple-family residential districts or zones as a conditionally 63841  
permitted use or special exception, in either case, under 63842  
reasonable and specific standards and conditions set out in the 63843  
zoning ordinance or resolution to: 63844

(1) Require the architectural design and site layout of the 63845  
residential facility and the location, nature, and height of any 63846  
walls, screens, and fences to be compatible with adjoining land 63847  
uses and the residential character of the neighborhood; 63848

(2) Require compliance with yard, parking, and sign 63849  
regulation; 63850

(3) Limit excessive concentration of these residential 63851  
facilities. 63852

~~(Q)~~(O) This section does not prohibit a political subdivision 63853  
from applying to residential facilities nondiscriminatory 63854  
regulations requiring compliance with health, fire, and safety 63855  
regulations and building standards and regulations. 63856

~~(R)~~(P) Divisions ~~(O)~~ and ~~(P)~~(M) and (N) of this section are 63857  
not applicable to municipal corporations that had in effect on 63858  
June 15, 1977, an ordinance specifically permitting in residential 63859  
zones licensed residential facilities by means of permitted uses, 63860  
conditional uses, or special exception, so long as such ordinance 63861



remains in effect without any substantive modification. 63862

~~(S)~~(O)(1) The director may issue an interim license to 63863  
operate a residential facility to an applicant for a license under 63864  
this section if either of the following is the case: 63865

(a) The director determines that an emergency exists 63866  
requiring immediate placement of persons in a residential 63867  
facility, that insufficient licensed beds are available, and that 63868  
the residential facility is likely to receive a permanent license 63869  
under this section within thirty days after issuance of the 63870  
interim license. 63871

(b) The director determines that the issuance of an interim 63872  
license is necessary to meet a temporary need for a residential 63873  
facility. 63874

(2) To be eligible to receive an interim license, an 63875  
applicant must meet the same criteria that must be met to receive 63876  
a permanent license under this section, except for any differing 63877  
procedures and time frames that may apply to issuance of a 63878  
permanent license. 63879

(3) An interim license shall be valid for thirty days and may 63880  
be renewed by the director for a period not to exceed one hundred 63881  
~~fifty~~ eighty days. 63882

(4) The director shall adopt rules in accordance with Chapter 63883  
119. of the Revised Code as the director considers necessary to 63884  
administer the issuance of interim licenses. 63885

~~(T)~~(R) Notwithstanding rules adopted pursuant to this section 63886  
establishing the maximum number of persons who may be served in a 63887  
particular type of residential facility, a residential facility 63888  
shall be permitted to serve the same number of persons being 63889  
served by the facility on the effective date of the rules or the 63890  
number of persons for which the facility is authorized pursuant to 63891  
a current application for a certificate of need with a letter of 63892

support from the department of developmental disabilities and 63893  
which is in the review process prior to April 4, 1986. 63894

This division does not preclude the department from 63895  
suspending new admissions to a residential facility pursuant to a 63896  
written order issued under section 5124.70 of the Revised Code. 63897

~~(U)~~(S) The director may enter at any time, for purposes of 63898  
investigation, any home, facility, or other structure that has 63899  
been reported to the director or that the director has reasonable 63900  
cause to believe is being operated as a residential facility 63901  
without a license issued under this section. 63902

The director may petition the court of common pleas of the 63903  
county in which an unlicensed residential facility is located for 63904  
an order enjoining the person or governmental agency operating the 63905  
facility from continuing to operate without a license. The court 63906  
may grant the injunction on a showing that the person or 63907  
governmental agency named in the petition is operating a 63908  
residential facility without a license. The court may grant the 63909  
injunction, regardless of whether the residential facility meets 63910  
the requirements for receiving a license under this section. 63911

**Sec. 5123.196.** (A) Except as provided in division (E) of this 63912  
section, the director of developmental disabilities shall not 63913  
issue a license under section 5123.19 of the Revised Code on or 63914  
after July 1, 2003, if issuance will result in there being more 63915  
beds in all residential facilities licensed under that section 63916  
than is permitted under division (B) of this section. 63917

(B) The maximum number of beds for the purpose of division 63918  
(A) of this section shall not exceed ten thousand eight hundred 63919  
thirty-eight minus, except as provided in division (C) of this 63920  
section, both of the following: 63921

(1) The number of such beds that cease to be residential 63922

facility beds on or after July 1, 2003, because a residential 63923  
facility license is revoked, terminated, or not renewed for any 63924  
reason or is surrendered in accordance with section 5123.19 of the 63925  
Revised Code; 63926

(2) The number of such beds for which a licensee voluntarily 63927  
converts to use for supported living on or after July 1, 2003. 63928

(C) The director is not required to reduce the maximum number 63929  
of beds pursuant to division (B) of this section by a bed that 63930  
ceases to be a residential facility bed if the director determines 63931  
that the bed is needed to provide services to an individual with 63932  
mental retardation or a developmental disability who resided in 63933  
the residential facility in which the bed was located. 63934

(D) The director shall maintain an up-to-date written record 63935  
of the maximum number of residential facility beds provided for by 63936  
division (B) of this section. 63937

(E) The director may issue an interim license under division 63938  
~~(S)~~(Q) of section 5123.19 of the Revised Code and issue, pursuant 63939  
to rules adopted under division ~~(H)~~~~(11)~~(G)(9) of that section, a 63940  
waiver allowing a residential facility to admit more residents 63941  
than the facility is licensed to admit regardless of whether the 63942  
interim license or waiver will result in there being more beds in 63943  
all residential facilities licensed under that section than is 63944  
permitted under division (B) of this section. 63945

**Sec. 5123.198.** (A) As used in this section, "date of the 63946  
commitment" means the date that an individual specified in 63947  
division (B) of this section begins to reside in a state-operated 63948  
ICF/IID after being committed to the ICF/IID pursuant to sections 63949  
5123.71 to 5123.76 of the Revised Code. 63950

(B) Except as provided in division (C) of this section, 63951  
whenever a resident of a residential facility is committed to a 63952

state-operated ICF/IID pursuant to sections 5123.71 to 5123.76 of 63953  
the Revised Code, the department of developmental disabilities, 63954  
pursuant to an adjudication order issued in accordance with 63955  
Chapter 119. of the Revised Code, shall reduce by one the number 63956  
of residents for which the residential facility in which the 63957  
resident resided is licensed. 63958

(C) The department shall not reduce under division (B) of 63959  
this section the number of residents for which a residential 63960  
facility is licensed if any of the following are the case: 63961

(1) The resident of the residential facility who is committed 63962  
to a state-operated ICF/IID resided in the residential facility 63963  
because of the closure, on or after June 26, 2003, of another 63964  
state-operated ICF/IID; 63965

(2) The residential facility admits within ninety days of the 63966  
date of the commitment an individual who resides on the date of 63967  
the commitment in a state-operated ICF/IID or another residential 63968  
facility; 63969

(3) The department fails to do either of the following within 63970  
ninety days of the date of the commitment: 63971

(a) Identify an individual to whom all of the following 63972  
applies: 63973

(i) Resides on the date of the commitment in a state-operated 63974  
ICF/IID or another residential facility; 63975

(ii) Has indicated to the department an interest in 63976  
relocating to the residential facility or has a parent or guardian 63977  
who has indicated to the department an interest for the individual 63978  
to relocate to the residential facility; 63979

(iii) The department determines the individual has needs that 63980  
the residential facility can meet. 63981

(b) Provide the residential facility with information about 63982

the individual identified under division (C)(2)(a) of this section 63983  
that the residential facility needs in order to determine whether 63984  
the facility can meet the individual's needs. 63985

(4) If the department completes the actions specified in 63986  
divisions (C)(3)(a) and (b) of this section not later than ninety 63987  
days after the date of the commitment and except as provided in 63988  
division (D) of this section, the residential facility does all of 63989  
the following not later than ninety days after the date of the 63990  
commitment: 63991

(a) Evaluates the information provided by the department; 63992

(b) Assesses the identified individual's needs; 63993

(c) Determines that the residential facility cannot meet the 63994  
identified individual's needs. 63995

(5) If the department completes the actions specified in 63996  
divisions (C)(3)(a) and (b) of this section not later than ninety 63997  
days after the date of the commitment and the residential facility 63998  
determines that the residential facility can meet the identified 63999  
individual's needs, the individual, or a parent or guardian of the 64000  
individual, refuses placement in the residential facility. 64001

(D) The department may reduce under division (B) of this 64002  
section the number of residents for which a residential facility 64003  
is licensed even though the residential facility completes the 64004  
actions specified in division (C)(4) of this section not later 64005  
than ninety days after the date of the commitment if all of the 64006  
following are the case: 64007

(1) The department disagrees with the residential facility's 64008  
determination that the residential facility cannot meet the 64009  
identified individual's needs. 64010

(2) The department issues a written decision pursuant to the 64011  
uniform procedures for admissions, transfers, and discharges 64012

established by rules adopted under division ~~(H)(9)(G)(7)~~ of 64013  
section 5123.19 of the Revised Code that the residential facility 64014  
should admit the identified individual. 64015

(3) After the department issues the written decision 64016  
specified in division (D)(2) of this section, the residential 64017  
facility refuses to admit the identified individual. 64018

(E) A residential facility that admits, refuses to admit, 64019  
transfers, or discharges a resident under this section shall 64020  
comply with the uniform procedures for admissions, transfers, and 64021  
discharges established by rules adopted under division 64022  
~~(H)(9)(G)(7)~~ of section 5123.19 of the Revised Code. 64023

**Sec. 5123.376.** (A) As used in this section: 64024

(1) "Medicaid-certified capacity" has the same meaning as in 64025  
section 5124.01 of the Revised Code. 64026

(2) "Residential facility" has the same meaning as in section 64027  
5123.19 of the Revised Code. 64028

(B)(1) The director of developmental disabilities may change 64029  
the terms of an agreement entered into with a county board of 64030  
developmental disabilities or private, nonprofit agency pursuant 64031  
to section 5123.36 of the Revised Code or other statutory 64032  
authority in effect before July 1, 1980, regarding the 64033  
construction, acquisition, or renovation of a residential facility 64034  
if all of the following apply: 64035

(a) The agreement was entered into during the period 64036  
beginning January 1, 1975, and ending December 31, 1984. 64037

(b) The agreement requires the county board or private, 64038  
nonprofit agency to use the residential facility as a residential 64039  
facility for at least forty years. 64040

(c) The residential facility is an ICF/IID and, before the 64041  
conversion specified in division (B)(1)(d) of this section, the 64042

ICF/IID had a medicaid-certified capacity of at least sixteen. 64043

(d) The residential facility's operator converted at least fifty per cent of its medicaid-certified beds from providing ICF/IID services to providing home and community-based services in accordance with section 5124.60 or 5124.61 of the Revised Code. 64044  
64045  
64046  
64047

(e) The county board or private, nonprofit agency applies to the director for the change in the agreement's terms. 64048  
64049

(2) The terms of an agreement that may be changed pursuant to division (B)(1) of this section include terms regarding the length of time the residential facility must be used as a residential facility. 64050  
64051  
64052  
64053

(C) The director may authorize a county board or nonprofit, private agency not to repay the amount of an outstanding balance otherwise owed pursuant to an agreement entered into pursuant to section 5123.36 of the Revised Code or other statutory authority in effect before July 1, 1980, regarding the construction, acquisition, or renovation of a residential facility if all of the following apply: 64054  
64055  
64056  
64057  
64058  
64059  
64060

(1) The agreement was entered into during the period beginning January 1, 1975, and ending December 31, 1984. 64061  
64062

(2) The agreement requires the county board or private, nonprofit agency to use the residential facility as a residential facility for at least forty years. 64063  
64064  
64065

(3) Before the conversion specified in division (C)(4) of this section, the residential facility was an ICF/IID with a medicaid-certified capacity of at least sixteen. 64066  
64067  
64068

(4) The residential facility's operator converted all of its medicaid-certified beds from providing ICF/IID services to providing home and community-based services in accordance with section 5124.60 or 5124.61 of the Revised Code. 64069  
64070  
64071  
64072

(5) The county board or private, nonprofit agency applies to 64073  
the director for forgiveness of the outstanding balance. 64074

**Sec. 5123.62.** The rights of persons with mental retardation 64075  
or a developmental disability to exercise choices, by or with the 64076  
aid of family members or other guardians, among residential or 64077  
employment accommodations include, but are not limited to, the 64078  
following: 64079

(A) The right to be treated at all times with courtesy and 64080  
respect and with full recognition of their dignity and 64081  
individuality; 64082

(B) The right to an appropriate, safe, and sanitary living 64083  
environment that complies with local, state, and federal standards 64084  
and recognizes the persons' need for privacy and independence, 64085  
including the right to choose to live, or to decline to live, in a 64086  
large or small intermediate care facility for individuals with 64087  
intellectual disabilities, a home, or another facility or 64088  
community setting; 64089

(C) The right to food adequate to meet accepted standards of 64090  
nutrition; 64091

(D) The right to practice the religion of their choice or to 64092  
abstain from the practice of religion and to have access to and 64093  
participate in activities of a social, religious, or other nature 64094  
in association with other persons who share their interests and in 64095  
accordance with individual choice; 64096

(E) The right of timely access to appropriate medical or 64097  
dental treatment; 64098

(F) The right of access to necessary ancillary services, 64099  
including, but not limited to, occupational therapy, physical 64100  
therapy, speech therapy, and behavior modification and other 64101  
psychological services; 64102



- (G) The right to receive appropriate care and treatment in the least intrusive manner as appropriate to the person, including adequate health care, personal care, and other therapeutically necessary services;
- (H) The right to privacy, including both periods of privacy and places of privacy;
- (I) The right to associate and communicate freely with persons of their choice in any reasonable manner they choose;
- (J) The right to ownership and use of personal possessions so as to maintain individuality and personal dignity;
- (K) The right to social interaction with members of either sex;
- (L) The right of access to opportunities that enable individuals to develop their full human potential;
- (M) The right to pursue vocational opportunities that will promote and enhance economic independence, including the right, with their parents or guardians, to choose the settings in which they wish to work or engage in day programs and services, whether in disability-specific facility-based workshops and programs regardless of size or location or in community settings;
- (N) The right to be treated equally as citizens under the law;
- (O) The right to be free from emotional, psychological, and physical abuse and from neglect and indignity;
- (P) The right to participate in appropriate programs of education, training, social development, and habilitation and in programs of reasonable recreation;
- (Q) The right to participate without government coercion in decisions that affect their lives, including the right, with their parents and guardians, to be informed in writing of rights and

<u>policies governing any residential, work, or other setting</u>	64133
<u>provided as an accommodation by the state or a local government</u>	64134
<u>entity;</u>	64135
(R) The right to select a parent or advocate to act on their	64136
behalf;	64137
(S) The right to manage their personal financial affairs,	64138
based on individual ability to do so;	64139
(T) The right to confidential treatment of all information in	64140
their personal and medical records, except to the extent that	64141
disclosure or release of records is permitted under sections	64142
5123.89 and 5126.044 of the Revised Code;	64143
(U) The right to voice grievances and recommend changes in	64144
policies and services without restraint, interference, coercion,	64145
discrimination, or reprisal;	64146
(V) The right to be free from unnecessary chemical or	64147
physical restraints, <u>including the right to have such restraints</u>	64148
<u>used only when ordered by a physician or as necessary to protect</u>	64149
<u>the lives and safety of themselves or others and never to have</u>	64150
<u>them used for discipline or the convenience of service providers</u>	64151
<u>or other caregivers;</u>	64152
(W) The right to participate in the political process, <u>including the right, with their parents or guardians, to speak on</u>	64153
<u>their own behalf before agencies of the state and local</u>	64154
<u>government;</u>	64155
(X) The right to refuse to participate in medical,	64157
psychological, or other research or experiments;	64158
(Y) <u>The right, with their consent or that of their parents or</u>	64159
<u>guardians, to be included or be free from being included as</u>	64160
<u>litigants or class members in threatened or actual litigation</u>	64161
<u>asserting claims on their behalf or affecting their rights</u>	64162

protected under this section. 64163

Sec. 5123.621. It is the intent of the general assembly that 64164  
all individuals being served on the effective date of this section 64165  
through the array of adult day services that exists on that date, 64166  
including services delivered in a sheltered workshop, be fully 64167  
informed of any new home and community-based services and their 64168  
option to receive those services. It is also the intent of the 64169  
general assembly that those individuals be permitted to continue 64170  
receiving services in a variety of settings as long as those 64171  
settings offer opportunities for community integration as 64172  
described in their individual service plans. 64173

Sec. 5123.86. (A) Except as provided in divisions (C), (D), 64174  
and (E),~~and (F)~~ of this section, the chief medical officer shall 64175  
provide all information, including expected physical and medical 64176  
consequences, necessary to enable any resident of an institution 64177  
for the mentally retarded to give a fully informed, intelligent, 64178  
and knowing consent if any of the following procedures are 64179  
proposed: 64180

(1) Surgery; 64181

(2) ~~Convulsive therapy;~~ 64182

~~(3) Major aversive interventions;~~ 64183

~~(4) Sterilization;~~ 64184

~~(5)(3) Experimental procedures;~~ 64185

~~(6) Any unusual or hazardous treatment procedures.~~ 64186

(B) No resident shall be subjected to ~~any of the procedures~~ 64187  
~~listed in division (A)(4), (5), or (6) of this section~~ 64188  
sterilization without the resident's informed consent. 64189

(C) If a resident is physically or mentally unable to receive 64190  
the information required for surgery or an experimental procedure 64191

under division (A)~~(1)~~ of this section, or has been adjudicated 64192  
incompetent, the information may be provided to the resident's 64193  
natural or court-appointed guardian, including an agency providing 64194  
guardianship services under contract with the department of 64195  
developmental disabilities under sections 5123.55 to 5123.59 of 64196  
the Revised Code, ~~who. The guardian~~ may give the informed, 64197  
intelligent, and knowing written consent for surgery or the 64198  
experimental procedure. ~~Consent for surgery shall not be provided~~ 64199  
~~by a guardian who is an officer or employee of the department of~~ 64200  
~~mental health and addiction services or the department of~~ 64201  
~~developmental disabilities.~~ 64202

If a resident is physically or mentally unable to receive the 64203  
information required for surgery or an experimental procedure 64204  
under division (A)~~(1)~~ of this section and has no guardian, then 64205  
the information, the recommendation of the chief medical officer, 64206  
and the concurring judgment of a licensed physician who is not a 64207  
full-time employee of the state may be provided to the court in 64208  
the county in which the institution is located, ~~which. The court~~ 64209  
may approve the surgery or experimental procedure. Before 64210  
approving the surgery or experimental procedure, the court shall 64211  
notify the Ohio protection and advocacy system created by section 64212  
5123.60 of the Revised Code, and shall notify the resident of the 64213  
resident's rights to consult with counsel, to have counsel 64214  
appointed by the court if the resident is indigent, and to contest 64215  
the recommendation of the chief medical officer. 64216

(D) If, in the judgment of two licensed physicians, delay in 64217  
obtaining consent for surgery would create a grave danger to the 64218  
health of a resident, emergency surgery may be performed without 64219  
the consent of the resident if the necessary information is 64220  
provided to the resident's guardian, including an agency providing 64221  
guardianship services under contract with the department of 64222  
developmental disabilities under sections 5123.55 to 5123.59 of 64223

the Revised Code, or to the resident's spouse or next of kin to 64224  
enable that person or agency to give an informed, intelligent, and 64225  
knowing written consent. 64226

If the guardian, spouse, or next of kin cannot be contacted 64227  
through exercise of reasonable diligence, or if the guardian, 64228  
spouse, or next of kin is contacted, but refuses to consent, then 64229  
the emergency surgery may be performed upon the written 64230  
authorization of the chief medical officer and after court 64231  
approval has been obtained. However, if delay in obtaining court 64232  
approval would create a grave danger to the life of the resident, 64233  
the chief medical officer may authorize surgery, in writing, 64234  
without court approval. If the surgery is authorized without court 64235  
approval, the chief medical officer who made the authorization and 64236  
the physician who performed the surgery shall each execute an 64237  
affidavit describing the circumstances constituting the emergency 64238  
and warranting the surgery and the circumstances warranting their 64239  
not obtaining prior court approval. The affidavit shall be filed 64240  
with the court with which the request for prior approval would 64241  
have been filed within five court days after the surgery, and a 64242  
copy of the affidavit shall be placed in the resident's file and 64243  
shall be given to the guardian, spouse, or next of kin of the 64244  
resident, to the hospital at which the surgery was performed, and 64245  
to the Ohio protection and advocacy system created by section 64246  
5123.60 of the Revised Code. 64247

~~(E)(1) If it is the judgment of two licensed physicians, as 64248  
described in division (E)(2) of this section, that a medical 64249  
emergency exists and delay in obtaining convulsive therapy creates 64250  
a grave danger to the life of a resident who is both mentally 64251  
retarded and mentally ill, convulsive therapy may be administered 64252  
without the consent of the resident if the resident is physically 64253  
or mentally unable to receive the information required for 64254  
convulsive therapy and if the necessary information is provided to 64255~~

~~the resident's natural or court appointed guardian, including an agency providing guardianship services under contract with the department of developmental disabilities under sections 5123.55 to 5123.59 of the Revised Code, or to the resident's spouse or next of kin to enable that person or agency to give an informed, intelligent, and knowing written consent. If neither the resident's guardian, spouse, nor next of kin can be contacted through exercise of reasonable diligence, or if the guardian, spouse, or next of kin is contacted, but refuses to consent, then convulsive therapy may be performed upon the written authorization of the chief medical officer and after court approval has been obtained.~~

~~(2) The two licensed physicians referred to in division (E)(1) of this section shall not be associated with each other in the practice of medicine or surgery by means of a partnership or corporate arrangement, other business arrangement, or employment. At least one of the physicians shall be a psychiatrist as defined in division (E) of section 5122.01 of the Revised Code.~~

~~(F) Major aversive interventions shall not be used unless a resident continues to engage in behavior destructive to self or others after other forms of therapy have been attempted. Major aversive interventions shall not be applied to a voluntary resident without the informed, intelligent, and knowing written consent of the resident or the resident's guardian, including an agency providing guardianship services under contract with the department of developmental disabilities under sections 5123.55 to 5123.59 of the Revised Code.~~

~~(G)(1) This chapter does not authorize any form of compulsory medical or psychiatric treatment of any resident who is being treated by spiritual means through prayer alone in accordance with a recognized religious method of healing.~~

~~(2) For purposes of this section, "convulsive therapy" does~~

~~not include defibrillation.~~ 64288

**Sec. 5124.101.** (A) The provider of an ICF/IID in peer group 1 64289  
or peer group 2 that becomes a downsized ICF/IID or partially 64290  
converted ICF/IID on or after July 1, 2013, or becomes a new 64291  
ICF/IID on or after that date, may file with the department of 64292  
developmental disabilities a cost report covering the period 64293  
specified in division (B) of this section if the following applies 64294  
to the ICF/IID: 64295

(1) In the case of an ICF/IID that becomes a downsized 64296  
ICF/IID or partially converted ICF/IID, the ICF/IID has either of 64297  
the following on the day it becomes a downsized ICF/IID or 64298  
partially converted ICF/IID: 64299

(a) A medicaid-certified capacity that is at least ten per 64300  
cent less than its medicaid-certified capacity on the day 64301  
immediately preceding the day it becomes a downsized ICF/IID or 64302  
partially converted ICF/IID; 64303

(b) At least five fewer beds certified as ICF/IID beds than 64304  
it has on the day immediately preceding the day it becomes a 64305  
downsized ICF/IID or partially converted ICF/IID. 64306

(2) In the case of a new ICF/IID, the ICF/IID's beds are from 64307  
a downsized ICF/IID and the downsized ICF/IID has either of the 64308  
following on the day it becomes a downsized ICF/IID: 64309

(a) A medicaid-certified capacity that is at least ten per 64310  
cent less than its medicaid-certified capacity on the day 64311  
immediately preceding the day it becomes a downsized ICF/IID; 64312

(b) At least five fewer beds certified as ICF/IID beds than 64313  
it has on the day immediately preceding the day it becomes a 64314  
downsized ICF/IID. 64315

(B) A cost report filed under division (A) of this section 64316  
shall cover the period that begins and ends as follows: 64317

(1) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:	64318
(a) The period begins with the day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID.	64319
(b) The period ends on the last day of the last month of the first three full months of operation as a downsized ICF/IID or partially converted ICF/IID.	64320
(2) In the case of a new ICF/IID:	64321
(a) The period begins with the day that the provider agreement for the ICF/IID takes effect.	64322
(b) The period ends on the last day of the last month of the first three full months that the provider agreement is in effect.	64323
(C) The department shall refuse to accept a cost report filed under division (A) of this section if either of the following apply:	64324
(1) Except as provided in division (E) of section 5124.10 of the Revised Code, the provider fails to file the cost report with the department not later than ninety days after the last day of the period the cost report covers;	64325
(2) The cost report is incomplete or inadequate.	64326
(D) If the department accepts a cost report filed under division (A) of this section, the department shall use that cost report, rather than the cost report that otherwise would be used pursuant to section 5124.17, 5124.19, 5124.21, or 5124.23 of the Revised Code, to determine the ICF/IID's medicaid payment rate in accordance with this chapter for ICF/IID services the ICF/IID provides during the period that begins and ends as follows:	64327
(1) The period begins on the following:	64328
(a) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:	64329



(i) The day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if that day is the first day of a month;

(ii) The first day of the month immediately following the month that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if division (D)(1)(a)(i) of this section does not apply.

(b) In the case of a new ICF/IID, the day that the ICF/IID's provider agreement takes effect.

(2) The period ends on the last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID begins to be paid a rate determined using a cost report that division (E) of this section requires be filed in accordance with division (A) of section 5124.10 of the Revised Code.

(E)(1) If the department accepts a cost report filed under division (A) of this section for an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID on or before the first day of October of a calendar year, or for a new ICF/IID that has a provider agreement that takes effect on or before that date, the provider also shall file a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code for the portion of that calendar year that the ICF/IID operated as a downsized ICF/IID or partially converted ICF/IID or, in the case of a new ICF/IID, for the portion that the provider agreement was in effect.

(2) If the department accepts a cost report filed under division (A) of this section for an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID after the first day of October of a calendar year, or for a new ICF/IID that has a provider agreement that takes effect ~~on or~~ after that date, the provider is not required to file a cost report for that calendar

year in accordance with division (A) of section 5124.10 of the Revised Code. The provider shall file a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code for the immediately following calendar year.

(F) If the department accepts a cost report filed under division (A) of this section, the following modifications shall be made for the purpose of determining the medicaid payment rate for ICF/IID services the ICF/IID provides during the period specified in division (D) of this section:

(1) In place of the annual average case mix score otherwise used in determining the ICF/IID's per medicaid day payment rate for direct care costs under division (A) of section 5124.19 of the Revised Code, the ICF/IID's case mix score in effect on the last day of the calendar quarter that ends during the period the cost report covers (or, if more than one calendar quarter ends during that period, the last of those calendar quarters) shall be used to determine the ICF/IID's per medicaid day payment rate for direct care costs.

(2) If the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID:

(a) The ICF/IID shall not be subject to the limit on the costs of ownership per diem payment rate specified in divisions (B) and (C) of section 5124.17 of the Revised Code.

(b) The ICF/IID shall not be subject to the limit on the payment rate for per diem capitalized costs of nonextensive renovations specified in division (E)(1) of section 5124.17 of the Revised Code.

(c) The ICF/IID shall be subject to the limit on the total payment rate for costs of ownership, capitalized costs of nonextensive renovations, and the efficiency incentive specified in division (H) of section 5124.17 of the Revised Code regardless

of whether the ICF/IID is in peer group 1 or peer group 2. 64410

**Sec. 5124.15.** (A) Except as otherwise provided by section 64411  
5124.101 of the Revised Code, sections 5124.151 to ~~5124.154~~ 64412  
5124.155 of the Revised Code, and divisions (B) and (C) of this 64413  
section, the total per medicaid day payment rate that the 64414  
department of developmental disabilities shall pay to an ICF/IID 64415  
provider for ICF/IID services the provider's ICF/IID provides 64416  
during a fiscal year shall equal the sum of all of the following: 64417

(1) The per medicaid day payment rate for capital costs 64418  
determined for the ICF/IID under section 5124.17 of the Revised 64419  
Code; 64420

(2) The per medicaid day payment rate for direct care costs 64421  
determined for the ICF/IID under section 5124.19 of the Revised 64422  
Code; 64423

(3) The per medicaid day payment rate for indirect care costs 64424  
determined for the ICF/IID under section 5124.21 of the Revised 64425  
Code; 64426

(4) The per medicaid day payment rate for other protected 64427  
costs determined for the ICF/IID under section 5124.23 of the 64428  
Revised Code. 64429

(B) The total per medicaid day payment rate for an ICF/IID in 64430  
peer group 3 shall not exceed the average total per medicaid day 64431  
payment rate in effect on July 1, 2013, for developmental centers. 64432

(C) The department shall adjust the total rate otherwise 64433  
determined under division (A) of this section as directed by the 64434  
general assembly through the enactment of law governing medicaid 64435  
payments to ICF/IID providers. 64436

(D) In addition to paying an ICF/IID provider the total rate 64437  
determined for the provider's ICF/IID under divisions (A), (B), 64438  
and (C) of this section for a fiscal year, the department, in 64439

accordance with section 5124.25 of the Revised Code, may pay the 64440  
provider a rate add-on for pediatric ventilator-dependent outlier 64441  
ICF/IID services if the rate add-on is to be paid under that 64442  
section and the department approves the provider's application for 64443  
the rate add-on. The rate add-on is not to be part of the 64444  
ICF/IID's total rate. 64445

Sec. 5124.155. The total per medicaid day payment rate for 64446  
ICF/IID services an ICF/IID in peer group 1 provides to a medicaid 64447  
recipient who is admitted as a resident to the ICF/IID on or after 64448  
July 1, 2015, and is placed in the chronic behaviors and typical 64449  
adaptive needs classification or the typical adaptive needs and 64450  
non-significant behaviors classification established for the 64451  
grouper methodology prescribed in rules authorized by section 64452  
5124.192 of the Revised Code shall be the lesser of the following: 64453

(A) The rate determined for the ICF/IID under section 5124.15 64454  
of the Revised Code; 64455

(B) The following rate: 64456

(1) \$206.90 for ICF/IID services the ICF/IID provides to a 64457  
medicaid recipient in the chronic behaviors and typical adaptive 64458  
needs classification; 64459

(2) \$174.88 for ICF/IID services the ICF/IID provides to a 64460  
medicaid recipient in the typical adaptive needs and 64461  
non-significant behaviors classification. 64462

**Sec. 5124.33.** No medicaid payment shall be made to an ICF/IID 64463  
provider for the day a medicaid recipient is discharged from the 64464  
ICF/IID, unless the recipient is discharged from the ICF/IID 64465  
because all of the beds in the ICF/IID are converted from 64466  
providing ICF/IID services to providing home and community-based 64467  
services pursuant to section 5124.60 or 5124.61 of the Revised 64468  
Code. 64469

**Sec. 5124.60.** (A) For the purpose of increasing the number of slots available for home and community-based services, the operator of an ICF/IID may convert some or all of the beds in the ICF/IID from providing ICF/IID services to providing home and community-based services if all of the following requirements are met:

(1) The operator provides the directors of health and developmental disabilities at least ninety days' notice of the operator's intent to make the conversion.

(2) The operator complies with the requirements of sections 5124.50 to 5124.53 of the Revised Code regarding a voluntary termination if those requirements are applicable.

(3) If the operator intends to convert all of the ICF/IID's beds, the operator notifies each of the ICF/IID's residents that the ICF/IID is to cease providing ICF/IID services and inform each resident that the resident may do either of the following:

(a) Continue to receive ICF/IID services by transferring to another ICF/IID that is willing and able to accept the resident if the resident continues to qualify for ICF/IID services;

(b) Begin to receive home and community-based services instead of ICF/IID services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident.

(4) If the operator intends to convert some but not all of the ICF/IID's beds, the operator notifies each of the ICF/IID's residents that the ICF/IID is to convert some of its beds from providing ICF/IID services to providing home and community-based services and inform each resident that the resident may do either of the following:

(a) Continue to receive ICF/IID services from any ICF/IID that is willing and able to provide the services to the resident if the resident continues to qualify for ICF/IID services;	64500 64501 64502
(b) Begin to receive home and community-based services instead of ICF/IID services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident.	64503 64504 64505 64506 64507
(5) The operator meets the requirements for providing home and community-based services, including the following:	64508 64509
(a) Such requirements applicable to a residential facility if the operator maintains the facility's license as a residential facility;	64510 64511 64512
(b) Such requirements applicable to a facility that is not licensed as a residential facility if the operator surrenders the facility's license as a residential facility under section 5123.19 of the Revised Code.	64513 64514 64515 64516
(6) The director of developmental disabilities approves the conversion.	64517 64518
(B) A decision by the director of developmental disabilities to approve or refuse to approve a proposed conversion of beds is final. In making a decision, the director shall consider all of the following:	64519 64520 64521 64522
(1) The fiscal impact on the ICF/IID if some but not all of the beds are converted;	64523 64524
(2) The fiscal impact on the medicaid program;	64525
(3) The availability of home and community-based services.	64526
(C) The notice provided to the directors under division (A)(1) of this section shall specify whether some or all of the ICF/IID's beds are to be converted. If some but not all of the	64527 64528 64529

beds are to be converted, the notice shall specify how many of the 64530  
ICF/IID's beds are to be converted and how many of the beds are to 64531  
continue to provide ICF/IID services. The notice to the director 64532  
of developmental disabilities shall specify whether the operator 64533  
wishes to surrender the ICF/IID's license as a residential 64534  
facility under section 5123.19 of the Revised Code. 64535

(D)(1) If the director of developmental disabilities approves 64536  
a conversion under division (B) of this section, the director of 64537  
health shall do the following: 64538

(a) Terminate the ICF/IID's medicaid certification if the 64539  
notice specifies that all of the ICF/IID's beds are to be 64540  
converted; 64541

(b) Reduce the ICF/IID's medicaid-certified capacity by the 64542  
number of beds being converted if the notice specifies that some 64543  
but not all of the beds are to be converted. 64544

(2) The director of health shall notify the medicaid director 64545  
of the termination or reduction. On receipt of the notice, the 64546  
medicaid director shall do the following: 64547

(a) Terminate the operator's medicaid provider agreement that 64548  
authorizes the operator to provide ICF/IID services at the ICF/IID 64549  
if the ICF/IID's certification was terminated; 64550

(b) Amend the operator's medicaid provider agreement to 64551  
reflect the ICF/IID's reduced medicaid-certified capacity if the 64552  
ICF/IID's medicaid-certified capacity is reduced. 64553

(3) ~~In the case of action taken under division (D)(2)(a) of~~ 64554  
~~this section, the operator~~ The medicaid director is not entitled 64555  
~~to notice or a hearing under~~ required to conduct an adjudication 64556  
in accordance with Chapter 119. of the Revised Code ~~before the~~ 64557  
~~medicaid director terminates the medicaid provider agreement when~~ 64558  
taking action under division (D)(2) of this section. 64559

**Sec. 5124.61.** (A) For the purpose of increasing the number of slots available for home and community-based services, a person who acquires, through a request for proposals issued by the director of developmental disabilities, an ICF/IID for which a residential facility license was previously surrendered or revoked may convert some or all of the ICF/IID's beds from providing ICF/IID services to providing home and community-based services if all of the following requirements are met:

(1) The person provides the directors of health and developmental disabilities and medicaid director at least ninety days' notice of the person's intent to make the conversion.

(2) The person complies with the requirements of sections 5124.50 to 5124.53 of the Revised Code regarding a voluntary termination if those requirements are applicable.

(3) If the person intends to convert all of the ICF/IID's beds, the person notifies each of the ICF/IID's residents that the ICF/IID is to cease providing ICF/IID services and informs each resident that the resident may do either of the following:

(a) Continue to receive ICF/IID services by transferring to another ICF/IID willing and able to accept the resident if the resident continues to qualify for ICF/IID services;

(b) Begin to receive home and community-based services instead of ICF/IID services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident.

(4) If the person intends to convert some but not all of the ICF/IID's beds, the person notifies each of the ICF/IID's residents that the ICF/IID is to convert some of its beds from providing ICF/IID services to providing home and community-based



services and inform each resident that the resident may do either 64590  
of the following: 64591

(a) Continue to receive ICF/IID services from any that is 64592  
willing and able to provide the services to the resident if the 64593  
resident continues to qualify for ICF/IID services; 64594

(b) Begin to receive home and community-based services 64595  
instead of ICF/IID services from any provider of home and 64596  
community-based services that is willing and able to provide the 64597  
services to the resident if the resident is eligible for the 64598  
services and a slot for the services is available to the resident. 64599

(5) The person meets the requirements for providing home and 64600  
community-based services at a residential facility. 64601

(B) The notice provided to the directors under division 64602  
(A)(1) of this section shall specify whether some or all of the 64603  
ICF/IID's beds are to be converted. If some but not all of the 64604  
beds are to be converted, the notice shall specify how many of the 64605  
ICF/IID's beds are to be converted and how many of the beds are to 64606  
continue to provide ICF/IID services. 64607

(C) On receipt of a notice under division (A)(1) of this 64608  
section, the director of health shall do the following: 64609

(1) Terminate the ICF/IID's medicaid certification if the 64610  
notice specifies that all of the facility's beds are to be 64611  
converted; 64612

(2) Reduce the ICF/IID's medicaid-certified capacity by the 64613  
number of beds being converted if the notice specifies that some 64614  
but not all of the beds are to be converted. 64615

(D) The director of health shall notify the medicaid director 64616  
of the termination or reduction under division (C) of this 64617  
section. On receipt of the director of health's notice, the 64618  
medicaid director shall do the following: 64619

(1) Terminate the person's medicaid provider agreement that 64620  
authorizes the person to provide ICF/IID services at the ICF/IID 64621  
if the ICF/IID's medicaid certification was terminated; 64622

(2) Amend the person's medicaid provider agreement to reflect 64623  
the ICF/IID's reduced medicaid-certified capacity if the ICF/IID's 64624  
medicaid-certified capacity is reduced. 64625

~~The person medicaid director is not entitled required to 64626  
notice or a hearing under conduct an adjudication in accordance 64627  
with Chapter 119. of the Revised Code before the medicaid director 64628  
terminates or amends the medicaid provider agreement when taking 64629  
action under division (D)(1) or (2) of this section. 64630~~

**Sec. 5124.67.** (A)(1) The department of developmental 64631  
disabilities shall strive to achieve, not later than July 1, 2018, 64632  
the following statewide reductions in ICF/IID beds: 64633

(a) At least five hundred beds in ICFs/IID that, before 64634  
becoming downsized ICFs/IID, have sixteen or more beds; 64635

(b) At least five hundred beds in ICFs/IID with any number of 64636  
beds that convert some or all of their beds from providing ICF/IID 64637  
services to providing home and community-based services pursuant 64638  
to section 5124.60 or 5124.61 of the Revised Code. 64639

(2) The department shall strive to achieve a reduction of at 64640  
least one thousand two hundred ICF/IID beds through a combination 64641  
of the methods specified in divisions (A)(1)(a) and (b) of this 64642  
section. 64643

(3) The department shall strive to achieve the reductions 64644  
specified in division (A)(1)(b) of this section in accordance with 64645  
the following interim time frames: 64646

(a) At least two hundred twenty-five ICF/IID beds converted 64647  
by June 30, 2016; 64648

(b) At least one hundred twenty-five additional ICF/IID beds 64649

converted by June 30, 2017, for a total of at least three hundred 64650  
fifty beds converted by that date. 64651

(B) In its efforts to achieve the reductions under division 64652  
(A) of this section, the department shall collaborate with the 64653  
Ohio association of county boards serving people with 64654  
developmental disabilities, the Ohio provider resource 64655  
association, the Ohio centers for intellectual disabilities formed 64656  
by the Ohio health care association, and the values and faith 64657  
alliance. The collaboration efforts may include the following: 64658

(1) Identifying ICFs/IID that may reduce the number of their 64659  
beds to help achieve the reductions under division (A) of this 64660  
section; 64661

(2) Encouraging ICF/IID providers to reduce the number of 64662  
their ICFs/IID's beds; 64663

~~(3) Establishing interim time frames for making progress in~~ 64664  
~~achieving the reductions;~~ 64665

~~(4) Creating incentives for, and removing impediments to, the~~ 64666  
~~reductions;~~ 64667

~~(5)~~(4) In the case of ICF/IID beds that are converted to 64668  
providing home and community-based services, developing a 64669  
mechanism to compensate providers for beds that permanently cease 64670  
to provide ICF/IID services. 64671

(C) The department shall meet not less than twice each year 64672  
with the organizations specified in division (B) of this section 64673  
to do all of the following: 64674

(1) Review the progress being made in achieving the 64675  
reductions under division (A) of this section; 64676

(2) Prepare written reports on the progress; 64677

(3) Identify additional measures needed to achieve the 64678  
reductions. 64679

Sec. 5124.68. (A)(1) Except as provided in division (D) of this section, an ICF/IID in peer group 1 shall not admit an individual as a resident unless all of the following apply: 64680  
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(a) The provider of the ICF/IID provides written notice about the individual's potential admission, and all information about the individual in the provider's possession, to the county board of developmental disabilities serving the county in which the individual resides at the time the notice is provided. 64683  
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(b) The county board has provided to the individual and department of developmental disabilities a copy of the findings the county board makes pursuant to division (B) of this section; 64688  
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(c) Not later than seven business days after the provider provides the county board the notice required by division (A)(1)(a) of this section, the department determines that the individual chooses to receive ICF/IID services from the ICF/IID after being fully informed of all available alternatives. 64691  
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(2) For the purpose of division (A)(1)(a) of this section, the provider of an ICF/IID in peer group 1 may provide a county board written notices about multiple individuals' potential admissions to the ICF/IID at the same time. 64696  
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(B) Not later than five business days after a county board receives notice from the provider of an ICF/IID in peer group 1 about an individual seeking admission to the ICF/IID, the county board shall do both of the following: 64700  
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(1) Using the information included in the notification and the additional information, if any, the department specifies pursuant to division (C) of this section, evaluate the individual and counsel the individual about both of the following: 64704  
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(a) The nature, extent, and timing of the services that the individual needs; 64708  
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(b) The least restrictive environment in which the individual could receive the needed services. 64710  
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(2) Using the form prescribed under division (C) of this section, make findings about the individual based on the evaluation and counseling and provide a copy of the findings to the individual and the department. 64712  
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(C) The department shall prescribe the form to be used for the purpose of making findings pursuant to division (B)(2) of this section. The department may specify additional information that a county board is to use when evaluating and counseling individuals under division (B)(1) of this section. 64716  
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(D) Division (A) of this section does not apply to an individual seeking admission to an ICF/IID in peer group 1 if any of the following is the case: 64721  
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(1) The individual is a medicaid recipient receiving ICF/IID services on the date immediately preceding the date the individual is admitted to the ICF/IID. 64724  
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(2) The individual is a medicaid recipient returning to the ICF/IID following a temporary absence for which the ICF/IID is paid to reserve a bed for the individual pursuant to section 5124.34 of the Revised Code or during which the individual received rehabilitation services in another health care setting. 64727  
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(3) The requirements of divisions (A)(1)(a) and (b) of this section are satisfied but the department fails to make the determination required by division (A)(1)(c) of this section before the deadline specified in that division. 64732  
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**Sec. 5124.69.** (A) The department of developmental disabilities shall develop and make available to all ICFs/IID a written pamphlet that describes all of the items and services covered by medicaid as ICF/IID services and as home and 64736  
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community-based services. The department shall develop the 64740  
pamphlet in consultation with persons and organizations interested 64741  
in matters pertaining to individuals eligible for ICF/IID services 64742  
and home and community-based services. 64743

(B) Each ICF/IID provider shall provide the pamphlet to the 64744  
residents of the ICF/IID who receive ICF/IID services, and the 64745  
guardians of such residents, and shall discuss the items and 64746  
services described in the pamphlet with those residents and their 64747  
guardians, as follows: 64748

(1) At least annually; 64749

(2) Any time such a resident, or resident's guardian, 64750  
requests to receive the pamphlet and to discuss the items and 64751  
services described in the pamphlet; 64752

(3) Any time such a resident, or resident's guardian, 64753  
expresses to the provider an interest in home and community-based 64754  
services. 64755

(C) If a resident of an ICF/IID who receives ICF/IID 64756  
services, or the resident's guardian, indicates to the ICF/IID 64757  
provider an interest in enrolling the resident in a medicaid 64758  
waiver component providing home and community-based services, the 64759  
provider shall refer the resident or guardian to the county board 64760  
of developmental disabilities serving the county in which the 64761  
resident would reside while enrolled in a medicaid waiver 64762  
component. 64763

(D) Not later than thirty days after a county board is 64764  
contacted by an ICF/IID resident or resident's guardian who was 64765  
referred to the county board pursuant to division (C) of this 64766  
section, the county board, notwithstanding a waiting list for the 64767  
component established pursuant to section 5126.042 of the Revised 64768  
Code, shall enroll the resident in the component if all of the 64769

<u>following apply:</u>	64770
<u>(1) The resident is eligible and chooses to enroll in the component.</u>	64771 64772
<u>(2) The component has an available slot.</u>	64773
<u>(3) The director of developmental disabilities determines that the department has the funds necessary to pay the nonfederal share of the medicaid expenditures for the home and community-based services provided to the resident under the component.</u>	64774 64775 64776 64777 64778
<b><u>Sec. 5124.70.</u></b> (A) <u>This section does not apply to either of the following:</u>	64779 64780
<u>(1) An ICF/IID to which both of the following apply:</u>	64781
<u>(a) On or before January 1, 2015, the ICF/IID became a downsized ICF/IID or partially converted ICF/IID.</u>	64782 64783
<u>(b) On January 1, 2015, the ICF/IID's medicaid-certified capacity was at least twenty per cent less than the greatest medicaid-certified capacity it had before it became a downsized ICF/IID or partially converted ICF/IID.</u>	64784 64785 64786 64787
<u>(2) An ICF/IID's sleeping room in which more than two residents reside if both of the following apply:</u>	64788 64789
<u>(a) All of the residents of the sleeping room are under eighteen years of age.</u>	64790 64791
<u>(b) The parents or guardians of all of the residents of the sleeping room consent to the residents residing in a sleeping room with more than two residents.</u>	64792 64793 64794
<u>(B) Except as provided in divisions (G) and (H) of this section, an ICF/IID provider shall not permit more than two residents to reside in the same sleeping room.</u>	64795 64796 64797
<u>(C)(1) If, on the effective date of this section, more than</u>	64798

two residents of an ICF/IID reside in the same sleeping room, the ICF/IID provider shall submit to the department of developmental disabilities for its review a plan to come into compliance with division (B) of this section. The provider shall submit the plan not later than December 31, 2015.

(2) The plan shall include all of the following:

(a) The date by which not more than two residents will reside in the same sleeping room, which shall be not later than June 30, 2025;

(b) Detailed descriptions of the actions the ICF/IID provider will take to come into compliance with division (B) of this section, which shall include becoming either a downsized ICF/IID or a partially converted ICF/IID;

(c) The ICF/IID's projected medicaid-certified capacity for each year covered by the plan, which must demonstrate that the provider will make regular progress toward coming into compliance with division (B) of this section;

(d) A discharge planning process that includes providing information to residents regarding home and community-based services;

(e) Additional interim steps the provider will take to demonstrate that the provider is making regular progress toward coming into compliance with division (B) of this section.

(3) The plan shall not include the creation of a new ICF/IID that has a medicaid-certified capacity that is greater than six unless the department determines that a new ICF/IID would need a larger medicaid-certified capacity to be financially viable. If the department determines that a new ICF/IID would need a larger medicaid-certified capacity to be financially viable, the plan may include the creation of a new ICF/IID that has a medicaid-certified capacity that is greater than six but not



greater than eight. 64830

(D) The department shall review each plan submitted under 64831  
division (C) of this section and decide whether to approve the 64832  
plan. In making this decision, the department shall consider both 64833  
of the following: 64834

(1) Whether the plan conforms to the requirements of division 64835  
(C) of this section; 64836

(2) The feasibility of completing the implementation as 64837  
described in the plan. 64838

(E) If the department approves an ICF/IID provider's plan 64839  
under division (D) of this section, the provider shall submit to 64840  
the department annual reports regarding the plan's implementation. 64841

(F) The department may issue a written order to an ICF/IID 64842  
provider that suspends new admissions to the ICF/IID if both of 64843  
the following apply: 64844

(1) The department has approved the provider's plan under 64845  
division (D) of this section. 64846

(2) The provider fails to do either of the following: 64847

(a) Submit to the department an annual report required by 64848  
division (E) of this section; 64849

(b) Meet, to the department's satisfaction, the projected 64850  
medicaid-certified capacity for the ICF/IID for a year as 64851  
specified in the plan and the failure is due to factors within the 64852  
provider's control. 64853

(G)(1) Before January 1, 2016, an ICF/IID provider may permit 64854  
more than two residents to reside in the same sleeping room if 64855  
more than two residents resided in the same sleeping room on the 64856  
effective date of this section. 64857

(2) On and after January 1, 2016, an ICF/IID provider may 64858  
permit more than two residents to reside in the same sleeping room 64859

<u>only if all of the following apply:</u>	64860
<u>(a) More than two residents resided in the same sleeping room on the effective date of this section.</u>	64861 64862
<u>(b) The provider has submitted a plan in accordance with division (C) of this section.</u>	64863 64864
<u>(c) Either of the following applies:</u>	64865
<u>(i) The department has approved and the provider complies with the plan.</u>	64866 64867
<u>(ii) The department has not decided whether to approve the plan.</u>	64868 64869
<u>(H) The department shall waive application of division (B) of this section for an ICF/IID's sleeping room in which more than two residents reside on June 30, 2025, if both of the following apply:</u>	64870 64871 64872
<u>(1) The same residents have continuously resided in the sleeping room since the effective date of this section;</u>	64873 64874
<u>(2) The department determines that at least three of these residents want to continue to reside together in the sleeping room.</u>	64875 64876 64877
<b>Sec. 5126.042.</b> (A) As used in this section, "emergency status" means a status that an individual with mental retardation or developmental disabilities has when the individual is at risk of substantial self-harm or substantial harm to others if action is not taken within thirty days. An "emergency status" may include a status resulting from one or more of the following situations:	64878 64879 64880 64881 64882 64883
(1) Loss of present residence for any reason, including legal action;	64884 64885
(2) Loss of present caretaker for any reason, including serious illness of the caretaker, change in the caretaker's status, or inability of the caretaker to perform effectively for	64886 64887 64888

the individual;	64889
(3) Abuse, neglect, or exploitation of the individual;	64890
(4) Health and safety conditions that pose a serious risk to the individual or others of immediate harm or death;	64891 64892
(5) Change in the emotional or physical condition of the individual that necessitates substantial accommodation that cannot be reasonably provided by the individual's existing caretaker.	64893 64894 64895
(B) If a county board of developmental disabilities determines that available resources are not sufficient to meet the needs of all individuals who request non-medicaid programs or services, it shall establish one or more waiting lists for the non-medicaid programs or services in accordance with its plan developed under section 5126.04 of the Revised Code. The board may establish priorities for making placements on its waiting lists established under this division. Any such priorities shall be consistent with the board's plan and applicable law.	64896 64897 64898 64899 64900 64901 64902 64903 64904
(C) If a county board <del>r</del> determines that available resources are insufficient to meet the needs of all individuals who request home and community-based services, it shall establish a waiting list for the services. An individual's date of placement on the waiting list shall be the date a request is made to the board for the individual to receive the home and community-based services. The board shall provide for an individual who has an emergency status to receive priority status on the waiting list. The board shall also provide for an individual to whom any of the following apply to receive priority status on the waiting list in accordance with rules adopted under division (E) of this section:	64905 64906 64907 64908 64909 64910 64911 64912 64913 64914 64915
(1) The individual is receiving supported living, family support services, or adult services for which no federal financial participation is received under the medicaid program;	64916 64917 64918
(2) The individual's primary caregiver is at least sixty	64919

years of age; 64920

(3) The individual has intensive needs as determined in 64921  
accordance with rules adopted under division (E) of this section; 64922

(4) The individual resides in an ICF/IID, as defined in 64923  
section 5124.01 of the Revised Code; 64924

(5) The individual resides in a nursing facility, as defined 64925  
in section 5165.01 of the Revised Code. 64926

(D) If two or more individuals on a waiting list established 64927  
under division (C) of this section ~~for home and community-based 64928~~  
~~services~~ have priority for the services pursuant to that division 64929  
~~(C)(1), (2), or (3) of this section~~, a county board shall use 64930  
criteria specified in rules adopted under division (E) of this 64931  
section in determining the order in which the individuals with 64932  
priority will be offered the services. An individual who has 64933  
priority for home and community-based services because the 64934  
individual has an emergency status has priority for the services 64935  
over all other individuals on the waiting list who do not have 64936  
emergency status. 64937

(E) The department of developmental disabilities shall adopt 64938  
rules in accordance with Chapter 119. of the Revised Code 64939  
governing waiting lists established under division (C) of this 64940  
section. The rules shall include procedures to be followed to 64941  
ensure that the due process rights of individuals placed on 64942  
waiting lists are not violated. As part of the rules adopted under 64943  
this division, the department shall adopt rules establishing 64944  
criteria a county board shall use under division (D) of this 64945  
section in determining the order in which individuals with 64946  
priority for home and community-based services pursuant to 64947  
division (C)~~(1), (2), or (3)~~ of this section will be offered the 64948  
services. 64949

(F) The following shall take precedence over the applicable 64950

provisions of this section: 64951

(1) Medicaid rules and regulations; 64952

(2) Any specific requirements that may be contained within a 64953  
medicaid state plan amendment or waiver program that a county 64954  
board has authority to administer or with respect to which it has 64955  
authority to provide services, programs, or supports. 64956

**Sec. 5126.0510.** (A) Except as otherwise provided in an 64957  
agreement entered into under section 5123.048 of the Revised Code 64958  
and subject to divisions (B), (C), ~~and (D)~~, and (E) of this 64959  
section, a county board of developmental disabilities shall pay 64960  
the nonfederal share of medicaid expenditures for the following 64961  
home and community-based services provided to an individual with 64962  
mental retardation or other developmental disability who the 64963  
county board determines under section 5126.041 of the Revised Code 64964  
is eligible for county board services: 64965

(1) Home and community-based services provided by the county 64966  
board to such an individual; 64967

(2) Home and community-based services provided by a provider 64968  
other than the county board to such an individual who is enrolled 64969  
as of June 30, 2007, in the medicaid waiver component under which 64970  
the services are provided; 64971

(3) Home and community-based services provided by a provider 64972  
other than the county board to such an individual who, pursuant to 64973  
a request the county board makes, enrolls in the medicaid waiver 64974  
component under which the services are provided after June 30, 64975  
2007; 64976

(4) Home and community-based services provided by a provider 64977  
other than the county board to such an individual for whom there 64978  
is in effect an agreement entered into under division ~~(E)~~(F) of 64979  
this section between the county board and director of 64980

developmental disabilities. 64981

(B) In the case of medicaid expenditures for home and 64982  
community-based services for which division (A)(2) of this section 64983  
requires a county board to pay the nonfederal share, the following 64984  
shall apply to such services provided during fiscal year 2008 64985  
under the individual options medicaid waiver component: 64986

(1) The county board shall pay no less than the total amount 64987  
the county board paid as the nonfederal share for home and 64988  
community-based services provided in fiscal year 2007 under the 64989  
individual options medicaid waiver component; 64990

(2) The county board shall pay no more than the sum of the 64991  
following: 64992

(a) The total amount the county board paid as the nonfederal 64993  
share for home and community-based services provided in fiscal 64994  
year 2007 under the individual options medicaid waiver component; 64995

(b) An amount equal to one per cent of the total amount the 64996  
department of developmental disabilities and county board paid as 64997  
the nonfederal share for home and community-based services 64998  
provided in fiscal year 2007 under the individual options medicaid 64999  
waiver component to individuals the county board determined under 65000  
section 5126.041 of the Revised Code are eligible for county board 65001  
services. 65002

(C) A county board is not required to pay the nonfederal 65003  
share of home and community-based services provided after June 30, 65004  
2008, that the county board is otherwise required by division 65005  
(A)(2) of this section to pay if the department of developmental 65006  
disabilities fails to comply with division (A) of section 65007  
5123.0416 of the Revised Code. 65008

(D) A county board is not required to pay the nonfederal 65009  
share of home and community-based services that the county board 65010  
is otherwise required by division (A)(3) of this section to pay if 65011

both of the following apply: 65012

(1) The services are provided to an individual who enrolls in 65013  
the medicaid waiver component under which the services are 65014  
provided as the result of an order issued following ~~a state~~ 65015  
~~hearing, administrative an appeal, made under section 5160.31 of~~ 65016  
~~the Revised Code or an appeal of the order~~ to a court of common 65017  
~~pleas made under section 5101.35 of the Revised Code;~~ 65018

(2) There are more individuals who are eligible for services 65019  
from the county board enrolled in home and community-based 65020  
services than is required by section 5126.0512 of the Revised 65021  
Code. 65022

(E) A county board is not required to pay the nonfederal 65023  
share of home and community-based services that the county board 65024  
is otherwise required by division (A) of this section to pay if 65025  
the services are provided to an individual who enrolls, pursuant 65026  
to division (D) of section 5124.69 of the Revised Code, in the 65027  
medicaid waiver component under which the services are provided. 65028

(F) A county board may enter into an agreement with the 65029  
director of developmental disabilities under which the county 65030  
board agrees to pay the nonfederal share of medicaid expenditures 65031  
for one or more home and community-based services that the county 65032  
board is not otherwise required by division (A)(1), (2), or (3) of 65033  
this section to pay and that are provided to an individual the 65034  
county board determines under section 5126.041 of the Revised Code 65035  
is eligible for county board services. The agreement shall specify 65036  
which home and community-based services the agreement covers. The 65037  
county board shall pay the nonfederal share of medicaid 65038  
expenditures for the home and community-based services that the 65039  
agreement covers as long as the agreement is in effect. 65040

**Sec. 5126.15.** (A) A county board of developmental 65041  
disabilities shall provide service and support administration to 65042

each individual three years of age or older who is eligible for 65043  
service and support administration if the individual requests, or 65044  
a person on the individual's behalf requests, service and support 65045  
administration. A board shall provide service and support 65046  
administration to each individual receiving home and 65047  
community-based services. A board may provide, in accordance with 65048  
the service coordination requirements of 34 C.F.R. 303.23, service 65049  
and support administration to an individual under three years of 65050  
age eligible for early intervention services under 34 C.F.R. part 65051  
303. A board may provide service and support administration to an 65052  
individual who is not eligible for other services of the board. 65053  
Service and support administration shall be provided in accordance 65054  
with rules adopted under section 5126.08 of the Revised Code. 65055

A board may provide service and support administration by 65056  
directly employing service and support administrators or by 65057  
contracting with entities for the performance of service and 65058  
support administration. Individuals employed or under contract as 65059  
service and support administrators shall not be in the same 65060  
collective bargaining unit as employees who perform duties that 65061  
are not administrative. 65062

~~Individuals employed by a board as service~~ A service and 65063  
support ~~administrators~~ administrator shall ~~not be assigned~~ 65064  
~~responsibilities for implementing other services for individuals~~ 65065  
~~and perform only the duties specified in division (B) of this~~ 65066  
~~section. While employed by or under contract with a board, a~~ 65067  
service and support administrator shall ~~not~~ neither be employed by 65068  
or serve in a decision-making or policy-making capacity for any 65069  
other entity that provides programs or services to individuals 65070  
with mental retardation or developmental disabilities nor provide 65071  
programs or services to individuals with mental retardation or 65072  
developmental disabilities through self-employment. ~~An individual~~ 65073  
~~employed as a conditional status service and support administrator~~ 65074



~~shall perform the duties of service and support administration 65075  
only under the supervision of a management employee who is a 65076  
service and support administration supervisor. 65077~~

(B) ~~The individuals employed by or under contract with a 65078  
board to provide service and support administration~~ A service and 65079  
support administrator shall do all of the following: 65080

(1) Establish an individual's eligibility for the services of 65081  
the county board of developmental disabilities; 65082

(2) Assess individual needs for services; 65083

(3) Develop individual service plans with the active 65084  
participation of the individual to be served, other persons 65085  
selected by the individual, and, when applicable, the provider 65086  
selected by the individual, and recommend the plans for approval 65087  
by the department of developmental disabilities when services 65088  
included in the plans are funded through medicaid; 65089

(4) Establish budgets for services based on the individual's 65090  
assessed needs and preferred ways of meeting those needs; 65091

(5) Assist individuals in making selections from among the 65092  
providers they have chosen; 65093

(6) Ensure that services are effectively coordinated and 65094  
provided by appropriate providers; 65095

(7) Establish and implement an ongoing system of monitoring 65096  
the implementation of individual service plans to achieve 65097  
consistent implementation and the desired outcomes for the 65098  
individual; 65099

(8) Perform quality assurance reviews as a distinct function 65100  
of service and support administration; 65101

(9) Incorporate the results of quality assurance reviews and 65102  
identified trends and patterns of unusual incidents and major 65103  
unusual incidents into amendments of an individual's service plan 65104

for the purpose of improving and enhancing the quality and 65105  
appropriateness of services rendered to the individual. 65106

**Sec. 5126.201.** (A) A person may be employed by or under 65107  
contract with a county board of developmental disabilities as a 65108  
conditional status service and support administrator only if 65109  
either of the following is true: 65110

~~(A)(1)~~ The person has at least an appropriate associate 65111  
degree; 65112

~~(B)(2)~~ The person meets both of the following requirements: 65113

~~(1)(a)~~ The person was employed by the county board and 65114  
performed service and support administration duties on June 30, 65115  
2005; 65116

~~(2)(b)~~ The person holds a high school diploma or a general 65117  
educational development certificate of high school equivalence. 65118

(B) A conditional status service and support administrator 65119  
shall perform the duties of service and support administration, as 65120  
specified in division (B) of section 5126.15 of the Revised Code, 65121  
only under the supervision of a management employee who is a 65122  
service and support administration supervisor. 65123

**Sec. 5139.03.** (A) The department of youth services shall 65124  
control and manage all state institutions or facilities 65125  
established or created for the training or rehabilitation of 65126  
delinquent children committed to the department, except where the 65127  
control and management of an institution or facility is vested by 65128  
law in another agency. The department shall employ, in addition to 65129  
other personnel authorized under Chapter 5139. of the Revised 65130  
Code, sufficient personnel to maintain food service and buildings 65131  
and grounds operations. 65132

(B) The department of youth services shall, insofar as 65133

practicable, purchase foods and other commodities incident to food 65134  
service operations from the department of mental health and 65135  
addiction services. The department of youth services may enter 65136  
into agreements with the department of mental health and addiction 65137  
services providing for assistance and consultation in the 65138  
construction of, or major modifications to, capital facilities of 65139  
the department of youth services. 65140

(C) The directors of mental health and addiction services and 65141  
of youth services shall enter into written agreements to implement 65142  
this section. Such directors may, from time to time, amend any 65143  
agreements entered into under this section for the purposes of 65144  
making more efficient use of personnel, taking advantage of 65145  
economies in quantity purchasing, or for any other purpose which 65146  
is mutually advantageous to both the department of youth services 65147  
and the department of mental health and addiction services. 65148

~~The department of youth services may transfer any of its 65149  
excess or surplus supplies to a community corrections facility. 65150  
These supplies shall remain the property of the department for a 65151  
period of five years from the date of the transfer. After the 65152  
five year period, the supplies shall become the property of the 65153  
facility. 65154~~

**Sec. 5139.50.** (A) The release authority of the department of 65155  
youth services is hereby created as a bureau in the department. 65156  
The release authority shall consist of a minimum of three, but not 65157  
more than five, members who are appointed by the director of youth 65158  
services and who have the qualifications specified in division (B) 65159  
of this section. The members of the release authority shall devote 65160  
their full time to the duties of the release authority and shall 65161  
neither seek nor hold other public office. The members shall be in 65162  
the unclassified civil service. 65163

(B) A person appointed as a member of the release authority 65164

shall have a bachelor's degree from an accredited college or 65165  
university or equivalent relevant experience and shall have the 65166  
skills, training, or experience necessary to analyze issues of 65167  
law, administration, and public policy. The membership of the 65168  
release authority shall represent, insofar as practicable, the 65169  
diversity found in the children in the legal custody of the 65170  
department of youth services. 65171

In appointing the ~~five~~ members, the director shall ensure 65172  
that the appointments include all of the following: 65173

(1) At least ~~four members~~ one member who ~~have~~ has five or 65174  
more years of experience in criminal justice, juvenile justice, or 65175  
an equivalent relevant profession; 65176

(2) At least one member who has experience in victim services 65177  
or advocacy or who has been a victim of a crime or is a family 65178  
member of a victim; 65179

(3) At least one member who has experience in direct care 65180  
services to delinquent children. 65181

(C) ~~The initial appointments of members of the release~~ 65182  
~~authority shall be for a term of six years for the chairperson and~~ 65183  
~~one member, a term of four years for two members, and a term of~~ 65184  
~~two years for one member. Thereafter, members shall be appointed~~ 65185  
~~for six year terms until the effective date of this amendment,~~ 65186  
~~after which members~~ Members shall be appointed for four-year 65187  
terms. At the conclusion of a term, a member shall hold office 65188  
until the appointment and qualification of the member's successor. 65189  
The director shall fill a vacancy occurring before the expiration 65190  
of a term for the remainder of that term and, if a member is on 65191  
extended leave or disability status for more than thirty work 65192  
days, may appoint an interim member to fulfill the duties of that 65193  
member. A member may be reappointed. A member may be removed for 65194  
good cause by the director. 65195

(D) The director of youth services shall designate as chairperson of the release authority one of the members who has experience in criminal justice, juvenile justice, or an equivalent relevant profession. The chairperson shall be a managing officer of the department, shall supervise the members of the board and the other staff in the bureau, and shall perform all duties and functions necessary to ensure that the release authority discharges its responsibilities. The chairperson shall serve as the official spokesperson for the release authority.

(E) The release authority shall do all of the following:

(1) Serve as the final and sole authority for making decisions, in the interests of public safety and the children involved, regarding the release and discharge of all children committed to the legal custody of the department of youth services, except children placed by a juvenile court on judicial release to court supervision or on judicial release to department of youth services supervision, children who have not completed a prescribed minimum period of time or prescribed period of time in a secure facility, or children who are required to remain in a secure facility until they attain twenty-one years of age;

(2) Establish written policies and procedures for conducting reviews of the status for all youth in the custody of the department, setting or modifying dates of release and discharge, specifying the duration, terms, and conditions of release to be carried out in supervised release subject to the addition of additional consistent terms and conditions by a court in accordance with section 5139.51 of the Revised Code, and giving a child notice of all reviews;

(3) Maintain records of its official actions, decisions, orders, and hearing summaries and make the records accessible in accordance with division (D) of section 5139.05 of the Revised Code;

(4) Cooperate with public and private agencies, communities, private groups, and individuals for the development and improvement of its services;	65228 65229 65230
(5) Collect, develop, and maintain statistical information regarding its services and decisions;	65231 65232
(6) Submit to the director an annual report that includes a description of the operations of the release authority, an evaluation of its effectiveness, recommendations for statutory, budgetary, or other changes necessary to improve its effectiveness, and any other information required by the director.	65233 65234 65235 65236 65237
(F) The release authority may do any of the following:	65238
(1) Conduct inquiries, investigations, and reviews and hold hearings and other proceedings necessary to properly discharge its responsibilities;	65239 65240 65241
(2) Issue subpoenas, enforceable in a court of law, to compel a person to appear, give testimony, or produce documentary information or other tangible items relating to a matter under inquiry, investigation, review, or hearing;	65242 65243 65244 65245
(3) Administer oaths and receive testimony of persons under oath;	65246 65247
(4) Request assistance, services, and information from a public agency to enable the authority to discharge its responsibilities and receive the assistance, services, and information from the public agency in a reasonable period of time;	65248 65249 65250 65251
(5) Request from a public agency or any other entity that provides or has provided services to a child committed to the department's legal custody information to enable the release authority to properly discharge its responsibilities with respect to that child and receive the information from the public agency or other entity in a reasonable period of time.	65252 65253 65254 65255 65256 65257

(G) The release authority may delegate responsibilities to 65258  
hearing officers or other designated staff under the release 65259  
authority's auspices. However, the release authority shall not 65260  
delegate its authority to make final decisions regarding policy or 65261  
the release of a child. 65262

The release authority shall adopt a written policy and 65263  
procedures governing appeals of its release and discharge 65264  
decisions. 65265

(H) The legal staff of the department of youth services shall 65266  
provide assistance to the release authority in the formulation of 65267  
policy and in its handling of individual cases. 65268

**Sec. 5147.07.** No articles or supplies manufactured under 65269  
~~sections 5147.01~~ this section or sections 5147.12 to 5147.26 65270  
5147.22 of the Revised Code by the labor of convicts of state 65271  
correctional institutions shall be purchased from any other source 65272  
for the state or its institutions unless the department of 65273  
administrative services, in consultation with the department of 65274  
rehabilitation and correction ~~first certifies, on requisition~~ 65275  
~~made,~~ determines that the articles or supplies cannot be furnished 65276  
and issues a waiver under section 125.035 of the Revised Code. 65277

**Sec. 5160.37.** (A) A medical assistance recipient's enrollment 65278  
in a medical assistance program gives an automatic right of 65279  
recovery to the department of medicaid and a county department of 65280  
job and family services against the liability of a third party for 65281  
the cost of medical assistance paid on behalf of the recipient. 65282  
When an action or claim is brought against a third party by a 65283  
medical assistance recipient, any payment, settlement or 65284  
compromise of the action or claim, or any court award or judgment, 65285  
is subject to the recovery right of the department of medicaid or 65286  
county department. Except in the case of a medical assistance 65287

recipient who receives medical assistance through a medicaid 65288  
managed care organization, the department's or county department's 65289  
claim shall not exceed the amount of medical assistance paid by 65290  
the department or county department on behalf of the recipient. A 65291  
payment, settlement, compromise, judgment, or award that excludes 65292  
the cost of medical assistance paid for by the department or 65293  
county department shall not preclude a department from enforcing 65294  
its rights under this section. 65295

(B) In the case of a medical assistance recipient who 65296  
receives medical assistance through a medicaid managed care 65297  
organization, the amount of the department's or county 65298  
department's claim shall be the amount the medicaid managed care 65299  
organization pays for medical assistance rendered to the 65300  
recipient, even if that amount is more than the amount the 65301  
department or county department pays to the medicaid managed care 65302  
organization for the recipient's medical assistance. 65303

(C) A medical assistance recipient, and the recipient's 65304  
attorney, if any, shall cooperate with the departments. In 65305  
furtherance of this requirement, the medical assistance recipient, 65306  
or the recipient's attorney, if any, shall, not later than thirty 65307  
days after initiating informal recovery activity or filing a legal 65308  
recovery action against a third party, provide written notice of 65309  
the activity or action to the department of medicaid or county 65310  
department if it has paid for medical assistance under a medical 65311  
assistance program. 65312

(D) The written notice that must be given under division (C) 65313  
of this section shall disclose the identity and address of any 65314  
third party against whom the medical assistance recipient has or 65315  
may have a right of recovery. 65316

(E) No settlement, compromise, judgment, or award or any 65317  
recovery in any action or claim by a medical assistance recipient 65318  
where the department or county department has a right of recovery 65319



shall be made final without first giving the department or county 65320  
department written notice as described in division (C) of this 65321  
section and a reasonable opportunity to perfect its rights of 65322  
recovery. If the department or county department is not given the 65323  
appropriate written notice, the medical assistance recipient and, 65324  
if there is one, the recipient's attorney, are liable to reimburse 65325  
the department or county department for the recovery received to 65326  
the extent of medical assistance payments made by the department 65327  
or county department. 65328

(F) The department or county department shall be permitted to 65329  
enforce its recovery rights against the third party even though it 65330  
accepted prior payments in discharge of its rights under this 65331  
section if, at the time the department or county department 65332  
received such payments, it was not aware that additional medical 65333  
expenses had been incurred but had not yet been paid by the 65334  
department or county department. The third party becomes liable to 65335  
the department or county department as soon as the third party is 65336  
notified in writing of the valid claims for recovery under this 65337  
section. 65338

(G)(1) Subject to division (G)(2) of this section, the right 65339  
of recovery of the department or county department does not apply 65340  
to that portion of any judgment, award, settlement, or compromise 65341  
of a claim, to the extent of attorneys' fees, costs, or other 65342  
expenses incurred by a medical assistance recipient in securing 65343  
the judgment, award, settlement, or compromise, or to the extent 65344  
of medical, surgical, and hospital expenses paid by such recipient 65345  
from the recipient's own resources. 65346

(2) Reasonable attorneys' fees, not to exceed one-third of 65347  
the total judgment, award, settlement, or compromise, plus costs 65348  
and other expenses incurred by the medical assistance recipient in 65349  
securing the judgment, award, settlement, or compromise, shall 65350  
first be deducted from the total judgment, award, settlement, or 65351

compromise. After fees, costs, and other expenses are deducted 65352  
from the total judgment, award, settlement, or compromise, there 65353  
shall be a rebuttable presumption that the department of medicaid 65354  
or county department shall receive no less than one-half of the 65355  
remaining amount, or the actual amount of medical assistance paid, 65356  
whichever is less. Any party may rebut this presumption by a 65357  
showing of clear and convincing evidence that a different 65358  
allocation is warranted. The allocation of medical expenses 65359  
pursuant to a settlement agreement between a medical assistance 65360  
recipient and the third party may be considered by the department 65361  
or county department but is not binding on either. 65362

(H) A right of recovery created by this section may be 65363  
enforced separately or jointly by the department of medicaid or 65364  
county department. To enforce its recovery rights, the department 65365  
or county department may do any of the following: 65366

(1) Intervene or join in any action or proceeding brought by 65367  
the medical assistance recipient or on the recipient's behalf 65368  
against any third party who may be liable for the cost of medical 65369  
assistance paid; 65370

(2) Institute and pursue legal proceedings against any third 65371  
party who may be liable for the cost of medical assistance paid; 65372

(3) Initiate legal proceedings in conjunction with any 65373  
injured, diseased, or disabled medical assistance recipient or the 65374  
recipient's attorney or representative. 65375

(I) A medical assistance recipient shall not assess attorney 65376  
fees, costs, or other expenses against the department of medicaid 65377  
or a county department when the department or county department 65378  
enforces its right of recovery created by this section. 65379

(J) The right of recovery given to the department under this 65380  
section includes payments made by a third party under contract 65381  
with a person having a duty to support. 65382

(K) The department of medicaid may assign to a medical assistance provider the right of recovery given to the department under this section with respect to any claim for which the department has notified the provider that the department intends to recoup the department's prior payment for the claim.

Sec. 5160.401. (A) A payment made by a third party under division (A)(4) of section 5160.40 of the Revised Code on a claim for payment of a medical item or service provided to a medical assistance recipient is final on the date that is two years after the payment was made to the department of medicaid or the applicable medicaid managed care organization. After a claim is final, the claim is subject to adjustment only if an action for recovery of an overpayment was commenced under division (B) of this section before the date the claim became final and the recovery is agreed to by the department or medicaid managed care organization under division (C) of this section.

(B) If a third party determines that it overpaid a claim for payment, the third party may seek to recover all or part of the overpayment by filing a notice of its intent to seek recovery with the department or medicaid managed care organization, as applicable. The notice of recovery must be filed in writing before the date the payment is final. The notice must specify all of the following:

(1) The full name of the medical assistance recipient who received the medical item or service that is the subject of the claim;

(2) The date or dates on which the medical item or service was provided;

(3) The amount allegedly overpaid and the amount the third party seeks to recover;

(4) The claim number and any other number the department or  
medicaid managed care organization has assigned to the claim; 65413  
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(5) The third party's rationale for seeking recovery; 65415

(6) The date the third party made the payment and the method  
of payment used; 65416  
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(7) If payment was made by check, the check number; 65418

(8) Whether the third party would prefer to receive the  
amount being sought by obtaining a payment from the department or  
medicaid managed care organization, either by check or electronic  
means, or by offsetting the amount from a future payment to be  
made to the department or medicaid managed care organization. 65419  
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(C) If the department or appropriate medicaid managed care  
organization determines that a notice of recovery was filed before  
the claim for payment is final and agrees to the amount sought by  
the third party, the department or medicaid managed care  
organization, as applicable, shall notify the third party in  
writing of its determination and agreement. Recovery of the amount  
shall proceed in accordance with the method specified by the third  
party pursuant to division (B)(8) of this section. 65424  
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**Sec. 5162.01.** (A) As used in the Revised Code: 65432

(1) "Medicaid" and "medicaid program" mean the program of 65433  
medical assistance established by Title XIX of the "Social 65434  
Security Act," 42 U.S.C. 1396 et seq., including any medical 65435  
assistance provided under the medicaid state plan or a federal 65436  
medicaid waiver granted by the United States secretary of health 65437  
and human services. 65438

(2) "Medicare" and "medicare program" mean the federal health 65439  
insurance program established by Title XVIII of the "Social 65440  
Security Act," 42 U.S.C. 1395 et seq. 65441

(B) As used in this chapter: 65442

- (1) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code. 65443  
65444
- (2) "Exchange" has the same meaning as in 45 C.F.R. 155.20. 65445
- (3) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code. 65446  
65447
- (4) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2). 65448  
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- (5) "Healthy start component" means the component of the medicaid program that covers pregnant women and children and is identified in rules adopted under section 5162.02 of the Revised Code as the healthy start component. 65454  
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- (6) "Home and community-based services" means services provided under a home and community-based services medicaid waiver component. 65458  
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- (7) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 65461  
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- (8) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 65464  
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- (9) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 65466  
65467
- (10) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 65468  
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- (11) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 65470  
65471
- (12) "Medicaid waiver component" has the same meaning as in 65472

<u>section 5166.01 of the Revised Code;</u>	65473
(13) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.	65474 65475
<del>(13)</del> (14) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in a geographical area smaller than that of the state.	65476 65477 65478 65479
<del>(14)</del> (15) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.	65480 65481
<del>(15)</del> (16) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.	65482 65483
<del>(16)</del> (17) "Qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind to which both of the following apply:	65484 65485 65486 65487 65488 65489
(a) It holds a valid provider agreement.	65490
(b) It meets all other conditions for participation in the medicaid school component of the medicaid program established in rules authorized by section 5162.364 of the Revised Code.	65491 65492 65493
<del>(17)</del> (18) "State agency" means every organized body, office, or agency, other than the department of medicaid, established by the laws of the state for the exercise of any function of state government.	65494 65495 65496 65497
<del>(18)</del> (19) "Vendor offset" means a reduction of a medicaid payment to a medicaid provider to correct a previous, incorrect medicaid payment to that provider.	65498 65499 65500
<b>Sec. 5162.11.</b> (A) The department of medicaid shall enter into	65501

an agreement with the department of administrative services for 65502  
the department of administrative services to contract through 65503  
competitive selection pursuant to section 125.07 of the Revised 65504  
Code with a vendor to perform an assessment of the data collection 65505  
and data warehouse functions of the medicaid data warehouse 65506  
system, including the ability to link the data sets of all 65507  
agencies serving medicaid recipients. 65508

The assessment of the data system shall include functions 65509  
related to fraud and abuse detection, program management and 65510  
budgeting, and performance measurement capabilities of all 65511  
agencies serving medicaid recipients, including the departments of 65512  
aging, health, job and family services, medicaid, mental health 65513  
and addiction services, and developmental disabilities. 65514

A qualified vendor with whom the department of administrative 65515  
services contracts to assess the data system shall also assist the 65516  
medicaid agencies in the definition of the requirements for an 65517  
enhanced data system or a new data system and assist the 65518  
department of administrative services in the preparation of a 65519  
request for proposals to enhance or develop a data system. 65520

(B) Based on the assessment performed pursuant to division 65521  
(A) of this section, the department of administrative services 65522  
shall seek a qualified vendor through competitive selection 65523  
pursuant to ~~section 125.07~~ Chapter 125. of the Revised Code to 65524  
develop or enhance a data collection and data warehouse system for 65525  
the department of medicaid and all agencies serving medicaid 65526  
recipients. 65527

The department of medicaid shall seek enhanced federal 65528  
financial participation for ninety per cent of the funds required 65529  
to establish or enhance the data system. The department of 65530  
administrative services shall not award a contract for 65531  
establishing or enhancing the data system until the department of 65532

medicaid receives approval from the United States secretary of 65533  
health and human services for the ninety per cent federal 65534  
financial participation. 65535

**Sec. 5162.36.** ~~(A)~~ ~~(B)~~ The medicaid director shall create, in 65536  
accordance with sections 5162.36 to ~~5162.364~~ 5162.365 of the 65537  
Revised Code, the medicaid school component of the medicaid 65538  
program. 65539

**Sec. 5162.361.** A qualified medicaid school provider 65540  
participating in the medicaid school component of the medicaid 65541  
program may submit a claim to the department of medicaid for 65542  
federal financial participation for providing, in schools, 65543  
services covered by the medicaid school component to medicaid 65544  
recipients who are eligible for the services. No qualified 65545  
medicaid school provider may submit such a claim before the 65546  
provider incurs the cost of providing the service. 65547

The claim shall include certification of the qualified 65548  
medicaid school provider's expenditures for the service. The 65549  
certification shall show that the money the qualified medicaid 65550  
school provider used for the expenditures was nonfederal money the 65551  
provider may legally use for providing the service and that the 65552  
amount of the expenditures was sufficient to pay the full cost of 65553  
the service. 65554

Except as otherwise provided in sections 5162.36 to ~~5162.364~~ 65555  
5162.365 of the Revised Code ~~and rules authorized by sections~~ 65556  
~~5162.363 and 5162.364 of the Revised Code~~, a qualified medicaid 65557  
school provider is subject to all conditions of participation in 65558  
the medicaid program that generally apply to providers of goods 65559  
and services under the medicaid program, including conditions 65560  
regarding claims, audits, and recovery of overpayments. 65561

**Sec. 5162.363.** The department of medicaid shall enter into an 65562



interagency agreement with the department of education under 65563  
section 5162.35 of the Revised Code that provides for the 65564  
department of education to administer the medicaid school 65565  
component of the medicaid program other than the aspects of the 65566  
component that sections 5162.36 to ~~5162.364~~ 5162.365 of the 65567  
Revised Code require the department of medicaid to administer. The 65568  
interagency agreement may include a provision that provides for 65569  
the department of education to pay to the department of medicaid 65570  
the nonfederal share of a portion of the administrative expenses 65571  
the department of medicaid incurs in administering the aspects of 65572  
the component that the department of medicaid administers. 65573

To the extent authorized by rules authorized by section 65574  
5162.021 of the Revised Code, the department of education shall 65575  
~~establish, in adopt~~ rules ~~adopted under section 5162.02 of the~~ 65576  
~~Revised Code,~~ establishing a process by which qualified medicaid 65577  
school providers participating in the medicaid school component 65578  
pay to the department of education the nonfederal share of the 65579  
department's expenses incurred in administering the component. The 65580  
rules shall be adopted in accordance with Chapter 119. of the 65581  
Revised Code. 65582

Sec. 5162.365. (A) A qualified medicaid school provider is 65583  
solely responsible for timely repaying any overpayment that the 65584  
provider receives under the medicaid school component of the 65585  
medicaid program and that is discovered by a federal or state 65586  
audit. This is the case regardless of whether the audit's finding 65587  
identifies the provider, department of medicaid, or department of 65588  
education as being responsible for the overpayment. 65589

(B) The department of medicaid shall not do any of the 65590  
following regarding an overpayment for which a qualified medicaid 65591  
school provider is responsible for repaying: 65592

<u>(1) Make a payment to the federal government to meet or delay</u>	65593
<u>the provider's repayment obligation;</u>	65594
<u>(2) Assume the provider's repayment obligation;</u>	65595
<u>(3) Forgive the provider's repayment obligation.</u>	65596
<u>(C) Each qualified medicaid school provider shall indemnify</u>	65597
<u>and hold harmless the department of medicaid for any cost or</u>	65598
<u>penalty resulting from a federal or state audit finding that a</u>	65599
<u>claim submitted by the provider under section 5162.361 of the</u>	65600
<u>Revised Code did not comply with a federal or state requirement</u>	65601
<u>applicable to the claim, including a requirement of a medicaid</u>	65602
<u>waiver component.</u>	65603
<b>Sec. 5163.03.</b> (A) Subject to section 5163.05 of the Revised	65604
Code, the medicaid program shall cover all mandatory eligibility	65605
groups.	65606
(B) The medicaid program shall cover all of the optional	65607
eligibility groups that state statutes require the medicaid	65608
program to cover.	65609
(C) The medicaid program may cover any of the optional	65610
eligibility groups to which either of the following applies:	65611
(1) State statutes expressly permit the medicaid program to	65612
cover the optional eligibility group.	65613
(2) <del>State statutes do not address whether</del> <u>Except as provided</u>	65614
<u>in division (D)(1) of this section,</u> the medicaid program <del>may cover</del>	65615
<u>covers</u> the optional eligibility group <u>on the effective date of</u>	65616
<u>this amendment.</u>	65617
(D) The medicaid program shall not cover any <u>optional</u>	65618
eligibility group <del>that state</del> <u>to which either of the following</u>	65619
<u>applies:</u>	65620
<u>(1) State</u> statutes <u>expressly</u> prohibit the medicaid program	65621

from covering the optional eligibility group. 65622

(2) State statutes do not address whether the medicaid 65623

program may cover the optional eligibility group. 65624

**Sec. 5163.04.** The income eligibility threshold for an 65625

optional eligibility group shall be the following: 65626

(A) The percentage of the federal poverty line specified in 65627

state statute for the group; 65628

(B) If the income eligibility threshold for the group is not 65629

specified in state statute, a percentage of the federal poverty 65630

line not exceeding the percentage of the federal poverty line 65631

that, on the effective date of this section, is the group's income 65632

eligibility threshold. 65633

**Sec. 5163.06.** The medicaid program shall cover all of the 65634

following optional eligibility groups: 65635

(A) The group consisting of children placed with adoptive 65636

parents who are specified in the "Social Security Act," section 65637

1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII); 65638

(B) ~~Subject to section 5163.061 of the Revised Code, the~~ 65639

~~group consisting of women during pregnancy and the sixty day~~ 65640

~~period beginning on the last day of the pregnancy, infants, and~~ 65641

~~children who are specified in the "Social Security Act," section~~ 65642

~~1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX);~~ 65643

~~(C)~~ Subject to sections 5163.09 to 5163.098 of the Revised 65644

Code, the group consisting of employed individuals with 65645

disabilities who are specified in the "Social Security Act," 65646

section 1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV); 65647

~~(D)~~(C) Subject to sections 5163.09 to 5163.098 of the Revised 65648

Code, the group consisting of employed individuals with medically 65649

improved disabilities who are specified in the "Social Security 65650

Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 65651

1396a(a)(10)(A)(ii)(XVI); 65652

~~(E)(D)~~ The group consisting of independent foster care 65653

adolescents who are specified in the "Social Security Act," 65654

section 1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 65655

1396a(a)(10)(A)(ii)(XVII); 65656

~~(F)~~ The group consisting of women in need of treatment for 65657

breast or cervical cancer who are specified in the "Social 65658

Security Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 65659

1396a(a)(10)(A)(ii)(XVIII); 65660

~~(G)~~ The group consisting of nonpregnant individuals who may 65661

receive family planning services and supplies and are specified in 65662

the "Social Security Act," section 1902(a)(10)(A)(ii)(XXI), 42 65663

U.S.C. 1396a(a)(10)(A)(ii)(XXI). 65664

**Sec. 5163.30.** (A) As used in this section: 65665

(1) "Assets" include all of an individual's income and 65666

resources and those of the individual's spouse, including any 65667

income or resources the individual or spouse is entitled to but 65668

does not receive because of action by any of the following: 65669

(a) The individual or spouse; 65670

(b) A person or government entity, including a court or 65671

administrative agency, with legal authority to act in place of or 65672

on behalf of the individual or spouse; 65673

(c) A person or government entity, including a court or 65674

administrative agency, acting at the direction or on the request 65675

of the individual or spouse. 65676

(2) "Home and community-based services" means home and 65677

community-based services furnished under a medicaid waiver granted 65678

by the United States secretary of health and human services under 65679

the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 65680

1396n(c) or (d). 65681

(3) "Institutionalized individual" means a resident of a 65682  
nursing facility, an inpatient in a medical institution for whom a 65683  
payment is made based on a level of care provided in a nursing 65684  
facility, or an individual described in the "Social Security Act," 65685  
section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A)(ii)(VI). 65686

(4) "Look-back date" means the date that is a number of 65687  
months specified in rules adopted under section 5163.02 of the 65688  
Revised Code immediately before either of the following: 65689

(a) The date an individual becomes an institutionalized 65690  
individual if the individual is eligible for medicaid on that 65691  
date; 65692

(b) The date an individual applies for medicaid while an 65693  
institutionalized individual. 65694

(5) "Nursing facility equivalent services" means services 65695  
that are covered by the medicaid program, equivalent to nursing 65696  
facility services, provided by an institution that provides the 65697  
same level of care as a nursing facility, and provided to an 65698  
inpatient of the institution who is a medicaid recipient eligible 65699  
for medicaid-covered nursing facility equivalent services. 65700

(6) "Undue hardship" means being deprived of either of the 65701  
following: 65702

(a) Medical care such that an individual's health or life is 65703  
endangered; 65704

(b) Food, clothing, shelter, or other necessities of life. 65705

(B) Except as provided in division (C) of this section and 65706  
rules adopted under section 5163.02 of the Revised Code, an 65707  
institutionalized individual is ineligible for nursing facility 65708  
services, nursing facility equivalent services, and home and 65709  
community-based services if the individual or individual's spouse 65710

disposes of assets for less than fair market value on or after the 65711  
look-back date. The institutionalized individual's ineligibility 65712  
shall begin on a date determined in accordance with rules adopted 65713  
under section 5163.02 of the Revised Code and shall continue for a 65714  
number of months determined in accordance with such rules. 65715

(C)(1) An institutionalized individual may be granted a 65716  
waiver of all or a portion of the period of ineligibility to which 65717  
the individual would otherwise be subjected under division (B) of 65718  
this section if the ineligibility would cause an undue hardship 65719  
for the individual. ~~An~~ 65720

(2) An institutionalized individual shall be granted a waiver 65721  
of all or a portion of the period of ineligibility if the 65722  
administrator of the nursing facility in which the individual 65723  
resides has notified the individual of a proposed transfer or 65724  
discharge under section 3721.16 of the Revised Code due to failure 65725  
to pay for the care the nursing facility has provided to the 65726  
individual, the individual or the individual's sponsor requests a 65727  
hearing on the proposed transfer or discharge in accordance with 65728  
section 3721.161 of the Revised Code, and the transfer or 65729  
discharge is upheld by a final determination that is not subject 65730  
to further appeal. ~~Waivers~~ 65731

(3) An institutionalized individual may be granted a waiver 65732  
of all of the period of ineligibility if all of the assets that 65733  
were disposed of for less than fair market value are returned to 65734  
the individual or individual's spouse or if the individual or 65735  
individual's spouse receives cash or other personal or real 65736  
property that equals the difference between what the individual or 65737  
individual's spouse received for the assets and the fair market 65738  
value of the assets. Except as provided in division (C)(1) or (2) 65739  
of this section, no waiver of any part of the period of 65740  
ineligibility shall be granted if the amount the individual or 65741  
individual's spouse receives is less than the difference between 65742

what the individual or individual's spouse received for the assets 65743  
and the fair market value of the assets. 65744

(4) Waivers shall be granted in accordance with rules adopted 65745  
under section 5163.02 of the Revised Code. 65746

(D) To secure compliance with this section, the medicaid 65747  
director may require an individual, as a condition of initial or 65748  
continued eligibility for medicaid, to provide documentation of 65749  
the individual's assets up to five years before the date the 65750  
individual becomes an institutionalized individual if the 65751  
individual is eligible for medicaid on that date or the date the 65752  
individual applies for medicaid while an institutionalized 65753  
individual. Documentation may include tax returns, records from 65754  
financial institutions, and real property records. 65755

**Sec. 5163.33.** (A) In determining the amount of income that a 65756  
medicaid recipient must apply monthly toward payment of the cost 65757  
of care in a nursing facility or ICF/IID, a county department of 65758  
job and family services shall deduct from the recipient's monthly 65759  
income a monthly personal needs allowance in accordance with the 65760  
"Social Security Act," section 1902(q), 42 U.S.C. 1396a(q). 65761

(B) In the case of a resident of a nursing facility, the 65762  
monthly personal needs allowance shall be ~~as follows:~~ 65763

~~(1) Prior to January 1, 2014, not less than forty dollars for~~ 65764  
~~an individual resident and not less than eighty dollars for a~~ 65765  
~~married couple if both spouses are residents of a nursing facility~~ 65766  
~~and their incomes are considered available to each other in~~ 65767  
~~determining eligibility;~~ 65768

~~(2) For calendar year 2014, not less than forty five dollars~~ 65769  
~~for an individual resident and not less than ninety dollars for a~~ 65770  
~~married couple if both spouses are residents of a nursing facility~~ 65771  
~~and their incomes are considered available to each other in~~ 65772

~~determining eligibility;~~ 65773

~~(3) For calendar year 2015 and each calendar year thereafter,~~ 65774  
not less than fifty dollars for an individual resident and not 65775  
less than one hundred dollars for a married couple if both spouses 65776  
are residents of a nursing facility and their incomes are 65777  
considered available to each other in determining eligibility. 65778

(C) In the case of a resident of an ICF/IID, the monthly 65779  
personal needs allowance shall be as follows: 65780

(1) Prior to January 1, 2016, forty dollars unless the 65781  
resident has earned income, in which case the monthly personal 65782  
needs allowance shall be determined by the department of medicaid, 65783  
or the department's designee, but shall not exceed one hundred 65784  
five dollars; 65785

(2) For calendar year 2016 and each calendar year thereafter, 65786  
not less than fifty dollars for an individual resident and not 65787  
less than one hundred dollars for a married couple if both spouses 65788  
are residents of an ICF/IID and their incomes are considered 65789  
available to each other in determining eligibility. 65790

**Sec. 5164.01.** As used in this chapter: 65791

(A) "Adjudication" has the same meaning as in section 119.01 65792  
of the Revised Code. 65793

(B) "Early and periodic screening, diagnostic, and treatment 65794  
services" has the same meaning as in the "Social Security Act," 65795  
section 1905(r), 42 U.S.C. 1396d(r). 65796

~~(B)~~(C) "Federal financial participation" has the same meaning 65797  
as in section 5160.01 of the Revised Code. 65798

~~(C)~~(D) "Healthcheck" means the component of the medicaid 65799  
program that provides early and periodic screening, diagnostic, 65800  
and treatment services. 65801



~~(D)~~(E) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 65802  
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65804

~~(E)~~(F) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 65805  
65806

~~(F)~~(G) "ICDS participant" means a dual eligible individual who participates in the integrated care delivery system. 65807  
65808

~~(G)~~(H) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 65809  
65810

~~(H)~~(I) "Integrated care delivery system" and "ICDS" mean the demonstration project authorized by section 5164.91 of the Revised Code. 65811  
65812  
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~~(I)~~(J) "Mandatory services" means the health care services and items that must be covered by the medicaid state plan as a condition of the state receiving federal financial participation for the medicaid program. 65814  
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~~(J)~~(K) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 65818  
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~~(K)~~(L) "Medicaid provider" means a person or government entity with a valid provider agreement to provide medicaid services to medicaid recipients. To the extent appropriate in the context, "medicaid provider" includes a person or government entity applying for a provider agreement, a former medicaid provider, or both. 65820  
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~~(L)~~(M) "Medicaid services" means either or both of the following: 65826  
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(1) Mandatory services; 65828

(2) Optional services that the medicaid program covers. 65829

~~(M)~~ (N) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 65830  
65831

~~(N)~~(O) "Optional services" means the health care services and items that may be covered by the medicaid state plan or a federal medicaid waiver and for which the medicaid program receives federal financial participation.

~~(O)~~(P) "Prescribed drug" has the same meaning as in 42 C.F.R. 440.120.

~~(P)~~(Q) "Provider agreement" means an agreement to which all of the following apply:

(1) It is between a medicaid provider and the department of medicaid;

(2) It provides for the medicaid provider to provide medicaid services to medicaid recipients;

(3) It complies with 42 C.F.R. 431.107(b).

~~(Q)~~(R) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.

**Sec. 5164.36.** (A) As used in this section:

(1) ~~"Credible allegation of fraud" has the same meaning as in 42 C.F.R. 455.2, except that for purposes of this section any reference in that regulation to the "state" or the "state medicaid agency" means the department of medicaid~~ means an allegation of fraud for which there is an indication of reliability and that derives from one or more sources, including any of the following:

(a) A fraud hotline complaint;

(b) Claims data mining;

(c) A pattern identified through medicaid provider audits, civil false claims cases, and law enforcement investigations;

(d) An indictment charging a medicaid provider or its owner, officer, authorized agent, associate, manager, or employee with committing an act that would be a felony or misdemeanor under the

laws of this state or the laws in the jurisdiction in which the 65861  
act is committed and relates to, or results from, one or more of 65862  
the following: 65863

(i) Furnishing, ordering, prescribing, or certifying medicaid 65864  
services; 65865

(ii) Billing for medicaid services; 65866

(iii) Referring a person to medicaid services; 65867

(iv) Participating in the performance of management or 65868  
administrative services related to furnishing medicaid services. 65869

(e) Any other source. 65870

(2) "Owner" ~~has the same meaning as in section 5164.37 of the~~ 65871  
~~Revised Code~~ means any person having at least five per cent 65872  
ownership in a medicaid provider. 65873

(B)(1) Except as provided in division (C) of this section and 65874  
in rules authorized by this section, ~~on determining there is a~~ 65875  
~~credible allegation of fraud for which an investigation is pending~~ 65876  
~~under the medicaid program against a medicaid provider,~~ the 65877  
department of medicaid shall suspend ~~the~~ a medicaid provider's 65878  
provider agreement held by the provider when the department, after 65879  
carefully reviewing all allegations, facts, and evidence and 65880  
acting judiciously on a case-by-case basis, determines that an 65881  
allegation of fraud committed by the medicaid provider or its 65882  
owner, officer, authorized agent, associate, manager, or employee 65883  
is a credible allegation of fraud. Subject to division (C) of this 65884  
section, when the department suspends a medicaid provider's 65885  
provider agreement under this section, the department ~~shall:~~ 65886

(a) Shall also terminate suspend all medicaid payments to the 65887  
provider for medicaid services rendered the provider provided 65888  
before, or provides after, the provider agreement's suspension; 65889

(b) May also suspend the provider agreement of any other 65890

medicaid provider of which the medicaid provider is an owner, 65891  
officer, authorized agent, associate, manager, or employee. 65892

(2)(a) The suspension shall continue in effect until either 65893  
of the following is the case: 65894

(i) The department or a prosecuting authority determines that 65895  
there is insufficient evidence of fraud by the medicaid provider+ 65896  
or its owner, officer, authorized agent, associate, manager, or 65897  
employee. 65898

(ii) The proceedings in any related criminal case are 65899  
completed through dismissal of the indictment or through 65900  
conviction, entry of a guilty plea, or finding of not guilty. 65901

(b) If the department commences a process to terminate the 65902  
suspended provider agreement, the suspension shall also continue 65903  
in effect until the termination process, including any judicial 65904  
appeal, is concluded. 65905

(3) When a medicaid provider's provider agreement is subject 65906  
to a suspension under this section, a neither the medicaid 65907  
provider, nor any owner, officer, authorized agent, associate, 65908  
manager, or employee of the provider whose actions resulted in the 65909  
credible allegation of fraud, shall ~~not~~ own or provide services to 65910  
any other medicaid provider or risk contractor or arrange for, 65911  
render, refer, prescribe, certify, or order services to any other 65912  
medicaid provider or risk contractor or arrange for, render, 65913  
refer, prescribe, certify, or order services for medicaid 65914  
recipients during the period of suspension. During the period of 65915  
suspension, the provider, owner, officer, authorized agent, 65916  
associate, manager, or employee shall not receive direct payments 65917  
under the medicaid program or indirect payments of medicaid funds 65918  
in the form of salary, shared fees, contracts, kickbacks, or 65919  
rebates from or through any other medicaid provider or risk 65920  
contractor. 65921

(C) The department shall not suspend a provider agreement or terminate medicaid payments under division (B) of this section if the medicaid provider or owner can demonstrate through the submission of written evidence that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the credible allegation of fraud.

~~(D) The termination of medicaid payment under division (B) of this section applies only to payments for medicaid services rendered subsequent to the date on which the notice required by division (E) of this section is sent. Claims for payment of medicaid services rendered by the medicaid provider prior to the issuance of the notice may be subject to prepayment review procedures whereby the department reviews claims to determine whether they are supported by sufficient documentation, are in compliance with state and federal statutes and rules, and are otherwise complete.~~

~~(E)~~ After suspending a provider agreement under division (B) of this section, the department shall, as specified in 42 C.F.R. 455.23(b), send notice of the suspension to the affected medicaid provider or owner in accordance with the following ~~timeframes~~ time frames:

(1) Not later than five days after the suspension, unless a law enforcement agency makes a written request to temporarily delay the notice;

(2) If a law enforcement agency makes a written request to temporarily delay the notice, not later than thirty days after the suspension occurs subject to the conditions specified in division ~~(F)~~(E) of this section.

~~(F)~~(E) A written request for a temporary delay described in division ~~(E)~~(D)(2) of this section may be renewed in writing by a

law enforcement agency not more than two times except that under 65953  
no circumstances shall the notice be issued more than ninety days 65954  
after the suspension occurs. 65955

~~(G)~~(F) The notice required by division ~~(E)~~(D) of this section 65956  
shall do all of the following: 65957

(1) State that payments are being suspended in accordance 65958  
with this section and 42 C.F.R. 455.23; 65959

(2) Set forth the general allegations related to the nature 65960  
of the conduct leading to the suspension, except that it is not 65961  
necessary to disclose any specific information concerning an 65962  
ongoing investigation; 65963

(3) State that the suspension continues to be in effect until 65964  
either of the following is the case: 65965

(a) The department or a prosecuting authority determines that 65966  
there is insufficient evidence of fraud by the provider or its 65967  
owner, officer, authorized agent, associate, manager, or employee. 65968

(b) The proceedings in any related criminal case are 65969  
completed through dismissal of the indictment or through 65970  
conviction, entry of a guilty plea, or finding of not guilty and, 65971  
if the department commences a process to terminate the suspended 65972  
provider agreement, until the termination process is concluded. 65973

(4) Specify, if applicable, the type or types of medicaid 65974  
claims or business units of the medicaid provider that are 65975  
affected by the suspension; 65976

(5) Inform the medicaid provider or owner of the opportunity 65977  
to submit to the department, not later than thirty days after 65978  
receiving the notice, a request for reconsideration of the 65979  
suspension in accordance with division ~~(H)~~(G) of this section. 65980

~~(H)~~(G)(1) Pursuant to the procedure specified in division 65981  
~~(H)~~(G)(2) of this section, a medicaid provider or owner subject to 65982

a suspension under this section may request a reconsideration of 65983  
the suspension. The request shall be made not later than thirty 65984  
days after receipt of a notice required by division ~~(E)~~(D) of this 65985  
section. The reconsideration is not subject to an adjudication 65986  
hearing pursuant to Chapter 119. of the Revised Code. 65987

(2) In requesting a reconsideration, the medicaid provider or 65988  
owner shall submit written information and documents to the 65989  
department. The information and documents may pertain to any of 65990  
the following issues: 65991

(a) Whether the determination to suspend the provider 65992  
agreement was based on ~~a mistake of fact, other than the validity~~ 65993  
~~of an indictment in a related criminal case.~~ mistaken identity; 65994

(b) If there has been an indictment in a related criminal 65995  
case, whether any offense charged in the indictment resulted from 65996  
an ~~offense specified~~ act described in division ~~(E)~~(A)(1)(d) of 65997  
this section 5164.37 of the Revised Code.; 65998

(c) Whether the provider or owner can demonstrate that the 65999  
provider or owner did not directly or indirectly sanction the 66000  
action of its authorized agent, associate, manager, or employee 66001  
that resulted in the suspension under this section or an 66002  
indictment in a related criminal case. 66003

~~(I)~~(H) The department shall review the information and 66004  
documents submitted in a request made under division ~~(H)~~(G) of 66005  
this section for reconsideration of a suspension. After the 66006  
review, the suspension may be affirmed, reversed, or modified, in 66007  
whole or in part. The department shall notify the affected 66008  
provider or owner of the results of the review. The review and 66009  
notification of its results shall be completed not later than 66010  
forty-five days after receiving the information and documents 66011  
submitted in a request for reconsideration. 66012

~~(J)~~(I) Rules adopted under section 5164.02 of the Revised 66013

Code may specify circumstances under which the department would 66014  
not suspend a provider agreement pursuant to this section. 66015

Sec. 5164.37. (A) As used in this section, "owner" has the 66016  
same meaning as in section 5164.36 of the Revised Code. 66017

(B) The department of medicaid may suspend a medicaid 66018  
provider's provider agreement before conducting an adjudication 66019  
under Chapter 119. of the Revised Code if the department 66020  
determines that a credible allegation exists that the provider, by 66021  
any act or omission, has negatively affected the health, safety, 66022  
or welfare of one or more medicaid recipients. When the department 66023  
suspends a medicaid provider's provider agreement under this 66024  
section, the department: 66025

(1) Shall also suspend all medicaid payments to the provider 66026  
for medicaid services the provider provided before, or provides 66027  
after, the provider agreement's suspension; 66028

(2) May also suspend the provider agreement of any other 66029  
medicaid provider of which the medicaid provider is an owner, 66030  
officer, authorized agent, associate, manager, or employee. 66031

(C) Not later than five days after suspending a medicaid 66032  
provider's provider agreement under this section, the department 66033  
shall notify the provider of the suspension of the provider 66034  
agreement and medicaid payments. 66035

(D) Not later than ten days after suspending a medicaid 66036  
provider's provider agreement under this section, the department 66037  
shall notify the provider of the department's intent to terminate 66038  
the provider agreement. The notice shall be provided as part of 66039  
the adjudication required by section 5164.38 of the Revised Code 66040  
for the termination. The notice shall state that the provider 66041  
agreement is to be terminated because of the allegation that the 66042  
provider negatively affected the health, safety, or welfare of one 66043



or more medicaid recipients and may state additional reasons for 66044  
the termination. 66045

(E) The suspension of a medicaid provider's provider 66046  
agreement and medicaid payments to the provider under this section 66047  
shall continue in effect until the process to terminate the 66048  
suspended provider agreement, including any judicial appeal, is 66049  
concluded. However, if the department fails to provide the 66050  
provider a notice required by division (C) or (D) of this section 66051  
by the deadline, the suspension shall be lifted on the day 66052  
immediately following the deadline. 66053

(F) This section does not limit the department's authority 66054  
under any other statute to suspend or terminate a provider 66055  
agreement or medicaid payments to a medicaid provider. 66056

**Sec. 5164.38.** (A) As used in this section: 66057

~~(1) "Adjudication" has the same meaning as in division (D) of~~ 66058  
~~section 119.01 of the Revised Code.~~ 66059

~~(2) "Party" has the same meaning as in division (G) of~~ 66060  
~~section 119.01 of the Revised Code.~~ 66061

~~(3)~~(2) "Revalidate" means to approve a medicaid provider's 66062  
continued enrollment as a medicaid provider in accordance with the 66063  
revalidation process established in rules authorized by section 66064  
5164.32 of the Revised Code. 66065

(B) This section does not apply to either of the following: 66066

(1) Any action taken or decision made by the department of 66067  
medicaid with respect to entering into or refusing to enter into a 66068  
contract with a managed care organization pursuant to section 66069  
5167.10 of the Revised Code; 66070

(2) Any action taken by the department under division (D)(2) 66071  
of section 5124.60, division (D)(1) or (2) of section 5124.61, or 66072  
sections 5165.60 to 5165.89 of the Revised Code. 66073

(C) Except as provided in division (E) of this section and 66074  
section 5164.58 of the Revised Code, the department shall do any 66075  
of the following by issuing an order pursuant to an adjudication 66076  
conducted in accordance with Chapter 119. of the Revised Code: 66077

(1) Refuse to enter into a provider agreement with a medicaid 66078  
provider; 66079

(2) Refuse to revalidate a medicaid provider's provider 66080  
agreement; 66081

(3) Suspend or terminate a medicaid provider's provider 66082  
agreement; 66083

(4) Take any action based upon a final fiscal audit of a 66084  
medicaid provider. 66085

(D) Any party who is adversely affected by the issuance of an 66086  
adjudication order under division (C) of this section may appeal 66087  
to the court of common pleas of Franklin county in accordance with 66088  
section 119.12 of the Revised Code. 66089

(E) The department is not required to comply with division 66090  
(C)(1), (2), or (3) of this section whenever any of the following 66091  
occur: 66092

(1) The terms of a provider agreement require the medicaid 66093  
provider to hold a license, permit, or certificate or maintain a 66094  
certification issued by an official, board, commission, 66095  
department, division, bureau, or other agency of state or federal 66096  
government other than the department of medicaid, and the license, 66097  
permit, certificate, or certification has been denied, revoked, 66098  
not renewed, suspended, or otherwise limited. 66099

(2) The terms of a provider agreement require the medicaid 66100  
provider to hold a license, permit, or certificate or maintain 66101  
certification issued by an official, board, commission, 66102  
department, division, bureau, or other agency of state or federal 66103

government other than the department of medicaid, and the provider 66104  
has not obtained the license, permit, certificate, or 66105  
certification. 66106

(3) The medicaid provider's application for a provider 66107  
agreement is denied, or the provider's provider agreement is 66108  
terminated or not revalidated, because of or pursuant to any of 66109  
the following: 66110

(a) The termination, refusal to renew, or denial of a 66111  
license, permit, certificate, or certification by an official, 66112  
board, commission, department, division, bureau, or other agency 66113  
of this state other than the department of medicaid, 66114  
notwithstanding the fact that the provider may hold a license, 66115  
permit, certificate, or certification from an official, board, 66116  
commission, department, division, bureau, or other agency of 66117  
another state; 66118

(b) Division (D) or (E) of section 5164.35 of the Revised 66119  
Code; 66120

(c) The provider's termination, suspension, or exclusion from 66121  
the medicare program or from another state's medicaid program and, 66122  
in either case, the termination, suspension, or exclusion is 66123  
binding on the provider's participation in the medicaid program in 66124  
this state; 66125

(d) The provider's pleading guilty to or being convicted of a 66126  
criminal activity materially related to either the medicare or 66127  
medicaid program; 66128

(e) The provider or its owner, officer, authorized agent, 66129  
associate, manager, or employee having been convicted of one of 66130  
the offenses that caused the provider's provider agreement to be 66131  
suspended pursuant to section 5164.36 of the Revised Code; 66132

(f) The provider's failure to provide the department the 66133  
national provider identifier assigned the provider by the national 66134

provider system pursuant to 45 C.F.R. 162.408. 66135

(4) The medicaid provider's application for a provider 66136  
agreement is denied, or the provider's provider agreement is 66137  
terminated or suspended, as a result of action by the United 66138  
States department of health and human services and that action is 66139  
binding on the provider's medicaid participation. 66140

(5) Pursuant to either section 5164.36 or 5164.37 of the 66141  
Revised Code, the medicaid provider's provider agreement is 66142  
suspended and payments to the provider are suspended pending 66143  
indictment of the provider. 66144

(6) The medicaid provider's application for a provider 66145  
agreement is denied because the provider's application was not 66146  
complete; 66147

(7) The medicaid provider's provider agreement is converted 66148  
under section 5164.32 of the Revised Code from a provider 66149  
agreement that is not time-limited to a provider agreement that is 66150  
time-limited. 66151

(8) Unless the medicaid provider is a nursing facility or 66152  
ICF/IID, the provider's provider agreement is not revalidated 66153  
pursuant to division (B)(1) of section 5164.32 of the Revised 66154  
Code. 66155

(9) The medicaid provider's provider agreement is suspended, 66156  
terminated, or not revalidated because of either of the following: 66157

(a) Any reason authorized or required by one or more of the 66158  
following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 66159  
455.450; 66160

(b) The provider has not billed or otherwise submitted a 66161  
medicaid claim for two years or longer. 66162

(F) In the case of a medicaid provider described in division 66163  
(E)(3)(f), (6), (7), or (9)(b) of this section, the department may 66164

take its action by sending a notice explaining the action to the 66165  
provider. The notice shall be sent to the medicaid provider's 66166  
address on record with the department. The notice may be sent by 66167  
regular mail. 66168

(G) The department may withhold payments for medicaid 66169  
services rendered by a medicaid provider during the pendency of 66170  
proceedings initiated under division (C)(1), (2), or (3) of this 66171  
section. If the proceedings are initiated under division (C)(4) of 66172  
this section, the department may withhold payments only to the 66173  
extent that they equal amounts determined in a final fiscal audit 66174  
as being due the state. This division does not apply if the 66175  
department fails to comply with section 119.07 of the Revised 66176  
Code, requests a continuance of the hearing, or does not issue a 66177  
decision within thirty days after the hearing is completed. This 66178  
division does not apply to nursing facilities and ICFs/IID. 66179

**Sec. 5164.57.** (A) ~~As used in this section, "adjudication" has 66180  
the same meaning as in section 119.01 of the Revised Code.~~ 66181

~~(B)~~(1) Except as provided in division ~~(B)~~(A)(2) of this 66182  
section, the department of medicaid may recover a medicaid payment 66183  
or portion of a payment made to a medicaid provider to which the 66184  
provider is not entitled if the department notifies the provider 66185  
of the overpayment during the five-year period immediately 66186  
following the end of the state fiscal year in which the 66187  
overpayment was made. 66188

(2) In the case of a hospital medicaid provider, if the 66189  
department determines as a result of a medicare or medicaid cost 66190  
report settlement that the provider received an amount under the 66191  
medicaid program to which the provider is not entitled, the 66192  
department may recover the overpayment if the department notifies 66193  
the provider of the overpayment during the later of the following: 66194

(a) The five-year period immediately following the end of the 66195

state fiscal year in which the overpayment was made; 66196

(b) The one-year period immediately following the date the 66197  
department receives from the United States centers for medicare 66198  
and medicaid services a completed, audited, medicare cost report 66199  
for the provider that applies to the state fiscal year in which 66200  
the overpayment was made. 66201

~~(C)~~(B) Among the overpayments that may be recovered under 66202  
this section are the following: 66203

(1) Payment for a medicaid service, or a day of service, not 66204  
rendered; 66205

(2) Payment for a day of service at a full per diem rate that 66206  
should have been paid at a percentage of the full per diem rate; 66207

(3) Payment for a medicaid service, or day of service, that 66208  
was paid by, or partially paid by, a third party, as defined in 66209  
section 5160.35 of the Revised Code, and the third party's payment 66210  
or partial payment was not offset against the amount paid by the 66211  
medicaid program to reduce or eliminate the amount that was paid 66212  
by the medicaid program; 66213

(4) Payment when a medicaid recipient's responsibility for 66214  
payment was understated and resulted in an overpayment to the 66215  
provider. 66216

~~(D)~~(C) The department may recover an overpayment under this 66217  
section prior to or after any of the following: 66218

(1) Adjudication of a final fiscal audit that section 5164.38 66219  
of the Revised Code requires to be conducted in accordance with 66220  
Chapter 119. of the Revised Code; 66221

(2) Adjudication of a finding under any other provision of 66222  
state statutes governing the medicaid program or the rules adopted 66223  
under those statutes; 66224

(3) Expiration of the time to issue a final fiscal audit that 66225

section 5164.38 of the Revised Code requires to be conducted in 66226  
accordance with Chapter 119. of the Revised Code; 66227

(4) Expiration of the time to issue a finding under any other 66228  
provision of state statutes governing the medicaid program or the 66229  
rules adopted under those statutes. 66230

~~(E)~~(D)(1) Subject to division ~~(E)~~(D)(2) of this section, the 66231  
recovery of an overpayment under this section does not preclude 66232  
the department from subsequently doing the following: 66233

(a) Issuing a final fiscal audit in accordance with Chapter 66234  
119. of the Revised Code, as required under section 5164.38 of the 66235  
Revised Code; 66236

(b) Issuing a finding under any other provision of state 66237  
statutes governing the medicaid program or the rules adopted under 66238  
those statutes. 66239

(2) A final fiscal audit or finding issued subsequent to the 66240  
recovery of an overpayment under this section shall be reduced by 66241  
the amount of the prior recovery, as appropriate. 66242

~~(F)~~(E) Nothing in this section limits the department's 66243  
authority to recover overpayments pursuant to any other provision 66244  
of the Revised Code. 66245

**Sec. 5164.912.** A medical transportation provider may submit a 66246  
claim to the medicaid program for a medical transportation service 66247  
provided to an ICDS participant without the medicare program first 66248  
denying the claim if the medicaid program is responsible for 66249  
paying the claim instead of the medicare program. 66250

**Sec. 5165.15.** ~~(A)~~ Except as otherwise provided by sections 66251  
5165.151 to 5165.157 and 5165.34 of the Revised Code, the total 66252  
per medicaid day payment rate that the department of medicaid 66253  
shall pay a nursing facility provider for nursing facility 66254

services the provider's nursing facility provides during a fiscal year shall ~~equal~~ be determined as follows: 66255  
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(A) Determine the sum of all of the following: 66257

(1) The per medicaid day payment rate for ancillary and support costs determined for the nursing facility under section 5165.16 of the Revised Code; 66258  
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(2) The per medicaid day payment rate for capital costs determined for the nursing facility under section 5165.17 of the Revised Code; 66261  
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(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code; 66264  
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(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section 5165.21 of the Revised Code; 66267  
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(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code; 66270  
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~~(6) The quality incentive payment paid to the nursing facility under section 5165.25 of the Revised Code~~ Sixteen dollars and forty-four cents. 66273  
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~~(B) In addition to paying a nursing facility provider the nursing facility's total rate determined under division (A) of this section for a fiscal year, the department shall pay the provider a quality bonus under section 5165.26 of the Revised Code for that fiscal year if the provider's nursing facility is a qualifying nursing facility, as defined in that section, for that fiscal year. The quality bonus shall not be part of the total rate~~ From the sum determined under division (A) of this section, subtract one dollar and seventy-nine cents. 66276  
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(C) To the difference determined under division (B) of this section, add the per medicaid day quality payment rate determined for the nursing facility under section 5165.25 of the Revised Code. 66285  
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**Sec. 5165.151.** (A) The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be the initial rate for nursing facility services provided by a new nursing facility. Instead, the initial total per medicaid day payment rate for nursing facility services provided by a new nursing facility shall be determined in the following manner: 66289  
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(1) The initial rate for ancillary and support costs shall be the rate for the new nursing facility's peer group determined under division (D) of section 5165.16 of the Revised Code. 66295  
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(2) The initial rate for capital costs shall be the rate for the new nursing facility's peer group determined under division (D) of section 5165.17 of the Revised Code; 66298  
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(3) The initial rate for direct care costs shall be the product of the cost per case-mix unit determined under division (D) of section 5165.19 of the Revised Code for the new nursing facility's peer group and the new nursing facility's case-mix score determined under division (B) of this section. 66301  
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(4) The initial rate for tax costs shall be the median rate for tax costs for the new nursing facility's peer group in which the nursing facility is placed under division (C) of section 5165.16 of the Revised Code. 66306  
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(5) The quality ~~incentive~~ payment shall be the mean quality payment made to rate determined for nursing facilities under section 5165.25 of the Revised Code. 66310  
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(6) Fourteen dollars and sixty-five cents shall be added to the sum of the rates and payment specified in divisions (A)(1) to 66313  
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(5) of this section. 66315

(B) For the purpose of division (A)(3) of this section, a new nursing facility's case-mix score shall be the following: 66316  
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(1) Unless the new nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the median annual average case-mix score for the new nursing facility's peer group; 66318  
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(2) If the nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the semiannual case-mix score most recently determined under section 5165.192 of the Revised Code for the replaced nursing facility as adjusted, if necessary, to reflect any difference in the number of beds in the replaced and new nursing facilities. 66323  
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(C) Subject to division (D) of this section, the department shall adjust the rates established under division (A) of this section effective the first day of July, to reflect new rate calculations for all nursing facilities under this chapter. 66331  
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(D) If a rate for direct care costs is determined under this section for a new nursing facility using the median annual average case-mix score for the new nursing facility's peer group, the rate shall be redetermined to reflect the new nursing facility's actual semiannual average case-mix score determined under section 5165.192 of the Revised Code after the new nursing facility submits its first two quarterly assessment data that qualify for use in calculating a case-mix score in accordance with rules authorized by section 5165.192 of the Revised Code. If the new nursing facility's quarterly submissions do not qualify for use in calculating a case-mix score, the department shall continue to use 66335  
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the median annual average case-mix score for the new nursing facility's peer group in lieu of the new nursing facility's semiannual case-mix score until the new nursing facility submits two consecutive quarterly assessment data that qualify for use in calculating a case-mix score.

**Sec. 5165.152.** The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be paid for nursing facility services provided to low resource utilization residents. Instead, the total rate for such nursing facility services shall be ~~one~~ the following:

(A) One hundred ~~thirty~~ fifteen dollars per medicaid day if the department of medicaid is satisfied that the nursing facility's provider is cooperating with the long-term care ombudsman program in efforts to help the nursing facility's low resource utilization residents receive the services that are most appropriate for such residents' level of care needs;

(B) Ninety-one dollars and seventy cents per medicaid day if division (A) of this section does not apply to the nursing facility.

**Sec. 5165.192.** (A)(1) Except as provided in division (B) of this section and in accordance with the process specified in rules authorized by this section, the department of medicaid shall do all of the following:

(a) Every quarter, determine the following two case-mix scores for each nursing facility:

(i) A quarterly case-mix score that includes each resident who is a medicaid recipient and is not a low resource utilization resident;

(ii) A quarterly case-mix score that includes each resident regardless of payment source.

(b) Every six months, determine a semiannual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(i) of this section;

(c) After the end of each calendar year, determine an annual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(ii) of this section.

(2) When determining case-mix scores under division (A)(1) of this section, the department shall use all of the following:

(a) Data from a resident assessment instrument specified in rules authorized by section 5165.191 of the Revised Code;

(b) Except as provided in rules authorized by this section, the case-mix values established by the United States department of health and human services;

(c) Except as modified in rules authorized by this section, the grouper methodology ~~used on June 30, 1999,~~ designated by the United States department of health and human services ~~for prospective payment of skilled nursing facilities under the medicare program as the resource utilization group (RUG)-IV, 48 group model.~~

(B)(1) Subject to division (B)(2) of this section, the department, for one or more months of a calendar quarter, may assign to a nursing facility a case-mix score that is five per cent less than the nursing facility's case-mix score for the immediately preceding calendar quarter if any of the following apply:

(a) The provider does not timely submit complete and accurate resident assessment data necessary to determine the nursing facility's case-mix score for the calendar quarter;

(b) The nursing facility was subject to an exception review 66406  
under section 5165.193 of the Revised Code for the immediately 66407  
preceding calendar quarter; 66408

(c) The nursing facility was assigned a case-mix score for 66409  
the immediately preceding calendar quarter. 66410

(2) Before assigning a case-mix score to a nursing facility 66411  
due to the submission of incorrect resident assessment data, the 66412  
department shall permit the provider to correct the data. The 66413  
department may assign the case-mix score if the provider fails to 66414  
submit the corrected resident assessment data not later than the 66415  
earlier of the forty-fifth day after the end of the calendar 66416  
quarter to which the data pertains or the deadline for submission 66417  
of such corrections established by regulations adopted by the 66418  
United States department of health and human services under Title 66419  
XVIII and Title XIX. 66420

(3) If, for more than six months in a calendar year, a 66421  
provider is paid a rate determined for a nursing facility using a 66422  
case-mix score assigned to the nursing facility under division 66423  
(B)(1) of this section, the department may assign the nursing 66424  
facility a cost per case-mix unit that is five per cent less than 66425  
the nursing facility's actual or assigned cost per case-mix unit 66426  
for the immediately preceding calendar year. The department may 66427  
use the assigned cost per case-mix unit, instead of determining 66428  
the nursing facility's actual cost per case-mix unit in accordance 66429  
with section 5165.19 of the Revised Code, to establish the nursing 66430  
facility's rate for direct care costs for the fiscal year 66431  
immediately following the calendar year for which the cost per 66432  
case-mix unit is assigned. 66433

(4) The department shall take action under division (B)(1), 66434  
(2), or (3) of this section only in accordance with rules 66435  
authorized by this section. The department shall not take an 66436  
action that affects rates for prior payment periods except in 66437

accordance with sections 5165.41 and 5165.42 of the Revised Code. 66438

(C) The medicaid director shall adopt rules under section 66439  
5165.02 of the Revised Code as necessary to implement this 66440  
section. 66441

(1) The rules shall do all of the following: 66442

(a) Specify the process for determining the semiannual and 66443  
annual average case-mix scores for nursing facilities; 66444

(b) Adjust the case-mix values specified in division 66445  
(A)(2)(b) of this section to reflect changes in relative wage 66446  
differentials that are specific to this state; 66447

(c) Express all of those case-mix values in numeric terms 66448  
that are different from the terms specified by the United States 66449  
department of health and human services but that do not alter the 66450  
relationship of the case-mix values to one another; 66451

(d) Modify the grouper methodology specified in division 66452  
(A)(2)(c) of this section as follows: 66453

(i) Establish a different hierarchy for assigning residents 66454  
to case-mix categories under the methodology; 66455

(ii) Prohibit the use of the index maximizer element of the 66456  
methodology; 66457

(iii) Incorporate changes to the methodology the United 66458  
States department of health and human services makes after June 66459  
30, 1999; 66460

(iv) Make other changes the department determines are 66461  
necessary. 66462

(e) Establish procedures under which resident assessment data 66463  
shall be reviewed for accuracy and providers shall be notified of 66464  
any data that requires correction; 66465

(f) Establish procedures for providers to correct resident 66466

assessment data and specify a reasonable period of time by which 66467  
providers shall submit the corrections. The procedures may limit 66468  
the content of corrections in the manner required by regulations 66469  
adopted by the United States department of health and human 66470  
services under Title XVIII and Title XIX. 66471

(g) Specify when and how the department will assign case-mix 66472  
scores or costs per case-mix unit to a nursing facility under 66473  
division (B) of this section if information necessary to calculate 66474  
the nursing facility's case-mix score is not provided or corrected 66475  
in accordance with the procedures established by the rules. 66476

(2) Notwithstanding any other provision of this chapter, the 66477  
rules may provide for the exclusion of case-mix scores assigned to 66478  
a nursing facility under division (B) of this section from the 66479  
determination of the nursing facility's semiannual or annual 66480  
average case-mix score and the cost per case-mix unit for the 66481  
nursing facility's peer group. 66482

**Sec. 5165.23.** (A) Each fiscal year, the department of 66483  
medicaid shall determine the critical access incentive payment for 66484  
each nursing facility that qualifies as a critical access nursing 66485  
facility. To qualify as a critical access nursing facility for a 66486  
fiscal year, a nursing facility must meet all of the following 66487  
requirements: 66488

(1) The nursing facility must be located in an area that, on 66489  
December 31, 2011, was designated an empowerment zone under the 66490  
"Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391. 66491

(2) The nursing facility must have an occupancy rate of at 66492  
least eighty-five per cent as of the last day of the calendar year 66493  
immediately preceding the fiscal year. 66494

(3) The nursing facility must have a medicaid utilization 66495  
rate of at least sixty-five per cent as of the last day of the 66496

calendar year immediately preceding the fiscal year. 66497

~~(4) The nursing facility must have been awarded at least five 66498  
points for meeting accountability measures under section 5165.25 66499  
of the Revised Code for the fiscal year and at least one of the 66500  
five points must have been awarded for meeting the accountability 66501  
measures identified in divisions (C)(9), (10), (11), (12), and 66502  
(14) of section 5165.25 of the Revised Code. 66503~~

(B) A critical access nursing facility's critical access 66504  
incentive payment for a fiscal year shall equal five per cent of 66505  
the portion of the nursing facility's total per medicaid day 66506  
payment rate for the fiscal year that is the sum of the rates ~~and~~ 66507  
~~payment~~ identified in divisions (A)(1) to (4) ~~and (6)~~ of section 66508  
5165.15 of the Revised Code. 66509

Sec. 5165.25. (A) As used in this section: 66510

(1) "Long-stay resident" means an individual who has resided 66511  
in a nursing facility for at least one hundred one days. 66512

(2) "Measurement period" means the following: 66513

(a) For fiscal year 2017, the period beginning July 1, 2015, 66514  
and ending December 31, 2015; 66515

(b) For each subsequent fiscal year, the calendar year 66516  
immediately preceding the fiscal year. 66517

(3) "Nurse aide" has the same meaning as in section 3721.21 66518  
of the Revised Code. 66519

(4) "Short-stay resident" means a nursing facility resident 66520  
who is not a long-stay resident. 66521

(B)(1) Using all of the funds made available for a fiscal 66522  
year by the rate reductions under division (B) of section 5165.15 66523  
of the Revised Code, the department of medicaid shall determine a 66524  
per medicaid day quality payment rate to be paid for that fiscal 66525



year to each nursing facility that meets at least one of the 66526  
quality indicators specified in division (B)(2) of this section 66527  
for the measurement period. The largest quality payment rate for a 66528  
fiscal year shall be paid to nursing facilities that meet all of 66529  
the quality indicators for the measurement period. 66530

(2) The following are the quality indicators to be used for 66531  
the purpose of division (B)(1) of this section: 66532

(a) Not more than the target percentage of the nursing 66533  
facility's short-stay residents had new or worsened pressure 66534  
ulcers and not more than the target percentage of long-stay 66535  
residents at high risk for pressure ulcers had pressure ulcers. 66536

(b) Not more than the target percentage of the nursing 66537  
facility's short-stay residents newly received an antipsychotic 66538  
medication and not more than the target percentage of the nursing 66539  
facility's long-stay residents received an antipsychotic 66540  
medication. 66541

(c) The number of the nursing facility's residents who had 66542  
avoidable inpatient hospital admissions did not exceed the target 66543  
rate. 66544

(d) The nursing facility's employee retention rate is at 66545  
least the target rate. 66546

(e) The nursing facility utilized the nursing home version of 66547  
the preferences for everyday living inventory for all of its 66548  
residents. 66549

(3) The department shall specify the target percentage for 66550  
the purpose of divisions (B)(2)(a) and (b) of this section. The 66551  
amount specified for division (B)(2)(a) of this section may differ 66552  
from the amount specified for division (B)(2)(b) of this section 66553  
and the amount specified for short-stay residents may differ from 66554  
the amount specified for long-stay residents. The department also 66555  
shall specify the target rate for the purpose of division 66556

(B)(2)(c) of this section and the target rate for the purpose of 66557  
division (B)(2)(d) of this section. 66558

(C) If a nursing facility undergoes a change of operator 66559  
during a fiscal year, the per medicaid day quality payment rate to 66560  
be paid to the entering operator for nursing facility services 66561  
that the nursing facility provides during the period beginning on 66562  
the effective date of the change of operator and ending on the 66563  
last day of the fiscal year shall be the same amount as the per 66564  
medicaid day quality payment rate that was in effect on the day 66565  
immediately preceding the effective date of the change of operator 66566  
and paid to the nursing facility's exiting operator. For the 66567  
immediately following fiscal year, the per medicaid day quality 66568  
payment rate shall be the following: 66569

(1) If the effective date of the change of operator is on or 66570  
before the first day of October of the calendar year immediately 66571  
preceding the fiscal year, the amount determined for the nursing 66572  
facility in accordance with division (B) of this section for the 66573  
fiscal year; 66574

(2) If the effective date of the change of operator is after 66575  
the first day of October of the calendar year immediately 66576  
preceding the fiscal year, the mean per medicaid day quality 66577  
payment rate for all nursing facilities for the fiscal year. 66578

**Sec. 5166.16.** (A) As used in this section and section 66579  
5166.161 of the Revised Code, "ODA or MCD medicaid waiver 66580  
component" means all of the following: 66581

(1) The medicaid-funded component of the PASSPORT program, 66582  
unless it is terminated pursuant to division (C) of section 173.52 66583  
of the Revised Code; 66584

(2) The choices program, unless it is terminated pursuant to 66585  
division (B) of section 173.53 of the Revised Code; 66586

(3) The medicaid-funded component of the assisted living program, unless it is terminated pursuant to division (C) of section 173.54 of the Revised Code; 66587  
66588  
66589

(4) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code; 66590  
66591

(5) The Ohio transitions II aging carve-out program, unless it is terminated pursuant to section 5166.13 of the Revised Code. 66592  
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(B) The medicaid director may create a home and community-based services medicaid waiver component as part of the integrated care delivery system. If the ICDS medicaid waiver component is created, both of the following apply: 66594  
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(1) The department of medicaid shall administer it; 66598

(2) When it begins to accept enrollments, no ICDS participant who is eligible for the ICDS medicaid waiver component shall be enrolled in an ODA or MCD medicaid waiver component regardless of whether the participant prefers to remain or be enrolled in an ODA or MCD medicaid waiver component. 66599  
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(C) A dual eligible individual who is eligible for an ODA or MCD medicaid waiver component may enroll in the component before the individual becomes an ICDS participant. The dual eligible individual shall disenroll from the ODA or MCD medicaid waiver component and enroll in the ICDS medicaid waiver component once the individual becomes an ICDS participant and it is possible to enroll the individual in the ICDS medicaid waiver component. The disenrollment from the ODA or MCD medicaid waiver component and enrollment into the ICDS medicaid waiver component shall occur regardless of whether the individual prefers to remain enrolled in the ODA or MCD medicaid waiver component. 66604  
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(D) An ICDS participant's disenrollment from an ODA or MCD medicaid waiver component and enrollment in the ICDS medicaid waiver component resulting from division (B)(2) or (C) of this 66615  
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section shall be accomplished without a disruption in the 66618  
participant's services under the components. 66619

Sec. 5166.161. The department of medicaid shall ensure that 66620  
each ICDS participant who is a survivor of the Holocaust that 66621  
occurred in Europe during World War II receives, while enrolled in 66622  
the ICDS medicaid waiver component, home and community-based 66623  
services of the type and in at least the amount, duration, and 66624  
scope that the participant is assessed to need and would have 66625  
received if the participant were enrolled in an ODA or MCD 66626  
medicaid waiver component. 66627

Sec. 5166.24. A medicaid waiver component that the department 66628  
of developmental disabilities administers under section 5166.21 of 66629  
the Revised Code shall continue to cover adult day services 66630  
provided by sheltered workshops if the component covers those 66631  
services on the effective date of this section. 66632

A sheltered workshop with a provider agreement to provide 66633  
adult day services available under a medicaid waiver component 66634  
administered by the department of developmental disabilities shall 66635  
not decrease the number of medicaid recipients it is willing and 66636  
able to serve. 66637

Sec. 5166.52. (A) As used in sections 5166.52 to 5166.5210 of 66638  
the Revised Code: 66639

(1) "Adult" means an individual who is at least eighteen 66640  
years of age. 66641

(2) "Buckeye account" means a modified health savings account 66642  
established under section 5166.522 of the Revised Code. 66643

(3) "Contribution" means the amounts that an individual 66644  
contributes to the individual's buckeye account and are 66645  
contributed to the account on the individual's behalf under 66646

divisions (C) and (D) of section 5166.522 of the Revised Code. 66647  
"Contribution" does not mean the portion of an individual's 66648  
buckeye account that consists of medicaid funds deposited under 66649  
division (B) of section 5166.522 of the Revised Code or section 66650  
5166.524 of the Revised Code. 66651

(4) "Core portion" means the portion of a healthy Ohio 66652  
program participant's buckeye account that consists of the 66653  
following: 66654

(a) The amount of contributions to the account; 66655

(b) The amounts awarded to the account under divisions (C) 66656  
and (D) of section 5166.524 of the Revised Code. 66657

(5) "Eligible employer-sponsored health plan" has the same 66658  
meaning as in section 5000A(f)(2) of the "Internal Revenue Code of 66659  
1986," 26 U.S.C. 5000A(f)(2). 66660

(6) "Healthy Ohio program" means the medicaid waiver 66661  
component established under sections 5166.52 to 5166.5210 of the 66662  
Revised Code under which medicaid recipients specified in division 66663  
(B)(2) of this section enroll in comprehensive health plans and 66664  
contribute to buckeye accounts. 66665

(7) "Healthy Ohio program debit swipe card" means a debit 66666  
swipe card issued by a managed care organization to a healthy Ohio 66667  
program participant under section 5166.523 of the Revised Code. 66668

(8) "Minor" means an individual who is less than eighteen 66669  
years of age. 66670

(9) "Not-for-profit organization" means an organization that 66671  
is exempt from federal income taxation under section 501(a) and 66672  
(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(a) 66673  
and (c)(3). 66674

(10) "Ward of the state" means both of the following: 66675

(a) An individual who is a ward, as defined in section 66676

2111.01 of the Revised Code; 66677

(b) A minor who is in the temporary or permanent custody of a public children services agency or private child placing agency. 66678  
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(11) "Workforce development activity" and "workforce development agency" have the same meanings as in section 6301.01 of the Revised Code. 66680  
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(B) The medicaid director shall establish a medicaid waiver component to be known as the healthy Ohio program. Each individual, other than a ward of the state, determined to be eligible for medicaid on the basis of either of the following shall participate in the healthy Ohio program as a condition of medicaid eligibility: 66683  
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(1) On the basis of being included in the category identified by the department of medicaid as covered families and children; 66689  
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(2) On the basis of being included in the eligibility group described in section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII). 66691  
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(C) A healthy Ohio program participant shall not receive medicaid services under the fee-for-service component of medicaid or participate in the care management system. Notwithstanding any other state statute, only medicaid recipients not required to participate in the healthy Ohio program shall receive medicaid services under the fee-for- service component of medicaid or participate in the care management system. 66694  
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**Sec. 5166.521.** A healthy Ohio program participant shall enroll in a comprehensive health plan offered by a managed care organization under contract with the department of medicaid. All of the following apply to the health plan: 66701  
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(A) It shall cover physician, hospital inpatient, hospital outpatient, pregnancy-related, mental health, pharmaceutical, 66705  
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laboratory, and other health care services the medicaid director determines necessary. 66707  
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(B) In the case of a health professional service also covered by the medicare program, it shall have the same payment rate as the medicare payment rate for the health professional service. 66709  
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(C) It shall not begin to pay for any services it covers until the amount of the noncore portion of the participant's buckeye account is zero. 66712  
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(D) It shall require copayments for services covered by the health plan, except that a participant's copayments shall be waived whenever the amount of the core portion of the participant's buckeye account is zero. 66715  
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(E) It shall have the following payout limits: 66719

(1) Three hundred thousand dollars per year; 66720

(2) One million dollars for a participant's lifetime. 66721

**Sec. 5166.522.** (A)(1) A buckeye account shall be established for each individual who is determined to be eligible for the healthy Ohio program. Subject to division (A)(2) of this section, an individual's buckeye account shall consist of both of the following: 66722  
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(a) The medicaid funds deposited into the account under division (B) of this section and division (A) of section 5166.524 of the Revised Code; 66727  
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(b) Contributions made by the individual and on the individual's behalf under divisions (C) and (D) of this section. 66730  
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(2) A buckeye account shall not have more than ten thousand dollars in it at one time. 66732  
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(B)(1) Subject to division (A)(2) of this section, the following amount of medicaid funds shall be deposited each year 66734  
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into the buckeye account of an individual participating in the 66736  
healthy Ohio program: 66737

(a) If the individual is an adult, one thousand dollars; 66738

(b) If the individual is a minor, five hundred dollars. 66739

(2) Except in the case of an individual who is not required 66740  
to make contributions to the individual's buckeye account, the 66741  
initial deposit of medicaid funds into an individual's buckeye 66742  
account shall not occur until the initial contribution to the 66743  
individual's account is made under division (C) or (D) of this 66744  
section. 66745

(C) Subject to divisions (A)(2), (D), and (F) of this 66746  
section, an individual who is seeking to participate, or is 66747  
participating, in the healthy Ohio program shall contribute each 66748  
month to the individual's buckeye account the greater of the 66749  
following: 66750

(1) Two per cent of the individual's monthly countable family 66751  
income; 66752

(2) One dollar. 66753

(D)(1) Subject to division (D)(2) of this section, the 66754  
following may make contributions to an individual's buckeye 66755  
account on the individual's behalf: 66756

(a) If the individual is a minor, the individual's parent or 66757  
caretaker relative; 66758

(b) The individual's employer, but only up to fifty per cent 66759  
of the contributions the individual is required to make; 66760

(c) A not-for-profit organization, but only up to seventy- 66761  
five per cent of the contributions the individual is required to 66762  
make; 66763

(d) The managed care organization that offers the health plan 66764  
in which the individual enrolls under the healthy Ohio program, 66765



but both of the following apply to such contributions: 66766

(i) They shall be used only to pay the costs for the individual to participate in a health-related incentive available under the health plan, such as completion of a risk assessment or participation in a smoking cessation program. 66767  
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(ii) They cannot reduce the amount the individual is required to contribute. 66771  
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(2) Contributions made on an individual's behalf under divisions (D)(1)(b) and (c) of this section shall be coordinated in a manner so that the individual, or if the individual is a minor, the individual's parent or caretaker relative, makes at least twenty-five per cent of the contributions the individual is required to make. 66773  
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(E) Except in the case of an individual who is not required to make contributions to the individual's buckeye account, an individual shall not begin to participate in the healthy Ohio program until the initial contribution to the individual's buckeye account is made under division (C) or (D) of this section. 66779  
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(F)(1) The following portion of the amount that remains in a healthy Ohio program participant's buckeye account at the end of a year shall carry forward in the account for the next year: 66784  
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(a) If the participant satisfies requirements regarding preventative health services established in rules authorized by section 5166.5210 of the Revised Code, the entire amount; 66787  
66788  
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(b) If division (F)(1)(a) of this section does not apply, the amount representing the contributions to the account. 66790  
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(2) The amount of contributions that must be made to a healthy Ohio program participant's buckeye account for a year shall be reduced by the amount that is carried forward under division (F)(1) of this section. If the amount carried forward is 66792  
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at least the amount of contributions that division (C) of this 66796  
section requires for that year, no contributions are required to 66797  
be made for the participant that year. 66798

(G) A buckeye account shall be used only for the following: 66799

(1) To pay for the expenses for which a healthy Ohio program 66800  
debit swipe card may be used as specified in division (A) of 66801  
section 5166.523 of the Revised Code; 66802

(2) Other purposes authorized by rules adopted under section 66803  
5166.5210 of the Revised Code. 66804

(H) The department of medicaid shall provide for a healthy 66805  
Ohio program participant to receive monthly statements showing the 66806  
current amount in the participant's buckeye account and the 66807  
previous month's expenditures from the account. The statement 66808  
shall specify how much of the amount in the participant's buckeye 66809  
account is the core portion and how much is the noncore portion. 66810  
The department may arrange for the statements to be provided in an 66811  
electronic format. 66812

**Sec. 5166.523.** (A) A managed care organization that offers 66813  
the health plan in which a healthy Ohio program participant 66814  
enrolls shall issue a debit swipe card to be used to pay only for 66815  
the following: 66816

(1) Until the amount of the noncore portion of the 66817  
participant's buckeye account is zero, the costs of health care 66818  
services that are covered by the health plan and provided to the 66819  
participant by a provider participating in the health plan; 66820

(2) The participant's copayments under division (A)(4) of 66821  
section 5166.521 of the Revised Code; 66822

(3) Subject to rules authorized by section 5166.5210 of the 66823  
Revised Code, the costs of health care services that are medically 66824  
necessary for the participant but not covered by the health plan. 66825

<u>(B)(1) A healthy Ohio program participant's debit swipe card</u>	66826
<u>shall be credited with one point for each of the following:</u>	66827
<u>(a) Each dollar of medicaid funds deposited into the</u>	66828
<u>participant's buckeye account under division (B) of section</u>	66829
<u>5166.522 of the Revised Code;</u>	66830
<u>(b) Each dollar contributed to the participant's buckeye</u>	66831
<u>account under divisions (C) and (D) of section 5166.522 of the</u>	66832
<u>Revised Code;</u>	66833
<u>(c) Each point awarded to the participant under section</u>	66834
<u>5166.524 of the Revised Code.</u>	66835
<u>(2) Each time a healthy Ohio program participant uses the</u>	66836
<u>participant's debit swipe card, the amount for which the card is</u>	66837
<u>used shall be deducted from the number of points on the card as</u>	66838
<u>follows:</u>	66839
<u>(a) If the card is used for the purpose specified in division</u>	66840
<u>(A)(1) of this section, the deduction shall come from the points</u>	66841
<u>representing the noncore portion of the participant's buckeye</u>	66842
<u>account.</u>	66843
<u>(b) If the card is used for the purpose specified in division</u>	66844
<u>(A)(2) or (3) of this section, the deduction shall come from the</u>	66845
<u>points representing the core portion of the participant's buckeye</u>	66846
<u>account.</u>	66847
<u>(C) A healthy Ohio program participant's debit swipe card</u>	66848
<u>shall do all of the following:</u>	66849
<u>(1) Verify the participant's eligibility for the healthy Ohio</u>	66850
<u>program;</u>	66851
<u>(2) Determine whether the service the participant seeks is</u>	66852
<u>covered under the health plan;</u>	66853
<u>(3) Determine whether the provider from which the participant</u>	66854
<u>seeks the service is a participating provider under the health</u>	66855

plan; 66856

(4) Be linked to the participant's buckeye account in a 66857  
manner that enables the participant to know at the point of 66858  
service what will be deducted from the noncore portion and core 66859  
portion of the participant's buckeye account for the service and 66860  
how much will remain in each portion of the account after the 66861  
deduction. 66862

Sec. 5166.524. (A) The medicaid director shall establish a 66863  
system under which points are awarded in accordance with this 66864  
section to healthy Ohio program debit swipe cards. One dollar of 66865  
medicaid funds shall be deposited into a healthy Ohio program 66866  
participant's buckeye account for each point awarded to the 66867  
participant under this section. 66868

(B) The director shall provide a one-time award of twenty 66869  
points to a healthy Ohio program participant who provides for the 66870  
participant's contributions under division (C) of section 5166.522 66871  
of the Revised Code to be made by electronic funds transfers from 66872  
the participant's checking or savings account. Twenty points shall 66873  
be deducted from the participant's card if the participant 66874  
terminates the electronic funds transfers. 66875

(C) The director may award up to two hundred points annually 66876  
to a healthy Ohio program participant who achieves health care 66877  
goals. The points shall be awarded in accordance with the rules 66878  
authorized by section 5166.5210 of the Revised Code. A participant 66879  
shall not be awarded more than two hundred points per year under 66880  
this division regardless of the number of health care goals the 66881  
participant achieves that year. 66882

(D) Up to one hundred points may be awarded annually to a 66883  
healthy Ohio program participant by one or more primary care 66884  
physicians who verify that the participant has satisfied health 66885  
care benchmarks set by the physicians. A participant shall not be 66886

awarded more than one hundred points per year under this division 66887  
regardless of how many primary care physicians award points to the 66888  
participant that year and the number of points the primary care 66889  
physicians award the participant that year. 66890

**Sec. 5166.525.** An individual's participation in the healthy 66891  
Ohio program shall be suspended if the individual exhausts the 66892  
individual's annual payout limit specified in division (A)(5)(a) 66893  
of section 5166.521 of the Revised Code. The suspension shall end 66894  
on the first day of the following year. 66895

**Sec. 5166.526.** (A) An individual's participation in the 66896  
healthy Ohio program shall cease if any of the following applies: 66897

(1) A monthly installment payment to the individual's buckeye 66898  
account is sixty days late. 66899

(2) The individual, or if the individual is a minor, the 66900  
individual's parent or caretaker relative, fails to submit 66901  
documentation needed for a redetermination of the individual's 66902  
eligibility for medicaid before the sixty-first day after the 66903  
documentation is requested. 66904

(3) The individual becomes eligible for medicaid on a basis 66905  
other than being included in the category identified by the 66906  
department of medicaid as covered families and children or being 66907  
included in the eligibility group described in section 66908  
1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 66909  
1396a(a)(10)(A)(i)(VIII). 66910

(4) The individual becomes a ward of the state. 66911

(5) The individual ceases to be eligible for medicaid. 66912

(6) The individual exhausts the individual's lifetime payout 66913  
limit specified in division (A)(5)(b) of section 5166.521 of the 66914  
Revised Code. 66915

(7) The individual, or if the individual is a minor, the individual's parent or caretaker relative, requests that the individual's participation be terminated. 66916  
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(B) An individual who ceases to participate in the healthy Ohio program under division (A)(1) or (2) of this section may not resume participation earlier than twelve months after the participation ceases. 66919  
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(C) Except as provided in section 5166.528 of the Revised Code, an individual who ceases to participate in the healthy Ohio program shall be provided the contributions that are in the individual's buckeye account at the time the individual ceases participation. If the individual is a minor, the individual's contribution shall be provided to the individual's parent or caretaker relative. 66923  
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Sec. 5166.527. If a healthy Ohio program participant exhausts the annual or lifetime payout limits specified in division (A)(5) of section 5166.521 of the Revised Code, the participant shall be transferred to a catastrophic health care plan established in rules authorized by section 5166.5210 of the Revised Code. A participant who exhausts the annual payout limit for a year may resume participation in the healthy Ohio program at the beginning of the immediately following year. 66930  
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Sec. 5166.528. (A) If a healthy Ohio program participant ceases to qualify for medicaid due to increased family countable income and purchases a health insurance policy or obtains health care coverage under an eligible employer-sponsored health plan, the amount remaining in the former participant's buckeye account shall be transferred to an account to be known as a bridge account. The amount so transferred may be used only to pay for the following: 66938  
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(1) If the former participant has purchased a health insurance policy, the former participant's costs in purchasing the policy and paying for the former participant's out-of-pocket expenses under the policy for health care services and prescription drugs covered by the policy; 66946  
66947  
66948  
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(2) If the former participant has obtained health care coverage under an eligible employer-sponsored health plan, the former participant's out-of-pocket expenses under the plan for health care services and prescription drugs covered by the plan. 66951  
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(B) Only the amount remaining in a former healthy Ohio program participant's buckeye account at the time the former participant ceased to participate in the healthy Ohio program shall be deposited into the bridge account. The bridge account shall be closed once the amount transferred to it under division (A) of this section is exhausted. 66955  
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(C) The medicaid director shall notify a former healthy Ohio program participant when a bridge account is established for the former participant under this section. 66961  
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**Sec. 5166.529.** Each county department of job and family services shall offer to refer to a workforce development agency each healthy Ohio program participant who resides in the county served by the county department, is an adult, and is either unemployed or employed for less than an average of twenty hours per week. The referral shall include information about the workforce development activities available from the workforce development agency. A participant may refuse to accept the referral and to participate in the workforce development activities without any affect on the participant's eligibility for, or participation in, the healthy Ohio program. 66964  
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**Sec. 5166.5210.** The medicaid director shall adopt rules under 66975

section 5166.02 of the Revised Code to do all of the following: 66976  
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(A) For the purpose of division (F)(1)(a) of section 5166.522 66978  
of the Revised Code, establish requirements regarding preventative 66979  
health services for healthy Ohio program participants. The 66980  
requirements may differ for participants of different ages and 66981  
genders. 66982

(B) For the purpose of division (G)(2) of section 5166.522 of 66983  
the Revised Code, authorize additional uses of a buckeye account 66984  
and establish the means for using the account for those purposes. 66985

(C) For the purpose of division (A)(3) of section 5166.523 of 66986  
the Revised Code, establish requirements for the use of a healthy 66987  
Ohio program debit swipe card to pay for the costs of medically 66988  
necessary health care services not covered by the health plan in 66989  
which a healthy Ohio program participant enrolls. 66990

(D) For the purpose of division (C) of section 5166.524 of 66991  
the Revised Code, establish a system under which the director may 66992  
award points to healthy Ohio program participants who achieve 66993  
health care goals. The rules shall specify the goals that qualify 66994  
for points and the number of points each goal is worth. The number 66995  
of points may vary for different goals. 66996

(E) For the purpose of section 5166.527 of the Revised Code, 66997  
establish a catastrophic health care plan for healthy Ohio program 66998  
participants who exhaust the annual or lifetime payout limit 66999  
specified in division (A)(5) of section 5166.521 of the Revised 67000  
Code. 67001

(F) For the purpose of section 5166.528 of the Revised Code, 67002  
establish procedures and requirements for the transfer of the 67003  
amounts remaining in former healthy Ohio program participants' 67004  
buckeye accounts to bridge accounts. 67005



Sec. 5167.03. (A) As part of the medicaid program, the 67006  
department of medicaid shall establish a care management system. 67007

(B) The department shall implement the care management system 67008  
in some or all counties and shall designate the medicaid 67009  
recipients who are required or permitted to participate in the 67010  
system. In the department's implementation of the system and 67011  
designation of participants, all of the following apply: 67012

(1) In the case of individuals who receive medicaid on the 67013  
basis of being included in the category identified by the 67014  
department as covered families and children, the department shall 67015  
implement the care management system in all counties. All 67016  
individuals included in the category shall be designated for 67017  
participation, except for individuals included in one or more of 67018  
the medicaid recipient groups specified in 42 C.F.R. 438.50(d). 67019  
The department shall ensure that all participants are enrolled in 67020  
medicaid managed care organizations that are health insuring 67021  
corporations. 67022

(2) In the case of individuals who receive medicaid on the 67023  
basis of being aged, blind, or disabled, the department shall 67024  
implement the care management system in all counties. Except as 67025  
provided in division (C) of this section, all individuals included 67026  
in the category shall be designated for participation. The 67027  
department shall ensure that all participants are enrolled in 67028  
medicaid managed care organizations that are health insuring 67029  
corporations. 67030

(3) Alcohol, drug addiction, and mental health services 67031  
covered by medicaid shall not be included in any component of the 67032  
care management system ~~when the nonfederal share of the cost of~~ 67033  
~~those services is provided by a board of alcohol, drug addiction,~~ 67034  
~~and mental health services or a state agency other than the~~ 67035  
~~department of medicaid,~~ but the recipients of those services may 67036

otherwise be designated for participation in the system. 67037

(C)(1) In designating participants who receive medicaid on 67038  
the basis of being aged, blind, or disabled, the department shall 67039  
not include any of the following, except as provided under 67040  
division (C)(2) of this section: 67041

(a) Individuals who are under twenty-one years of age; 67042

(b) Individuals who are institutionalized; 67043

(c) Individuals who become eligible for medicaid by spending 67044  
down their income or resources to a level that meets the medicaid 67045  
program's financial eligibility requirements; 67046

(d) Dual eligible individuals; 67047

(e) Individuals to the extent that they are receiving 67048  
medicaid services through a medicaid waiver component. 67049

(2) The department may designate any of the following 67050  
individuals who receive medicaid on the basis of being aged, 67051  
blind, or disabled as individuals who are permitted or required to 67052  
participate in the care management system: 67053

(a) Individuals who are under twenty-one years of age; 67054

(b) Individuals who reside in a nursing facility; 67055

(c) Individuals who, as an alternative to receiving nursing 67056  
facility services, are participating in a home and community-based 67057  
services medicaid waiver component; 67058

(d) Dual eligible individuals. 67059

(D) Subject to division (B) of this section, the department 67060  
may do both of the following under the care management system: 67061

(1) Require or permit participants in the system to obtain 67062  
health care services from providers designated by the department; 67063

(2) Require or permit participants in the system to obtain 67064  
health care services through medicaid managed care organizations. 67065

Sec. 5168.01. As used in sections 5168.01 to 5168.14 of the Revised Code:

(A) "Bad debt," "charity care," "courtesy care," and "contractual allowances" have the same meanings given these terms in regulations adopted under Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

(B) "Cost reporting period" means the twelve-month period used by a hospital in reporting costs for purposes of Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

(C) "Disproportionate share hospital" means a hospital that meets the definition of a disproportionate share hospital in rules adopted under section 5168.02 of the Revised Code.

(D) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2).

(E) "Governmental hospital" means a county hospital with more than five hundred registered beds or a state-owned and -operated hospital with more than five hundred registered beds.

(F)(1) "Hospital" means a nonfederal hospital to which either of the following applies:

(a) The hospital is registered under section 3701.07 of the Revised Code as a general medical and surgical hospital or a pediatric general hospital, and provides inpatient hospital services, as defined in 42 C.F.R. 440.10;

(b) The hospital is recognized under the medicare program as a cancer hospital and is exempt from the medicare prospective payment system.

(2) "Hospital" does not include a hospital operated by a health insuring corporation that has been issued a certificate of authority under section 1751.05 of the Revised Code or a hospital that does not charge patients for services.

(G) "Indigent care pool" means the sum of the following:

(1) The total of assessments to be paid in a program year by all hospitals under section 5168.06 of the Revised Code, less the assessments deposited ~~into the legislative budget services fund under section 5168.12 of the Revised Code and~~ into the health care services administration fund created under section 5162.54 of the Revised Code;

(2) The total amount of intergovernmental transfers required to be made in the same program year by governmental hospitals under section 5168.07 of the Revised Code, less the amount of transfers deposited ~~into the legislative budget services fund under section 5168.12 of the Revised Code and~~ into the health care services administration fund created under section 5162.54 of the Revised Code;

(3) The total amount of federal matching funds that will be made available in the same program year as a result of funds distributed by the department of medicaid to hospitals under section 5168.09 of the Revised Code.

(H) "Intergovernmental transfer" means any transfer of money by a governmental hospital under section 5168.07 of the Revised Code.

(I) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.

(J) "Program year" means a period beginning the first day of October, or a later date designated in rules adopted under section 5168.02 of the Revised Code, and ending the thirtieth day of September, or an earlier date designated in rules adopted under

that section. 67127

(K) "Registered beds" means the total number of hospital beds 67128  
registered with the department of health, as reported in the most 67129  
recent "directory of registered hospitals" published by the 67130  
department of health. 67131

(L) "Third-party payer" means any person or government entity 67132  
that may be liable by law or contract to make payment to or on 67133  
behalf of an individual for health care services. "Third-party 67134  
payer" does not include a hospital. 67135

(M) "Total facility costs" means the total costs for all 67136  
services rendered to all patients, including the direct, indirect, 67137  
and overhead cost to the hospital of all services, supplies, 67138  
equipment, and capital related to the care of patients, regardless 67139  
of whether patients are enrolled in a health insuring corporation, 67140  
excluding costs associated with providing skilled nursing services 67141  
in distinct-part nursing facility units, as shown on the 67142  
hospital's cost report filed under section 5168.05 of the Revised 67143  
Code. Effective October 1, 1993, if rules adopted under section 67144  
5168.02 of the Revised Code so provide, "total facility costs" may 67145  
exclude costs associated with providing care to recipients of any 67146  
of the governmental programs listed in division (B) of that 67147  
section. 67148

(N) "Uncompensated care" means bad debt and charity care. 67149

**Sec. 5168.06.** (A) For the purpose of distributing funds to 67150  
hospitals under the medicaid program pursuant to sections 5168.01 67151  
to 5168.14 of the Revised Code and depositing funds ~~into the~~ 67152  
~~legislative budget services fund under section 5168.12 of the~~ 67153  
~~Revised Code and~~ into the health care services administration fund 67154  
created under section 5162.54 of the Revised Code, there is hereby 67155  
imposed an assessment on all hospitals. Each hospital's assessment 67156  
shall be based on total facility costs. All hospitals shall be 67157

assessed according to the rate or rates established each program 67158  
year in rules adopted under section 5168.02 of the Revised Code. 67159  
The department shall assess all hospitals uniformly and in a 67160  
manner consistent with federal statutes and regulations. During 67161  
any program year, the department shall not assess any hospital 67162  
more than two per cent of the hospital's total facility costs. 67163

The department shall establish an assessment rate or rates 67164  
each program year that will do both of the following: 67165

(1) Yield funds that, when combined with intergovernmental 67166  
transfers and federal matching funds, will produce a program of 67167  
sufficient size to pay a substantial portion of the indigent care 67168  
provided by hospitals; 67169

(2) Yield funds that, when combined with intergovernmental 67170  
transfers and federal matching funds, will produce amounts for 67171  
distribution to disproportionate share hospitals that do not 67172  
exceed, in the aggregate, the limits prescribed by the United 67173  
States health care financing administration under the "Social 67174  
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 67175

(B)(1) Except as provided in division (B)(3) of this section, 67176  
each hospital shall pay its assessment in periodic installments in 67177  
accordance with a schedule established in rules adopted under 67178  
section 5168.02 of the Revised Code. 67179

(2) The installments shall be equal in amount, unless either 67180  
of the following applies: 67181

(a) The department makes adjustments during a program year 67182  
under division (D) of section 5168.08 of the Revised Code in the 67183  
total amount of hospitals' assessments; 67184

(b) The medicaid director determines that adjustments in the 67185  
amounts of installments are necessary for the administration of 67186  
sections 5168.01 to 5168.14 of the Revised Code and that unequal 67187  
installments will not create cash flow difficulties for hospitals. 67188

(3) The director may adopt rules under section 5168.02 of the Revised Code establishing alternate schedules for hospitals to pay assessments under this section in order to reduce hospitals' cash flow difficulties.

**Sec. 5168.07.** (A) The department of medicaid may require governmental hospitals to make intergovernmental transfers each program year for the purpose of distributing funds to hospitals under the medicaid program pursuant to sections 5168.01 to 5168.14 of the Revised Code and depositing funds ~~into the legislative budget services fund under section 5168.12 of the Revised Code and~~ into the health care services administration fund created under section 5162.54 of the Revised Code. The department shall not require transfers in an amount that, when combined with hospital assessments paid under section 5168.06 of the Revised Code and federal matching funds, produce amounts for distribution to disproportionate share hospitals that, in the aggregate, exceed limits prescribed by the United States health care financing administration under the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f).

(B) Before or during each program year, the department shall notify each governmental hospital of the amount of the intergovernmental transfer it is required to make during the program year. Each governmental hospital shall make intergovernmental transfers as required by the department under this section in periodic installments, executed by electronic fund transfer, in accordance with a schedule established in rules adopted under section 5168.02 of the Revised Code.

**Sec. 5168.10.** Except for moneys deposited into ~~the legislative budget services fund under section 5168.12 of the Revised Code and~~ the health care services administration fund created under section 5162.54 of the Revised Code, the department

of medicaid shall not use money paid to the department under 67220  
sections 5168.06 and 5168.07 of the Revised Code or money that the 67221  
department pays to hospitals under section 5168.09 of the Revised 67222  
Code to replace any funds appropriated by the general assembly for 67223  
the medicaid program. 67224

**Sec. 5168.11.** (A) Except as provided in section ~~5168.12~~ 67225  
5162.54 of the Revised Code, all payments of assessments by 67226  
hospitals under section 5168.06 of the Revised Code and all 67227  
intergovernmental transfers under section 5168.07 of the Revised 67228  
Code shall be deposited in the state treasury to the credit of the 67229  
hospital care assurance program fund, hereby created. All 67230  
investment earnings of the hospital care assurance program fund 67231  
shall be credited to the fund. The department of medicaid shall 67232  
maintain records that show the amount of money in the hospital 67233  
care assurance program fund at any time that has been paid by each 67234  
hospital and the amount of any investment earnings on that amount. 67235  
All moneys credited to the hospital care assurance program fund 67236  
shall be used solely to make payments to hospitals under division 67237  
(D) of this section and section 5168.09 of the Revised Code. 67238

(B) All federal matching funds received as a result of the 67239  
department distributing funds from the hospital care assurance 67240  
program fund to hospitals under section 5168.09 of the Revised 67241  
Code shall be credited to the health care - federal fund created 67242  
under section 5162.50 of the Revised Code. 67243

(C) All distributions of funds to hospitals under section 67244  
5168.09 of the Revised Code are conditional on: 67245

(1) Expiration of the time for appeals under section 5168.08 67246  
of the Revised Code without the filing of an appeal, or on court 67247  
determinations, in the event of appeals, that the hospital is 67248  
entitled to the funds; 67249

(2) The sum of the following being sufficient to distribute 67250



the funds after the final determination of any appeals: 67251

(a) The available money in the hospital care assurance 67252  
program fund; 67253

(b) The available portion of the money in the health care - 67254  
federal fund that is credited to that fund pursuant to division 67255  
(B) of this section. 67256

(3) The hospital's compliance with section 5168.14 of the 67257  
Revised Code. 67258

(D) If an audit conducted by the department of the amounts of 67259  
payments made and funds received by hospitals under sections 67260  
5168.06, 5168.07, and 5168.09 of the Revised Code identifies 67261  
amounts that, due to errors by the department, a hospital should 67262  
not have been required to pay but did pay, should have been 67263  
required to pay but did not pay, should not have received but did 67264  
receive, or should have received but did not receive, the 67265  
department shall: 67266

(1) Make payments to any hospital that the audit reveals paid 67267  
amounts it should not have been required to pay or did not receive 67268  
amounts it should have received; 67269

(2) Take action to recover from a hospital any amounts that 67270  
the audit reveals it should have been required to pay but did not 67271  
pay or that it should not have received but did receive. 67272

Payments made under division (D)(1) of this section shall be 67273  
made from the hospital care assurance program fund. Amounts 67274  
recovered under division (D)(2) of this section shall be deposited 67275  
to the credit of that fund. Any hospital may appeal the amount the 67276  
hospital is to be paid under division (D)(1) or the amount that is 67277  
to be recovered from the hospital under division (D)(2) of this 67278  
section to the court of common pleas of Franklin county. 67279

**Sec. 5168.40.** As used in sections 5168.40 to 5168.56 of the 67280

Revised Code:	67281
(A) "Bed surrender" means the following:	67282
(1) In the case of a nursing home, the removal of a bed from a nursing home's licensed capacity in a manner that reduces the total licensed capacity of all nursing homes <u>and makes it impossible for the bed to ever be a part of any nursing home's licensed capacity;</u>	67283 67284 67285 67286 67287
(2) In the case of a hospital, the removal of a hospital bed from registration under section 3701.07 of the Revised Code as a skilled nursing facility bed or long-term care bed in a manner that reduces the total number of hospital beds registered under that section as skilled nursing facility beds or long-term care beds <u>and makes it impossible for the bed to ever be registered as a skilled nursing facility bed or long-term care bed.</u>	67288 67289 67290 67291 67292 67293 67294
(B) "Change of operator" means an entering operator becoming the operator of a nursing home or hospital in the place of the exiting operator.	67295 67296 67297
(1) Actions that constitute a change of operator include the following:	67298 67299
(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;	67300 67301 67302
(b) A transfer of all the exiting operator's ownership interest in the operation of the nursing home or hospital to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing home or hospital is also transferred;	67303 67304 67305 67306 67307
(c) A lease of the nursing home or hospital to the entering operator or the exiting operator's termination of the exiting operator's lease;	67308 67309 67310

- (d) If the exiting operator is a partnership, dissolution of the partnership; 67311  
67312
- (e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply: 67313  
67314
- (i) The change in composition does not cause the partnership's dissolution under state law. 67315  
67316
- (ii) The partners agree that the change in composition does not constitute a change in operator. 67317  
67318
- (f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation. 67319  
67320  
67321  
67322
- (2) The following, alone, do not constitute a change of operator: 67323  
67324
- (a) A contract for an entity to manage a nursing home or hospital as the operator's agent, subject to the operator's approval of daily operating and management decisions; 67325  
67326  
67327
- (b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing home or hospital if an entering operator does not become the operator in place of an exiting operator; 67328  
67329  
67330  
67331
- (c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator. 67332  
67333  
67334  
67335
- (C) "Effective date of a change of operator" means the day an entering operator becomes the operator of a nursing home or hospital. 67336  
67337  
67338
- (D) "Entering operator" means the person or government entity that will become the operator of a nursing home or hospital on the 67339  
67340

effective date of a change of operator. 67341

(E) "Exiting operator" means an operator that will cease to 67342  
be the operator of a nursing home or hospital on the effective 67343  
date of a change of operator. 67344

(F) "Franchise permit fee rate" means the rate determined in 67345  
accordance with section 5168.41 of the Revised Code. 67346

(G) "Hospital" has the same meaning as in section 3727.01 of 67347  
the Revised Code. 67348

(H) "Hospital long-term care unit" means any distinct part of 67349  
a hospital in which any of the following beds are located: 67350

(1) Beds registered pursuant to section 3701.07 of the 67351  
Revised Code as skilled nursing facility beds or long-term care 67352  
beds; 67353

(2) Beds licensed as nursing home beds under section 3721.02 67354  
or 3721.09 of the Revised Code. 67355

(I) "Indirect guarantee percentage" means the percentage 67356  
specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 67357  
42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining 67358  
whether a class of providers is indirectly held harmless for any 67359  
portion of the costs of a broad-based health-care-related tax. If 67360  
the indirect guarantee percentage changes during a fiscal year, 67361  
the indirect guarantee percentage is the following: 67362

(1) For the part of the fiscal year before the change takes 67363  
effect, the percentage in effect before the change; 67364

(2) For the part of the fiscal year beginning with the date 67365  
the indirect guarantee percentage changes, the new percentage. 67366

(J) "Medicaid days" and "nursing facility" have the same 67367  
meanings as in section 5165.01 of the Revised Code. 67368

(K)(1) "Nursing home" means all of the following: 67369

(a) A nursing home licensed under section 3721.02 or 3721.09 of the Revised Code, including any part of a home for the aging licensed as a nursing home;

(b) A facility or part of a facility, other than a hospital, that is certified as a skilled nursing facility under Title XVIII;

(c) A nursing facility, other than a portion of a hospital certified as a nursing facility.

(2) "Nursing home" does not include either of the following:

(a) A county home, county nursing home, or district home operated pursuant to Chapter 5155. of the Revised Code;

(b) A nursing home maintained and operated by the department of veterans services under section 5907.01 of the Revised Code.

(L) "Operator" means the person or government entity responsible for the daily operating and management decisions for a nursing home or hospital.

(M) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq.

(N) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

**Sec. 5168.44.** If the United States secretary of health and human services approves the waiver sought under section 5168.43 of the Revised Code, the department of medicaid shall, for each nursing home and hospital that qualifies for a reduction of its franchise permit fee rate under the waiver, reduce the franchise permit fee rate in accordance with the terms of the waiver. For purposes of the first fiscal year during which the waiver takes effect, the department shall determine the amount of the reduction not later than the effective date of the waiver and shall mail to each nursing home and hospital qualifying for the reduction notice of the reduction not later than the last day of the first month of

the quarter that begins after the United States secretary approves 67400  
the waiver. For purposes of subsequent fiscal years, the 67401  
department shall make such determinations and ~~mail such notices~~ 67402  
notify the nursing homes and hospitals in accordance with section 67403  
5168.47 of the Revised Code. 67404

**Sec. 5168.45.** (A) If the United States secretary of health 67405  
and human services approves the waiver sought under section 67406  
5168.43 of the Revised Code, the department of medicaid may do 67407  
both of the following regarding the franchise permit fee assessed 67408  
under section 5168.42 of the Revised Code: 67409

(1) Determine how much money the franchise permit fee would 67410  
have raised in a fiscal year if not for the waiver; 67411

(2) For each nursing home and hospital subject to the 67412  
franchise permit fee, other than a nursing home or hospital that 67413  
has its franchise permit fee rate reduced under section 5168.44 of 67414  
the Revised Code, uniformly increase the amount of the franchise 67415  
permit fee rate for a fiscal year to an amount that will have the 67416  
franchise permit fee raise an amount of money that does not exceed 67417  
the amount determined under division (A)(1) of this section for 67418  
that fiscal year. 67419

(B) If the department increases the franchise permit fee rate 67420  
in accordance with division (A) of this section for the first 67421  
fiscal year during which the waiver takes effect, the department 67422  
shall determine the amount of the increase not later than the 67423  
effective date of the waiver and shall mail to each nursing home 67424  
and hospital subject to the increase notice of the increase not 67425  
later than the last day of the first month of the quarter that 67426  
begins after the United States secretary approves the waiver. If 67427  
the department increases the franchise permit fee rate in 67428  
accordance with division (A) of this section for a subsequent 67429

fiscal year, the department shall make such determinations and 67430  
~~mail such notices~~ notify the nursing homes and hospitals in 67431  
accordance with section 5168.47 of the Revised Code. 67432

**Sec. 5168.47.** (A) Not later than the fifteenth day of 67433  
September of each year, the department of medicaid shall determine 67434  
the annual franchise permit fee for each nursing home and hospital 67435  
in accordance with section 5168.42 of the Revised Code and any 67436  
adjustments made in accordance with sections 5168.44 and 5168.45 67437  
of the Revised Code. 67438

(B) Not later than the first day of October of each year, the 67439  
department shall ~~mail to~~ notify, electronically or by United 67440  
States postal service, each nursing home and hospital ~~notice~~ of 67441  
the amount of the franchise permit fee that has been determined 67442  
for the nursing home or hospital. 67443

(C) Subject to section 5168.48 of the Revised Code, each 67444  
nursing home and hospital shall pay its fee under section 5168.42 67445  
of the Revised Code, as adjusted in accordance with sections 67446  
5168.44 and 5168.45 of the Revised Code, to the department in four 67447  
installment payments not later than forty-five days after the last 67448  
day of each October, December, March, and June. 67449

**Sec. 5168.48.** (A) Not later than the last day of February of 67450  
each year, the department of medicaid shall redetermine each 67451  
nursing home's and hospital's franchise permit fee if one or more 67452  
bed surrenders occur during the period beginning on the first day 67453  
of May of the preceding calendar year and ending on the first day 67454  
of January of the calendar year in which the redetermination is 67455  
made. 67456

(B) In redetermining nursing homes' and hospitals' franchise 67457  
permit fees under this section, the department shall do both of 67458  
the following: 67459

(1) Provide for the redetermination to be conducted in a manner consistent with the terms of the waiver sought under section 5168.43 of the Revised Code;

(2) Recalculate each nursing home's and hospital's franchise permit fee in accordance with division (A) or (B) of section 5168.42 of the Revised Code with the following changes:

(a) In the case of a nursing home or hospital for which one or more bed surrenders occurred during the period beginning on the first day of May of the preceding calendar year and ending on the first day of January of the calendar year in which the redetermination is made, the number of beds included in the calculation for the purpose of division (A)(1) or (B)(1) of section 5168.42 of the Revised Code shall exclude the beds for which bed surrenders occurred during that period.

(b) The number of days used in the calculation under division (A)(2) or (B)(2) of section 5168.42 of the Revised Code shall be the number of days in the first half of the calendar year in which the redetermination is made.

(c) The franchise permit fee rate shall reflect adjustments made under sections 5168.44 and 5168.45 of the Revised Code.

(C) Not later than the first day of March of each year, the department shall ~~mail to~~ notify, electronically or by United States postal service, each nursing home and hospital ~~notice~~ of the amount of its redetermined franchise permit fee.

(D) Each nursing home and hospital shall pay its redetermined fee to the department in two installment payments not later than forty-five days after the last day of March and June of the calendar year in which the redetermination is made.

**Sec. 5168.49.** If a nursing home or hospital undergoes a change of operator during a fiscal year, the responsibility for



paying the franchise permit fee that was determined for the 67490  
nursing home or hospital under section 5168.47 of the Revised 67491  
Code, or redetermined for the nursing home or hospital under 67492  
section 5168.48 of the Revised Code, for that fiscal year shall be 67493  
divided proportionally. The exiting operator shall be responsible 67494  
for paying the amount of the fee that is for the part of the 67495  
fiscal year that ends on the day before the effective date of the 67496  
change of operator. The entering operator shall be responsible for 67497  
paying the amount of the fee that is for the part of the fiscal 67498  
year that begins on the effective date of the change of operator. 67499  
The department of medicaid is not required to ~~mail a notice to~~ 67500  
notify the entering operator regarding the amount of that fiscal 67501  
year's fee for which the entering operator is responsible. 67502

**Sec. 5168.53.** (A) A nursing home or hospital may appeal the 67503  
fee assessed under section 5168.42 of the Revised Code, as 67504  
adjusted under section 5168.44 or 5168.45 of the Revised Code, and 67505  
redetermined under section 5168.48 of the Revised Code solely on 67506  
the grounds that the department of medicaid committed a material 67507  
error in determining or redetermining the amount of the fee. A 67508  
request for an appeal must be received by the department not later 67509  
than fifteen days after the date the department ~~mails~~ notifies the 67510  
~~notice~~ nursing home or hospital of the fee and must include 67511  
written materials setting forth the basis for the appeal. 67512

(B) If a nursing home or hospital submits a request for an 67513  
appeal within the time required under division (A) of this 67514  
section, the department shall hold a public hearing in Columbus 67515  
not later than thirty days after the date the department receives 67516  
the request for an appeal. The department shall, not later than 67517  
ten days before the date of the hearing, ~~mail a notice~~ notify, 67518  
electronically or by United States postal service, the nursing 67519  
home or hospital of the date, time, and place of the hearing ~~to~~ 67520

~~the nursing home or hospital.~~ The department may hear all the 67521  
requested appeals in one public hearing. 67522

(C) On the basis of the evidence presented at the hearing or 67523  
any other evidence submitted by the nursing home or hospital, the 67524  
department may adjust a fee. The department's decision is final. 67525

**Sec. 5168.60.** As used in sections 5168.60 to 5168.71 of the 67526  
Revised Code: 67527

(A) "Franchise permit fee rate" means the following: 67528

(1) For fiscal year ~~2014~~ 2016, eighteen dollars and 67529  
~~twenty-four~~ seven cents; 67530

(2) For fiscal year ~~2015~~ 2017 and each fiscal year 67531  
thereafter, eighteen dollars and ~~seventeen~~ two cents. 67532

(B) "Indirect guarantee percentage" means the percentage 67533  
specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 67534  
42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining 67535  
whether a class of providers is indirectly held harmless for any 67536  
portion of the costs of a broad-based health-care-related tax. If 67537  
the indirect guarantee percentage changes during a fiscal year, 67538  
the indirect guarantee percentage is the following: 67539

(1) For the part of the fiscal year before the change takes 67540  
effect, the percentage in effect before the change; 67541

(2) For the part of the fiscal year beginning with the date 67542  
the indirect guarantee percentage changes, the new percentage. 67543

(C) "ICF/IID" has the same meaning as in section 5124.01 of 67544  
the Revised Code. 67545

(D) "Medicaid-certified capacity" has the same meaning as in 67546  
section 5124.01 of the Revised Code. 67547

(E) "Provider agreement" has the same meaning as in section 67548  
5124.01 of the Revised Code. 67549

Sec. 5168.63. (A) Not later than the fifteenth day of August 67550  
of each year, the department of developmental disabilities shall 67551  
determine the annual franchise permit fee for each ICF/IID in 67552  
accordance with section 5168.61 of the Revised Code. 67553

(B) Not later than the first day of September of each year, 67554  
the department shall ~~mail to~~ notify, electronically or by United 67555  
States postal service, each ICF/IID ~~notice~~ of the amount of the 67556  
franchise permit fee the ICF/IID has been assessed under section 67557  
5168.61 of the Revised Code. 67558

(C) Subject to section 5168.64 of the Revised Code, each 67559  
ICF/IID shall pay its fee under section 5168.61 of the Revised 67560  
Code to the department in quarterly installment payments not later 67561  
than forty-five days after the last day of each September, 67562  
December, March, and June. 67563

Sec. 5168.64. (A) If the operator of an ICF/IID converts, 67564  
pursuant to section 5124.60 or 5124.61 of the Revised Code, all of 67565  
the ICF/IID's beds to providing home and community-based services 67566  
and the operator's provider agreement for the ICF/IID is 67567  
terminated as a consequence, the department of developmental 67568  
disabilities shall terminate the ICF/IID's franchise permit fee 67569  
effective on the first day of the quarter immediately following 67570  
the quarter in which the conversion takes place. 67571

(B)(1) If, during the period beginning on the first day of 67572  
May of a calendar year and ending on the first day of January of 67573  
the immediately following calendar year, the operator of an 67574  
ICF/IID converts, pursuant to section 5124.60 or 5164.61 of the 67575  
Revised Code, ~~one or more~~ some but not all of the ICF/IID's beds 67576  
to providing home and community-based services and the ICF/IID's 67577  
medicaid-certified capacity is reduced as a consequence, the 67578  
department ~~of developmental disabilities shall do the following:~~ 67579

~~(1) If the ICF/IID's medicaid certification is terminated because of the conversion, terminate the ICF/IID's franchise permit fee effective on the first day of the quarter immediately following the quarter in which the department receives the notice of the conversion from the director of health;~~

~~(2) If the ICF/IID's medicaid-certified capacity is reduced because of the conversion, redetermine the ICF/IID's franchise permit fee in accordance with division (B) of this section for the second half of the fiscal year for which the fee is assessed.~~

~~(B)(1) assessed.~~ To redetermine ~~an~~ the ICF/IID's franchise permit fee, the department shall multiply the franchise permit fee rate by the product of the following:

(a) The ICF/IID's medicaid-certified capacity as of the date the conversion takes effect;

(b) The number of days in the second half of the fiscal year for which the redetermination is made.

(2) The ICF/IID shall pay its franchise permit fee as redetermined under division (B)(1) of this section in installment payments not later than forty-five days after the last day of March and June of the fiscal year for which the redetermination is made.

**Sec. 5168.67.** (A) An ICF/IID may appeal the franchise permit fee imposed under section 5168.61 of the Revised Code solely on the grounds that the department of developmental disabilities committed a material error in determining the amount of the fee. A request for an appeal must be received by the department not later than fifteen days after the date the department ~~mails~~ notifies the ~~notice~~ ICF/IID of the fee and must include written materials setting forth the basis for the appeal.

(B) If an ICF/IID submits a request for an appeal within the

time required under division (A) of this section, the department 67610  
shall hold a public hearing in Columbus not later than thirty days 67611  
after the date the department receives the request for an appeal. 67612  
The department shall, not later than ten days before the date of 67613  
the hearing, ~~mail a notice~~ notify, electronically or by United 67614  
States postal service, the ICF/IID of the date, time, and place of 67615  
the hearing ~~to the ICF/IID~~. The department may hear all requested 67616  
appeals in one public hearing. 67617

(C) On the basis of the evidence presented at the hearing or 67618  
any other evidence submitted by the ICF/IID, the department may 67619  
adjust a fee. The department's decision is final. 67620

**Sec. 5513.01.** (A) The director of transportation shall make 67621  
all purchases of machinery, materials, supplies, or other articles 67622  
in the manner provided in this section. In all cases except those 67623  
in which the director provides written authorization for purchases 67624  
by district deputy directors of transportation, the director shall 67625  
make all such purchases at the central office of the department of 67626  
transportation in Columbus. Before making any purchase at that 67627  
office, the director, as provided in this section, shall give 67628  
notice to bidders of the director's intention to purchase. Where 67629  
the expenditure does not exceed the amount applicable to the 67630  
purchase of supplies specified in division ~~(B)~~(A) of section 67631  
125.05 of the Revised Code, ~~as adjusted pursuant to division (D)~~ 67632  
~~of that section~~, the director shall give such notice as the 67633  
director considers proper, or the director may make the purchase 67634  
without notice. Where the expenditure exceeds the amount 67635  
applicable to the purchase of supplies specified in division 67636  
~~(B)~~(A) of section 125.05 of the Revised Code, ~~as adjusted pursuant~~ 67637  
~~to division (D) of that section~~, the director shall give notice by 67638  
posting for not less than ten days a written, typed, or printed 67639  
invitation to bidders on a bulletin board. The director shall 67640  
locate the notice in a place in the offices assigned to the 67641

department and open to the public during business hours. 67642

Producers or distributors of any product may notify the 67643  
director, in writing, of the class of articles for the furnishing 67644  
of which they desire to bid and their post-office addresses. In 67645  
that circumstance, the director shall mail copies of all 67646  
invitations to bidders relating to the purchase of such articles 67647  
to such persons by regular first class mail at least ten days 67648  
prior to the time fixed for taking bids. The director also may 67649  
mail copies of all invitations to bidders to news agencies or 67650  
other agencies or organizations distributing information of this 67651  
character. Requests for invitations are not valid and do not 67652  
require action by the director unless renewed by the director, 67653  
either annually or after such shorter period as the director may 67654  
prescribe by a general rule. 67655

The director shall include in an invitation to bidders a 67656  
brief statement of the general character of the article that it is 67657  
intended to purchase, the approximate quantity desired, and a 67658  
statement of the time and place where bids will be received, and 67659  
may relate to and describe as many different articles as the 67660  
director thinks proper, it being the intent and purpose of this 67661  
section to authorize the inclusion in a single invitation of as 67662  
many different articles as the director desires to invite bids 67663  
upon at any given time. The director shall give invitations issued 67664  
during each calendar year consecutive numbers, and ensure that the 67665  
number assigned to each invitation appears on all copies thereof. 67666  
In all cases where notice is required by this section, the 67667  
director shall require sealed bids, on forms prescribed and 67668  
furnished by the director. The director shall not permit the 67669  
modification of bids after they have been opened. 67670

(B) The director may permit a state agency, the Ohio turnpike 67671  
and infrastructure commission, any political subdivision, and any 67672  
state university or college to participate in contracts into which 67673

the director has entered for the purchase of machinery, materials, 67674  
supplies, or other articles. The turnpike and infrastructure 67675  
commission and any political subdivision or state university or 67676  
college desiring to participate in such purchase contracts shall 67677  
file with the director a certified copy of the bylaws or rules of 67678  
the turnpike and infrastructure commission or the ordinance or 67679  
resolution of the legislative authority, board of trustees, or 67680  
other governing board requesting authorization to participate in 67681  
such contracts and agreeing to be bound by such terms and 67682  
conditions as the director prescribes. Purchases made by a state 67683  
agency, the turnpike and infrastructure commission, political 67684  
subdivisions, or state universities or colleges under this 67685  
division are exempt from any competitive bidding required by law 67686  
for the purchase of machinery, materials, supplies, or other 67687  
articles. 67688

(C) As used in this section: 67689

(1) "Political subdivision" means any county, township, 67690  
municipal corporation, conservancy district, township park 67691  
district, park district created under Chapter 1545. of the Revised 67692  
Code, port authority, regional transit authority, regional airport 67693  
authority, regional water and sewer district, county transit 67694  
board, school district as defined in section 5513.04 of the 67695  
Revised Code, regional planning commission formed under section 67696  
713.21 of the Revised Code, regional council of government formed 67697  
under section 167.01 of the Revised Code, or other association of 67698  
local governments established pursuant to an agreement under 67699  
sections 307.14 to 307.19 of the Revised Code. 67700

(2) "State university or college" has the same meaning as in 67701  
division (A)(1) of section 3345.32 of the Revised Code. 67702

(3) "Ohio turnpike and infrastructure commission" means the 67703  
commission created by section 5537.02 of the Revised Code. 67704

(4) "State agency" means every organized body, office, board, authority, commission, or agency established by the laws of the state for the exercise of any governmental or quasi-governmental function of state government, regardless of the funding source for that entity, other than any state institution of higher education, the office of the governor, lieutenant governor, auditor of state, treasurer of state, secretary of state, or attorney general, the general assembly, the courts or any judicial agency, or any state retirement system or retirement program established by or referenced in the Revised Code.

**Sec. 5703.057.** (A) For the efficient administration of the taxes and fees administered by the tax commissioner, the commissioner may require that any person filing a tax document with the department of taxation provide identifying information, which may include the person's social security number, federal employer identification number, or other identification number requested by the commissioner, subject to section 5703.361 of the Revised Code. A person required by the commissioner to provide identifying information who has experienced any change with respect to that information shall notify the commissioner of the change prior to, or upon, filing the next tax document requiring such identifying information.

(B) When transmitting or otherwise making use of a tax document that contains a person's social security number, the commissioner shall take all reasonable measures necessary to ensure that the number is not capable of being viewed by the general public, including, when necessary, masking the number so that it is not readily discernible by the general public.

(C)(1) If the commissioner makes a request for identifying information and the commissioner does not receive valid identifying information within thirty days of making the request,



the commissioner may impose a penalty upon the person to whom the request was directed of up to one hundred dollars. If, after the expiration of this thirty day period, the commissioner makes one or more subsequent requests for identifying information and the person to whom the subsequent request is directed fails to provide valid identifying information within thirty days of the commissioner's subsequent request, the commissioner may impose an additional penalty of up to two hundred dollars for each subsequent request not complied with in a timely fashion.

(2) If a person required by the commissioner to provide identifying information does not notify the commissioner of a change with respect to that information as required under division (A) of this section within thirty days after filing the next tax document requiring such identifying information, the commissioner may impose a penalty of up to fifty dollars.

(3) The penalties provided for under divisions (C)(1) and (2) of this section may be billed and assessed in the same manner as the tax or fee with respect to which the identifying information is sought and are in addition to any applicable criminal penalties described in division (D) of this section and any other penalties that may be imposed by the commissioner by law.

(D) Section 5703.26 of the Revised Code applies with respect to false or fraudulent identifying information provided by a person to the commissioner under this section.

**Sec. 5703.36.** If any company, firm, corporation, person, association, partnership, or public utility fails to make out and deliver to the tax commissioner any statement required by law, or to furnish the commissioner with any information requested, the commissioner shall ~~inform himself~~ become informed as best ~~he~~ the commissioner can on the matters necessary to be known in order to discharge ~~his~~ the commissioner's duties, subject to section

5703.361 of the Revised Code. 67767

Sec. 5703.361. If the tax commissioner uses measures to 67768  
reduce fraud by requiring a person to verify information about the 67769  
person for the purpose of verifying the person's identity, the tax 67770  
commissioner may not require a person to verify either of the 67771  
following information: 67772

(A) Information held or compiled by the bureau of motor 67773  
vehicles created or compiled more than fifteen years preceding the 67774  
current calendar year. 67775

(B) Any information, other than that described in division 67776  
(A) of this section, created or compiled more than ten years 67777  
preceding the current calendar year. 67778

**Sec. 5705.19.** This section does not apply to school 67779  
districts, county school financing districts, or lake facilities 67780  
authorities. 67781

The taxing authority of any subdivision at any time and in 67782  
any year, by vote of two-thirds of all the members of the taxing 67783  
authority, may declare by resolution and certify the resolution to 67784  
the board of elections not less than ninety days before the 67785  
election upon which it will be voted that the amount of taxes that 67786  
may be raised within the ten-mill limitation will be insufficient 67787  
to provide for the necessary requirements of the subdivision and 67788  
that it is necessary to levy a tax in excess of that limitation 67789  
for any of the following purposes: 67790

(A) For current expenses of the subdivision, except that the 67791  
total levy for current expenses of a detention facility district 67792  
or district organized under section 2151.65 of the Revised Code 67793  
shall not exceed two mills and that the total levy for current 67794  
expenses of a combined district organized under sections 2151.65 67795  
and 2152.41 of the Revised Code shall not exceed four mills; 67796

(B) For the payment of debt charges on certain described	67797
bonds, notes, or certificates of indebtedness of the subdivision	67798
issued subsequent to January 1, 1925;	67799
(C) For the debt charges on all bonds, notes, and	67800
certificates of indebtedness issued and authorized to be issued	67801
prior to January 1, 1925;	67802
(D) For a public library of, or supported by, the subdivision	67803
under whatever law organized or authorized to be supported;	67804
(E) For a municipal university, not to exceed two mills over	67805
the limitation of one mill prescribed in section 3349.13 of the	67806
Revised Code;	67807
(F) For the construction or acquisition of any specific	67808
permanent improvement or class of improvements that the taxing	67809
authority of the subdivision may include in a single bond issue;	67810
(G) For the general construction, reconstruction,	67811
resurfacing, and repair of streets, roads, and bridges in	67812
municipal corporations, counties, or townships;	67813
(H) For parks and recreational purposes;	67814
(I) For the purpose of providing and maintaining fire	67815
apparatus, appliances, buildings, or sites therefor, or sources of	67816
water supply and materials therefor, or the establishment and	67817
maintenance of lines of fire alarm telegraph, or the payment of	67818
firefighting companies or permanent, part-time, or volunteer	67819
firefighting, emergency medical service, administrative, or	67820
communications personnel to operate the same, including the	67821
payment of any employer contributions required for such personnel	67822
under section 145.48 or 742.34 of the Revised Code, or the	67823
purchase of ambulance equipment, or the provision of ambulance,	67824
paramedic, or other emergency medical services operated by a fire	67825
department or firefighting company;	67826

(J) For the purpose of providing and maintaining motor	67827
vehicles, communications, other equipment, buildings, and sites	67828
for such buildings used directly in the operation of a police	67829
department, or the payment of salaries of permanent or part-time	67830
police, communications, or administrative personnel to operate the	67831
same, including the payment of any employer contributions required	67832
for such personnel under section 145.48 or 742.33 of the Revised	67833
Code, or the payment of the costs incurred by townships as a	67834
result of contracts made with other political subdivisions in	67835
order to obtain police protection, or the provision of ambulance	67836
or emergency medical services operated by a police department;	67837
(K) For the maintenance and operation of a county home or	67838
detention facility;	67839
(L) For community mental retardation and developmental	67840
disabilities programs and services pursuant to Chapter 5126. of	67841
the Revised Code, except that the procedure for such levies shall	67842
be as provided in section 5705.222 of the Revised Code;	67843
(M) For regional planning;	67844
(N) For a county's share of the cost of maintaining and	67845
operating schools, district detention facilities, forestry camps,	67846
or other facilities, or any combination thereof, established under	67847
section 2151.65 or 2152.41 of the Revised Code or both of those	67848
sections;	67849
(O) For providing for flood defense, providing and	67850
maintaining a flood wall or pumps, and other purposes to prevent	67851
floods;	67852
(P) For maintaining and operating sewage disposal plants and	67853
facilities;	67854
(Q) For the purpose of purchasing, acquiring, constructing,	67855
enlarging, improving, equipping, repairing, maintaining, or	67856
operating, or any combination of the foregoing, a county transit	67857

system pursuant to sections 306.01 to 306.13 of the Revised Code, 67858  
or of making any payment to a board of county commissioners 67859  
operating a transit system or a county transit board pursuant to 67860  
section 306.06 of the Revised Code; 67861

(R) For the subdivision's share of the cost of acquiring or 67862  
constructing any schools, forestry camps, detention facilities, or 67863  
other facilities, or any combination thereof, under section 67864  
2151.65 or 2152.41 of the Revised Code or both of those sections; 67865

(S) For the prevention, control, and abatement of air 67866  
pollution; 67867

(T) For maintaining and operating cemeteries; 67868

(U) For providing ambulance service, emergency medical 67869  
service, or both; 67870

(V) For providing for the collection and disposal of garbage 67871  
or refuse, including yard waste; 67872

(W) For the payment of the police officer employers' 67873  
contribution or the firefighter employers' contribution required 67874  
under sections 742.33 and 742.34 of the Revised Code; 67875

(X) For the construction and maintenance of a drainage 67876  
improvement pursuant to section 6131.52 of the Revised Code; 67877

(Y) For providing or maintaining senior citizens services or 67878  
facilities as authorized by section 307.694, 307.85, 505.70, or 67879  
505.706 or division (EE) of section 717.01 of the Revised Code; 67880

(Z) For the provision and maintenance of zoological park 67881  
services and facilities as authorized under section 307.76 of the 67882  
Revised Code; 67883

(AA) For the maintenance and operation of a free public 67884  
museum of art, science, or history; 67885

(BB) For the establishment and operation of a 9-1-1 system, 67886  
as defined in section 128.01 of the Revised Code; 67887

(CC) For the purpose of acquiring, rehabilitating, or 67888  
developing rail property or rail service. As used in this 67889  
division, "rail property" and "rail service" have the same 67890  
meanings as in section 4981.01 of the Revised Code. This division 67891  
applies only to a county, township, or municipal corporation. 67892

(DD) For the purpose of acquiring property for, constructing, 67893  
operating, and maintaining community centers as provided for in 67894  
section 755.16 of the Revised Code; 67895

(EE) For the creation and operation of an office or joint 67896  
office of economic development, for any economic development 67897  
purpose of the office, and to otherwise provide for the 67898  
establishment and operation of a program of economic development 67899  
pursuant to sections 307.07 and 307.64 of the Revised Code, or to 67900  
the extent that the expenses of a county land reutilization 67901  
corporation organized under Chapter 1724. of the Revised Code are 67902  
found by the board of county commissioners to constitute the 67903  
promotion of economic development, for the payment of such 67904  
operations and expenses; 67905

(FF) For the purpose of acquiring, establishing, 67906  
constructing, improving, equipping, maintaining, or operating, or 67907  
any combination of the foregoing, a township airport, landing 67908  
field, or other air navigation facility pursuant to section 505.15 67909  
of the Revised Code; 67910

(GG) For the payment of costs incurred by a township as a 67911  
result of a contract made with a county pursuant to section 67912  
505.263 of the Revised Code in order to pay all or any part of the 67913  
cost of constructing, maintaining, repairing, or operating a water 67914  
supply improvement; 67915

(HH) For a board of township trustees to acquire, other than 67916  
by appropriation, an ownership interest in land, water, or 67917  
wetlands, or to restore or maintain land, water, or wetlands in 67918

which the board has an ownership interest, not for purposes of 67919  
recreation, but for the purposes of protecting and preserving the 67920  
natural, scenic, open, or wooded condition of the land, water, or 67921  
wetlands against modification or encroachment resulting from 67922  
occupation, development, or other use, which may be styled as 67923  
protecting or preserving "greenspace" in the resolution, notice of 67924  
election, or ballot form. Except as otherwise provided in this 67925  
division, land is not acquired for purposes of recreation, even if 67926  
the land is used for recreational purposes, so long as no 67927  
building, structure, or fixture used for recreational purposes is 67928  
permanently attached or affixed to the land. Except as otherwise 67929  
provided in this division, land that previously has been acquired 67930  
in a township for these greenspace purposes may subsequently be 67931  
used for recreational purposes if the board of township trustees 67932  
adopts a resolution approving that use and no building, structure, 67933  
or fixture used for recreational purposes is permanently attached 67934  
or affixed to the land. The authorization to use greenspace land 67935  
for recreational use does not apply to land located in a township 67936  
that had a population, at the time it passed its first greenspace 67937  
levy, of more than thirty-eight thousand within a county that had 67938  
a population, at that time, of at least eight hundred sixty 67939  
thousand. 67940

(II) For the support by a county of a crime victim assistance 67941  
program that is provided and maintained by a county agency or a 67942  
private, nonprofit corporation or association under section 307.62 67943  
of the Revised Code; 67944

(JJ) For any or all of the purposes set forth in divisions 67945  
(I) and (J) of this section. This division applies only to a 67946  
township. 67947

(KK) For a countywide public safety communications system 67948  
under section 307.63 of the Revised Code. This division applies 67949  
only to counties. 67950

(LL) For the support by a county of criminal justice services 67951  
under section 307.45 of the Revised Code; 67952

(MM) For the purpose of maintaining and operating a jail or 67953  
other detention facility as defined in section 2921.01 of the 67954  
Revised Code; 67955

(NN) For purchasing, maintaining, or improving, or any 67956  
combination of the foregoing, real estate on which to hold, and 67957  
the operating expenses of, agricultural fairs operated by a county 67958  
agricultural society or independent agricultural society under 67959  
Chapter 1711. of the Revised Code. This division applies only to a 67960  
county. 67961

(OO) For constructing, rehabilitating, repairing, or 67962  
maintaining sidewalks, walkways, trails, bicycle pathways, or 67963  
similar improvements, or acquiring ownership interests in land 67964  
necessary for the foregoing improvements; 67965

(PP) For both of the purposes set forth in divisions (G) and 67966  
(OO) of this section. 67967

(QQ) For both of the purposes set forth in divisions (H) and 67968  
(HH) of this section. This division applies only to a township. 67969

(RR) For the legislative authority of a municipal 67970  
corporation, board of county commissioners of a county, or board 67971  
of township trustees of a township to acquire agricultural 67972  
easements, as defined in section 5301.67 of the Revised Code, and 67973  
to supervise and enforce the easements. 67974

(SS) For both of the purposes set forth in divisions (BB) and 67975  
(KK) of this section. This division applies only to a county. 67976

(TT) For the maintenance and operation of a facility that is 67977  
organized in whole or in part to promote the sciences and natural 67978  
history under section 307.761 of the Revised Code. 67979

(UU) For the creation and operation of a county land 67980



reutilization corporation and for any programs or activities of 67981  
the corporation found by the board of directors of the corporation 67982  
to be consistent with the purposes for which the corporation is 67983  
organized; 67984

(VV) For construction and maintenance of improvements and 67985  
expenses of soil and water conservation district programs under 67986  
Chapter 1515. of the Revised Code; 67987

(WW) For the OSU extension fund created under section 3335.35 67988  
of the Revised Code for the purposes prescribed under section 67989  
3335.36 of the Revised Code for the benefit of the citizens of a 67990  
county. This division applies only to a county. 67991

(XX) For a municipal corporation that withdraws or proposes 67992  
by resolution to withdraw from a regional transit authority under 67993  
section 306.55 of the Revised Code to provide transportation 67994  
services for the movement of persons within, from, or to the 67995  
municipal corporation; 67996

(YY) For any combination of the purposes specified in 67997  
divisions (NN), (VV), and (WW) of this section. This division 67998  
applies only to a county. 67999

The resolution shall be confined to the purpose or purposes 68000  
described in one division of this section, to which the revenue 68001  
derived therefrom shall be applied. The existence in any other 68002  
division of this section of authority to levy a tax for any part 68003  
or all of the same purpose or purposes does not preclude the use 68004  
of such revenues for any part of the purpose or purposes of the 68005  
division under which the resolution is adopted. 68006

The resolution shall specify the amount of the increase in 68007  
rate that it is necessary to levy, the purpose of that increase in 68008  
rate, and the number of years during which the increase in rate 68009  
shall be in effect, which may or may not include a levy upon the 68010  
duplicate of the current year. The number of years may be any 68011

number not exceeding five, except as follows: 68012

(1) When the additional rate is for the payment of debt 68013  
charges, the increased rate shall be for the life of the 68014  
indebtedness. 68015

(2) When the additional rate is for any of the following, the 68016  
increased rate shall be for a continuing period of time: 68017

(a) For the current expenses for a detention facility 68018  
district, a district organized under section 2151.65 of the 68019  
Revised Code, or a combined district organized under sections 68020  
2151.65 and 2152.41 of the Revised Code; 68021

(b) For providing a county's share of the cost of maintaining 68022  
and operating schools, district detention facilities, forestry 68023  
camps, or other facilities, or any combination thereof, 68024  
established under section 2151.65 or 2152.41 of the Revised Code 68025  
or under both of those sections. 68026

(3) When the additional rate is for either of the following, 68027  
the increased rate may be for a continuing period of time: 68028

(a) For the purposes set forth in division (I), (J), (U), or 68029  
(KK) of this section; 68030

(b) For the maintenance and operation of a joint recreation 68031  
district. 68032

(4) When the increase is for the purpose or purposes set 68033  
forth in division (D), (G), (H), (T), (Z), (CC), or (PP) of this 68034  
section, the tax levy may be for any specified number of years or 68035  
for a continuing period of time, as set forth in the resolution. 68036

A levy for one of the purposes set forth in division (G), 68037  
(I), (J), or (U) of this section may be reduced pursuant to 68038  
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 68039  
the purposes set forth in division (G), (I), (J), or (U) of this 68040  
section may also be terminated or permanently reduced by the 68041

taxing authority if it adopts a resolution stating that the 68042  
continuance of the levy is unnecessary and the levy shall be 68043  
terminated or that the millage is excessive and the levy shall be 68044  
decreased by a designated amount. 68045

A resolution of a detention facility district, a district 68046  
organized under section 2151.65 of the Revised Code, or a combined 68047  
district organized under both sections 2151.65 and 2152.41 of the 68048  
Revised Code may include both current expenses and other purposes, 68049  
provided that the resolution shall apportion the annual rate of 68050  
levy between the current expenses and the other purpose or 68051  
purposes. The apportionment need not be the same for each year of 68052  
the levy, but the respective portions of the rate actually levied 68053  
each year for the current expenses and the other purpose or 68054  
purposes shall be limited by the apportionment. 68055

Whenever a board of county commissioners, acting either as 68056  
the taxing authority of its county or as the taxing authority of a 68057  
sewer district or subdistrict created under Chapter 6117. of the 68058  
Revised Code, by resolution declares it necessary to levy a tax in 68059  
excess of the ten-mill limitation for the purpose of constructing, 68060  
improving, or extending sewage disposal plants or sewage systems, 68061  
the tax may be in effect for any number of years not exceeding 68062  
twenty, and the proceeds of the tax, notwithstanding the general 68063  
provisions of this section, may be used to pay debt charges on any 68064  
obligations issued and outstanding on behalf of the subdivision 68065  
for the purposes enumerated in this paragraph, provided that any 68066  
such obligations have been specifically described in the 68067  
resolution. 68068

A resolution adopted by the legislative authority of a 68069  
municipal corporation that is for the purpose in division (XX) of 68070  
this section may be combined with the purpose provided in section 68071  
306.55 of the Revised Code, by vote of two-thirds of all members 68072  
of the legislative authority. The legislative authority may 68073

certify the resolution to the board of elections as a combined 68074  
question. The question appearing on the ballot shall be as 68075  
provided in section 5705.252 of the Revised Code. 68076

The resolution shall go into immediate effect upon its 68077  
passage, and no publication of the resolution is necessary other 68078  
than that provided for in the notice of election 68079

When the electors of a subdivision or, in the case of a 68080  
qualifying library levy for the support of a library association 68081  
or private corporation, the electors of the association library 68082  
district, have approved a tax levy under this section, the taxing 68083  
authority of the subdivision may anticipate a fraction of the 68084  
proceeds of the levy and issue anticipation notes in accordance 68085  
with section 5705.191 or 5705.193 of the Revised Code. 68086

**Sec. 5705.21.** (A) At any time, the board of education of any 68087  
city, local, exempted village, cooperative education, or joint 68088  
vocational school district, by a vote of two-thirds of all its 68089  
members, may declare by resolution that the amount of taxes which 68090  
may be raised within the ten-mill limitation by levies on the 68091  
current tax duplicate will be insufficient to provide an adequate 68092  
amount for the necessary requirements of the school district, that 68093  
it is necessary to levy a tax in excess of such limitation for one 68094  
of the purposes specified in division (A), (D), (F), (H), or (DD) 68095  
of section 5705.19 of the Revised Code, for general permanent 68096  
improvements, for the purpose of operating a cultural center, for 68097  
the purpose of providing for school safety and security, or for 68098  
the purpose of providing education technology, and that the 68099  
question of such additional tax levy shall be submitted to the 68100  
electors of the school district at a special election on a day to 68101  
be specified in the resolution. In the case of a qualifying 68102  
library levy for the support of a library association or private 68103  
corporation, the question shall be submitted to the electors of 68104

the association library district. If the resolution states that 68105  
the levy is for the purpose of operating a cultural center, the 68106  
ballot shall state that the levy is "for the purpose of operating 68107  
the ..... (name of cultural center)." 68108

As used in this division, "cultural center" means a 68109  
freestanding building, separate from a public school building, 68110  
that is open to the public for educational, musical, artistic, and 68111  
cultural purposes; "education technology" means, but is not 68112  
limited to, computer hardware, equipment, materials, and 68113  
accessories, equipment used for two-way audio or video, and 68114  
software; and "general permanent improvements" means permanent 68115  
improvements without regard to the limitation of division (F) of 68116  
section 5705.19 of the Revised Code that the improvements be a 68117  
specific improvement or a class of improvements that may be 68118  
included in a single bond issue. 68119

A resolution adopted under this division shall be confined to 68120  
a single purpose and shall specify the amount of the increase in 68121  
rate that it is necessary to levy, the purpose of the levy, and 68122  
the number of years during which the increase in rate shall be in 68123  
effect. The number of years may be any number not exceeding five 68124  
or, if the levy is for current expenses of the district or for 68125  
general permanent improvements, for a continuing period of time. 68126

(B)(1) The board of education of a qualifying school 68127  
district, by resolution, may declare that it is necessary to levy 68128  
a tax in excess of the ten-mill limitation for the purpose of 68129  
paying the current expenses of ~~the district and of~~ partnering 68130  
community schools and, if any of the levy proceeds are so 68131  
allocated, of the district. A qualifying school district that is 68132  
not a municipal school district may allocate all of the levy 68133  
proceeds to partnering community schools. A municipal school 68134  
district shall allocate a portion of the levy proceeds to the 68135  
current expenses of the district. The resolution shall declare 68136

that the question of the additional tax levy shall be submitted to 68137  
the electors of the school district at a special election on a day 68138  
to be specified in the resolution. The resolution shall state the 68139  
purpose of the levy, the rate of the tax expressed in mills per 68140  
dollar of taxable value, the number of such mills to be levied for 68141  
the current expenses of the partnering community schools and the 68142  
number of such mills, if any, to be levied for the current 68143  
expenses of the school district, the number of years the tax will 68144  
be levied, and the first year the tax will be levied. The number 68145  
of years the tax may be levied may be any number not exceeding ten 68146  
years, or for a continuing period of time. 68147

The levy of a tax for the current expenses of a partnering 68148  
community school under this section and the distribution of 68149  
proceeds from the tax by a qualifying school district to 68150  
partnering community schools is hereby determined to be a proper 68151  
public purpose. 68152

(2) The (a) If any portion of the levy proceeds are to be 68153  
allocated to the current expenses of the qualifying school 68154  
district, the form of the ballot at an election held pursuant to 68155  
division (B) of this section shall be as follows: 68156

"Shall a levy be imposed by the ..... (insert the name of 68157  
the qualifying school district) for the purpose of current 68158  
expenses of the school district and of partnering community 68159  
schools at a rate not exceeding ..... (insert the number of 68160  
mills) mills for each one dollar of valuation, ~~of which~~ ..... 68161  
(insert the number of mills to be allocated to partnering 68162  
community schools) mills is to be allocated to partnering 68163  
community schools), which amounts to ..... (insert the rate 68164  
expressed in dollars and cents) for each one hundred dollars of 68165  
valuation, for ..... (insert the number of years the levy is to 68166  
be imposed, or that it will be levied for a continuing period of 68167  
time), beginning ..... (insert first year the tax is to be 68168

levied), which will first be payable in calendar year ..... 68169  
 (insert the first calendar year in which the tax would be 68170  
 payable)? 68171

	FOR THE TAX LEVY	"
	AGAINST THE TAX LEVY	

68172  
68173

(b) If all of the levy proceeds are to be allocated to the 68174  
current expenses of partnering community schools, the form of the 68175  
ballot shall be as follows: 68176

"Shall a levy be imposed by the ..... (insert the name of 68177  
the qualifying school district) for the purpose of current 68178  
expenses of partnering community schools at a rate not exceeding 68179  
..... (insert the number of mills) mills for each one dollar of 68180  
valuation which amounts to ..... (insert the rate expressed in 68181  
dollars and cents) for each one hundred dollars of valuation, for 68182  
..... (insert the number of years the levy is to be imposed, or 68183  
that it will be levied for a continuing period of time), beginning 68184  
..... (insert first year the tax is to be levied), which will 68185  
first be payable in calendar year ..... (insert the first 68186  
calendar year in which the tax would be payable)? 68187

	FOR THE TAX LEVY	"
	AGAINST THE TAX LEVY	

68188  
68189

(3) Upon each receipt of a tax distribution by the qualifying 68190  
 school district, the board of education shall credit the portion 68191  
 allocated to partnering community schools to the partnering 68192  
 community schools fund. All income from the investment of money in 68193  
 the partnering community schools fund shall be credited to that 68194  
 fund. 68195

(a) If the qualifying school district is a municipal school 68196  
 district, the board of education shall distribute the partnering 68197  
 community schools amount among the then qualifying community 68198  
 schools not more than forty-five days after the school district 68199  
 receives and deposits each tax distribution. From each tax 68200

distribution, each such partnering community school shall receive 68201  
a portion of the partnering community schools amount in the 68202  
proportion that the number of its resident students bears to the 68203  
aggregate number of resident students of all such partnering 68204  
community schools as of the date of receipt and deposit of the tax 68205  
distribution. 68206

(b) If the qualifying school district is not a municipal 68207  
school district, the board of education may distribute all or a 68208  
portion of the amount in the partnering community schools fund 68209  
during a fiscal year to partnering community schools ~~that were~~ 68210  
~~either sponsored by the district or entered into an agreement~~ 68211  
~~pursuant to division (B)(6)(b) of this section~~ on or before the 68212  
first day of June of the preceding fiscal year. Each such 68213  
partnering community school shall receive a portion of the amount 68214  
distributed by the board from the partnering community schools 68215  
fund during the fiscal year in the proportion that the number of 68216  
its resident students bears to the aggregate number of resident 68217  
students of all such partnering community schools as of the date 68218  
the school district received and deposited the most recent tax 68219  
distribution. On or before the fifteenth day of June of each 68220  
fiscal year, the board of education shall announce an estimated 68221  
allocation to partnering community schools for the ensuing fiscal 68222  
year. The board is not required to allocate to partnering 68223  
community schools the entire partnering community schools amount 68224  
in the fiscal year in which a tax distribution is received and 68225  
deposited in the partnering community schools fund. The estimated 68226  
allocation shall be published on the web site of the school 68227  
district and expressed as a dollar amount per resident student. 68228  
The actual allocation to community schools in a fiscal year need 68229  
not conform to the estimate published by the school district so 68230  
long if the estimate was made in good faith. 68231

Distributions by a school district under division (B)(3)(b) 68232



of this section shall be made in accordance with distribution 68233  
agreements entered into by the board of education and each 68234  
partnering community school eligible for distributions under this 68235  
division. The distribution agreements shall be certified to the 68236  
department of education each fiscal year before the thirtieth day 68237  
of July. Each agreement shall provide for at least three 68238  
distributions by the school district to the partnering community 68239  
school during the fiscal year and shall require the initial 68240  
distribution be made on or before the thirtieth day of July. 68241

(c) For the purposes of division (B) of this section, the 68242  
number of resident students shall be the number of such students 68243  
reported under section 3317.03 of the Revised Code and established 68244  
by the department of education as of the date of receipt and 68245  
deposit of the tax distribution. 68246

(4) To the extent an agreement whereby the qualifying school 68247  
district and a community school endorse each other's programs is 68248  
necessary for the community school to qualify as a partnering 68249  
community school under division (B)(6)(b) of this section, the 68250  
board of education of the school district shall certify to the 68251  
department of education the agreement along with the determination 68252  
that such agreement satisfies the requirements of that division. 68253  
The board's determination is conclusive. 68254

(5) For the purposes of Chapter 3317. of the Revised Code or 68255  
other laws referring to the "taxes charged and payable" for a 68256  
school district, the taxes charged and payable for a qualifying 68257  
school district that levies a tax under division (B) of this 68258  
section includes only the taxes charged and payable under that 68259  
levy for the current expenses of the school district, and does not 68260  
include the taxes charged and payable for the current expenses of 68261  
partnering community schools. The taxes charged and payable for 68262  
the current expenses of partnering community schools shall not 68263  
affect the calculation of "state education aid" as defined in 68264

section 5751.20 of the Revised Code. 68265

(6) As used in division (B) of this section: 68266

(a) "Qualifying school district" means a municipal school 68267  
district, as defined in section 3311.71 of the Revised Code, or a 68268  
school district that ~~has an average daily membership, as reported~~ 68269  
~~under division (A) of section 3317.03 of the Revised Code, greater~~ 68270  
~~than sixty thousand and the majority of the territory of which~~ 68271  
~~district is located in a city with a population greater than seven~~ 68272  
~~hundred thousand according to the most recent federal decennial~~ 68273  
~~census contains within its territory a partnering community~~ 68274  
school. 68275

(b) "Partnering community school" means a community school 68276  
established under Chapter 3314. of the Revised Code that is 68277  
located within the territory of the qualifying school district and 68278  
~~that either~~ meets one of the following criteria: 68279

(i) If the qualifying school district is a municipal school 68280  
district, the community school is sponsored by the district or is 68281  
a party to an agreement with the district whereby the district and 68282  
the community school endorse each other's programs; 68283

(ii) If the qualifying school district is not a municipal 68284  
school district, the community school is sponsored by a sponsor 68285  
that was rated as "exemplary" in the ratings most recently 68286  
published under section 3314.016 of the Revised Code before the 68287  
resolution proposing the levy is certified to the board of 68288  
elections. 68289

(c) "Partnering community schools amount" means the product 68290  
obtained, as of the receipt and deposit of the tax distribution, 68291  
by multiplying the amount of a tax distribution by a fraction, the 68292  
numerator of which is the number of mills per dollar of taxable 68293  
value of the property tax to be allocated to partnering community 68294  
schools, and the denominator of which is the total number of mills 68295

per dollar of taxable value authorized by the electors in the election held under division (B) of this section, each as set forth in the resolution levying the tax. If the resolution allocates all of the levy proceeds to partnering community schools, the "partnering schools amount" equals the amount of the tax distribution.

(d) "Partnering community schools fund" means a separate fund established by the board of education of a qualifying school district for the deposit of partnering community school amounts under this section.

(e) "Resident student" means a student enrolled in a partnering community school who is entitled to attend school in the qualifying school district under section 3313.64 or 3313.65 of the Revised Code.

(f) "Tax distribution" means a distribution of proceeds of the tax authorized by division (B) of this section under section 321.24 of the Revised Code and distributions that are attributable to that tax under sections 323.156 and 4503.068 of the Revised Code or other applicable law.

(C) A resolution adopted under this section shall specify the date of holding the election, which shall not be earlier than ninety days after the adoption and certification of the resolution and which shall be consistent with the requirements of section 3501.01 of the Revised Code.

A resolution adopted under this section may propose to renew one or more existing levies imposed under division (A) or (B) of this section or to increase or decrease a single levy imposed under either such division.

If the board of education imposes one or more existing levies for the purpose specified in division (F) of section 5705.19 of the Revised Code, the resolution may propose to renew one or more

of those existing levies, or to increase or decrease a single such existing levy, for the purpose of general permanent improvements.

If the resolution proposes to renew two or more existing levies, the levies shall be levied for the same purpose. The resolution shall identify those levies and the rates at which they are levied. The resolution also shall specify that the existing levies shall not be extended on the tax lists after the year preceding the year in which the renewal levy is first imposed, regardless of the years for which those levies originally were authorized to be levied.

If the resolution proposes to renew an existing levy imposed under division (B) of this section, the rates allocated to the qualifying school district and to partnering community schools each may be increased or decreased or remain the same, and the total rate may be increased, decreased, or remain the same. The resolution and notice of election shall specify the number of the mills to be levied for the current expenses of the partnering community schools and the number of the mills, if any, to be levied for the current expenses of the qualifying school district.

A resolution adopted under this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. A copy of the resolution shall immediately after its passing be certified to the board of elections of the proper county in the manner provided by section 5705.25 of the Revised Code. That section shall govern the arrangements for the submission of such question and other matters concerning the election to which that section refers, including publication of notice of the election, except that the election shall be held on the date specified in the resolution. In the case of a resolution adopted under division (B) of this section, the publication of notice of that election shall state the number of the mills, if

any, to be levied for the current expenses of partnering community 68359  
schools and the number of the mills to be levied for the current 68360  
expenses of the qualifying school district. If a majority of the 68361  
electors voting on the question so submitted in an election vote 68362  
in favor of the levy, the board of education may make the 68363  
necessary levy within the school district or, in the case of a 68364  
qualifying library levy for the support of a library association 68365  
or private corporation, within the association library district, 68366  
at the additional rate, or at any lesser rate in excess of the 68367  
ten-mill limitation on the tax list, for the purpose stated in the 68368  
resolution. A levy for a continuing period of time may be reduced 68369  
pursuant to section 5705.261 of the Revised Code. The tax levy 68370  
shall be included in the next tax budget that is certified to the 68371  
county budget commission. 68372

(D)(1) After the approval of a levy on the current tax list 68373  
and duplicate for current expenses, for recreational purposes, for 68374  
community centers provided for in section 755.16 of the Revised 68375  
Code, or for a public library of the district under division (A) 68376  
of this section, and prior to the time when the first tax 68377  
collection from the levy can be made, the board of education may 68378  
anticipate a fraction of the proceeds of the levy and issue 68379  
anticipation notes in a principal amount not exceeding fifty per 68380  
cent of the total estimated proceeds of the levy to be collected 68381  
during the first year of the levy. 68382

(2) After the approval of a levy for general permanent 68383  
improvements for a specified number of years or for permanent 68384  
improvements having the purpose specified in division (F) of 68385  
section 5705.19 of the Revised Code, the board of education may 68386  
anticipate a fraction of the proceeds of the levy and issue 68387  
anticipation notes in a principal amount not exceeding fifty per 68388  
cent of the total estimated proceeds of the levy remaining to be 68389  
collected in each year over a period of five years after the 68390

issuance of the notes. 68391

The notes shall be issued as provided in section 133.24 of 68392  
the Revised Code, shall have principal payments during each year 68393  
after the year of their issuance over a period not to exceed five 68394  
years, and may have a principal payment in the year of their 68395  
issuance. 68396

(3) After approval of a levy for general permanent 68397  
improvements for a continuing period of time, the board of 68398  
education may anticipate a fraction of the proceeds of the levy 68399  
and issue anticipation notes in a principal amount not exceeding 68400  
fifty per cent of the total estimated proceeds of the levy to be 68401  
collected in each year over a specified period of years, not 68402  
exceeding ten, after the issuance of the notes. 68403

The notes shall be issued as provided in section 133.24 of 68404  
the Revised Code, shall have principal payments during each year 68405  
after the year of their issuance over a period not to exceed ten 68406  
years, and may have a principal payment in the year of their 68407  
issuance. 68408

(4) After the approval of a levy on the current tax list and 68409  
duplicate under division (B) of this section, and prior to the 68410  
time when the first tax collection from the levy can be made, the 68411  
board of education may anticipate a fraction of the proceeds of 68412  
the levy for the current expenses of the school district and issue 68413  
anticipation notes in a principal amount not exceeding fifty per 68414  
cent of the estimated proceeds of the levy to be collected during 68415  
the first year of the levy and allocated to the school district. 68416  
The portion of the levy proceeds to be allocated to partnering 68417  
community schools under that division shall not be included in the 68418  
estimated proceeds anticipated under this division and shall not 68419  
be used to pay debt charges on any anticipation notes. 68420

The notes shall be issued as provided in section 133.24 of 68421

the Revised Code, shall have principal payments during each year 68422  
after the year of their issuance over a period not to exceed five 68423  
years, and may have a principal payment in the year of their 68424  
issuance. 68425

(E) The submission of questions to the electors under this 68426  
section is subject to the limitation on the number of election 68427  
dates established by section 5705.214 of the Revised Code. 68428

**Sec. 5705.212.** (A)(1) The board of education of any school 68429  
district, at any time and by a vote of two-thirds of all of its 68430  
members, may declare by resolution that the amount of taxes that 68431  
may be raised within the ten-mill limitation will be insufficient 68432  
to provide an adequate amount for the present and future 68433  
requirements of the school district, that it is necessary to levy 68434  
not more than five taxes in excess of that limitation for current 68435  
expenses, and that each of the proposed taxes first will be levied 68436  
in a different year, over a specified period of time. The board 68437  
shall identify the taxes proposed under this section as follows: 68438  
the first tax to be levied shall be called the "original tax." 68439  
Each tax subsequently levied shall be called an "incremental tax." 68440  
The rate of each incremental tax shall be identical, but the rates 68441  
of such incremental taxes need not be the same as the rate of the 68442  
original tax. The resolution also shall state that the question of 68443  
these additional taxes shall be submitted to the electors of the 68444  
school district at a special election. The resolution shall 68445  
specify separately for each tax proposed: the amount of the 68446  
increase in rate that it is necessary to levy, expressed 68447  
separately for the original tax and each incremental tax; that the 68448  
purpose of the levy is for current expenses; the number of years 68449  
during which the original tax shall be in effect; a specification 68450  
that the last year in which the original tax is in effect shall 68451  
also be the last year in which each incremental tax shall be in 68452  
effect; and the year in which each tax first is proposed to be 68453

levied. The original tax may be levied for any number of years not exceeding ten, or for a continuing period of time. The resolution shall specify the date of holding the special election, which shall not be earlier than ninety days after the adoption and certification of the resolution and shall be consistent with the requirements of section 3501.01 of the Revised Code.

(2) The board of education, by a vote of two-thirds of all of its members, may adopt a resolution proposing to renew taxes levied other than for a continuing period of time under division (A)(1) of this section. Such a resolution shall provide for levying a tax and specify all of the following:

(a) That the tax shall be called and designated on the ballot as a renewal levy;

(b) The rate of the renewal tax, which shall be a single rate that combines the rate of the original tax and each incremental tax into a single rate. The rate of the renewal tax shall not exceed the aggregate rate of the original and incremental taxes.

(c) The number of years, not to exceed ten, that the renewal tax will be levied, or that it will be levied for a continuing period of time;

(d) That the purpose of the renewal levy is for current expenses;

(e) Subject to the certification and notification requirements of section 5705.251 of the Revised Code, that the question of the renewal levy shall be submitted to the electors of the school district at the general election held during the last year the original tax may be extended on the real and public utility property tax list and duplicate or at a special election held during the ensuing year.

(3) A resolution adopted under division (A)(1) or (2) of this section shall go into immediate effect upon its adoption and no



publication of the resolution is necessary other than that 68485  
provided for in the notice of election. Immediately after its 68486  
adoption, a copy of the resolution shall be certified to the board 68487  
of elections of the proper county in the manner provided by 68488  
division (A) of section 5705.251 of the Revised Code, and that 68489  
division shall govern the arrangements for the submission of the 68490  
question and other matters concerning the election to which that 68491  
section refers. The election shall be held on the date specified 68492  
in the resolution. If a majority of the electors voting on the 68493  
question so submitted in an election vote in favor of the taxes or 68494  
a renewal tax, the board of education, if the original or a 68495  
renewal tax is authorized to be levied for the current year, 68496  
immediately may make the necessary levy within the school district 68497  
at the authorized rate, or at any lesser rate in excess of the 68498  
ten-mill limitation, for the purpose stated in the resolution. No 68499  
tax shall be imposed prior to the year specified in the resolution 68500  
as the year in which it is first proposed to be levied. The rate 68501  
of the original tax and the rate of each incremental tax shall be 68502  
cumulative, so that the aggregate rate levied in any year is the 68503  
sum of the rates of both the original tax and all incremental 68504  
taxes levied in or prior to that year under the same proposal. A 68505  
tax levied for a continuing period of time under this section may 68506  
be reduced pursuant to section 5705.261 of the Revised Code. 68507

(B) Notwithstanding section 133.30 of the Revised Code, after 68508  
the approval of a tax to be levied in the current or the 68509  
succeeding year and prior to the time when the first tax 68510  
collection from that levy can be made, the board of education may 68511  
anticipate a fraction of the proceeds of the levy and issue 68512  
anticipation notes in an amount not to exceed fifty per cent of 68513  
the total estimated proceeds of the levy to be collected during 68514  
the first year of the levy. The notes shall be sold as provided in 68515  
Chapter 133. of the Revised Code. If anticipation notes are 68516  
issued, they shall mature serially and in substantially equal 68517

amounts during each year over a period not to exceed five years; 68518  
and the amount necessary to pay the interest and principal as the 68519  
anticipation notes mature shall be deemed appropriated for those 68520  
purposes from the levy, and appropriations from the levy by the 68521  
board of education shall be limited each fiscal year to the 68522  
balance available in excess of that amount. 68523

If the auditor of state has certified a deficit pursuant to 68524  
section 3313.483 of the Revised Code, the notes authorized under 68525  
this section may be sold in accordance with Chapter 133. of the 68526  
Revised Code, except that the board may sell the notes after 68527  
providing a reasonable opportunity for competitive bidding. 68528

(C)(1) The board of education of a qualifying school 68529  
district, at any time and by a vote of two-thirds of all its 68530  
members, may declare by resolution that it is necessary to levy 68531  
not more than five taxes in excess of the ten-mill limitation for 68532  
the current expenses of ~~the school district and of~~ partnering 68533  
community schools and, if any of the levy proceeds are so 68534  
allocated, of the school district, and that each of the proposed 68535  
taxes first will be levied in a different year, over a specified 68536  
period of time. A qualifying school district that is not a 68537  
municipal school district may allocate all of the levy proceeds to 68538  
partnering community schools. A municipal school district shall 68539  
allocate a portion of the levy proceeds to the current expenses of 68540  
the district. The board shall identify the taxes proposed under 68541  
this division in the same manner as in division (A)(1) of this 68542  
section. The rate of each incremental tax shall be identical, but 68543  
the rates of such incremental taxes need not be the same as the 68544  
rate of the original tax. In addition to the specifications 68545  
required of the resolution in division (A) of this section, the 68546  
resolution shall state the number of the mills to be levied each 68547  
year for the current expenses of the partnering community schools 68548  
and the number of the mills, if any, to be levied each year for 68549

the current expenses of the school district. The number of mills 68550  
for the current expenses of partnering community schools shall be 68551  
the same for each of the incremental taxes, and the number of 68552  
mills for the current expenses of the qualifying school district 68553  
shall be the same for each of the incremental taxes. 68554

The levy of taxes for the current expenses of a partnering 68555  
community school under division (C) of this section and the 68556  
distribution of proceeds from the tax by a qualifying school 68557  
district to partnering community schools is hereby determined to 68558  
be a proper public purpose. 68559

(2) The board of education, by a vote of two-thirds of all of 68560  
its members, may adopt a resolution proposing to renew taxes 68561  
levied other than for a continuing period of time under division 68562  
(C)(1) of this section. In such a renewal levy, the rates 68563  
allocated to the qualifying school district and to partnering 68564  
community schools each may be increased or decreased or remain the 68565  
same, and the total rate may be increased, decreased, or remain 68566  
the same. In addition to the requirements of division (A)(2) of 68567  
this section, the resolution shall state the number of the mills 68568  
to be levied for the current expenses of the partnering community 68569  
schools and the number of the mills to be levied for the current 68570  
expenses of the school district. 68571

(3) A resolution adopted under division (C)(1) or (2) of this 68572  
section is subject to the rules and procedures prescribed by 68573  
division (A)(3) of this section. 68574

(4) The proceeds of each tax levied under division (C)(1) or 68575  
(2) of this section shall be credited and distributed in the 68576  
manner prescribed by division (B)(3) of section 5705.21 of the 68577  
Revised Code, and divisions (B)(4), (5), and (6) of that section 68578  
apply to taxes levied under division (C) of this section. 68579

(5) Notwithstanding section 133.30 of the Revised Code, after 68580

the approval of a tax to be levied under division (C)(1) or (2) of 68581  
this section, in the current or succeeding year and prior to the 68582  
time when the first tax collection from that levy can be made, the 68583  
board of education may anticipate a fraction of the proceeds of 68584  
the levy for the current expenses of the qualifying school 68585  
district and issue anticipation notes in a principal amount not 68586  
exceeding fifty per cent of the estimated proceeds of the levy to 68587  
be collected during the first year of the levy and allocated to 68588  
the school district. The portion of levy proceeds to be allocated 68589  
to partnering community schools shall not be included in the 68590  
estimated proceeds anticipated under this division and shall not 68591  
be used to pay debt charges on any anticipation notes. 68592

The notes shall be sold as provided in Chapter 133. of the 68593  
Revised Code. If anticipation notes are issued, they shall mature 68594  
serially and in substantially equal amounts during each year over 68595  
a period not to exceed five years. The amount necessary to pay the 68596  
interest and principal as the anticipation notes mature shall be 68597  
deemed appropriated for those purposes from the levy, and 68598  
appropriations from the levy by the board of education shall be 68599  
limited each fiscal year to the balance available in excess of 68600  
that amount. 68601

If the auditor of state has certified a deficit pursuant to 68602  
section 3313.483 of the Revised Code, the notes authorized under 68603  
this section may be sold in accordance with Chapter 133. of the 68604  
Revised Code, except that the board may sell the notes after 68605  
providing a reasonable opportunity for competitive bidding. 68606

As used in division (C) of this section, "qualifying school 68607  
district" and "partnering community schools" have the same 68608  
meanings as in section 5705.21 of the Revised Code. 68609

(D) The submission of questions to the electors under this 68610  
section is subject to the limitation on the number of election 68611  
dates established by section 5705.214 of the Revised Code. 68612

Sec. 5709.17. The following property shall be exempted from 68613  
taxation: 68614

(A) Real estate held or occupied by an association or 68615  
corporation, organized or incorporated under the laws of this 68616  
state relative to soldiers' memorial associations, monumental 68617  
building associations, or cemetery associations or corporations, 68618  
which in the opinion of the trustees, directors, or managers 68619  
thereof is necessary and proper to carry out the object intended 68620  
for such association or corporation; 68621

(B) Real estate and tangible personal property held or 68622  
occupied by a veterans' organization that qualifies for exemption 68623  
from taxation under section 501(c)(19) or 501(c)(23) of the 68624  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 68625  
amended, and is incorporated under the laws of this state or the 68626  
United States, except real estate held by such an organization for 68627  
the production of rental income in excess of thirty-six thousand 68628  
dollars in a tax year, before accounting for any cost or expense 68629  
incurred in the production of such income. For the purposes of 68630  
this division, rental income includes only income arising directly 68631  
from renting the real estate to others for consideration. 68632

(C) Tangible personal property held by a corporation 68633  
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 68634  
section 501(c)(3) of the Internal Revenue Code, and exempt from 68635  
taxation under section 501(a) of the Internal Revenue Code shall 68636  
be exempt from taxation if it is property obtained as described in 68637  
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 68638

(D) Real estate held or occupied by a fraternal organization 68639  
and used primarily for meetings of and the administration of the 68640  
fraternal organization and other not-for-profit purposes, except 68641  
real estate held by such an organization for the production of 68642  
rental income in excess of thirty-six thousand dollars in a tax 68643

year, before accounting for any cost or expense incurred in the 68644  
production of such income. As used in this division, "rental 68645  
income" has the same meaning as in division (B) of this section, 68646  
and "fraternal organization" means a domestic fraternal society, 68647  
order, or association operating under the lodge, council, or 68648  
grange system that qualifies for exemption from taxation under 68649  
section 501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal 68650  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; 68651  
that provides financial support for charitable purposes, as 68652  
defined in division (B)(12) of section 5739.02 of the Revised 68653  
Code; and that has been operating in this state with a state 68654  
governing body for at least eighty-five years. 68655

**Sec. 5709.62.** (A) In any municipal corporation that is 68656  
defined by the United States office of management and budget as a 68657  
principal city of a metropolitan statistical area, the legislative 68658  
authority of the municipal corporation may designate one or more 68659  
areas within its municipal corporation as proposed enterprise 68660  
zones. Upon designating an area, the legislative authority shall 68661  
petition the director of development services for certification of 68662  
the area as having the characteristics set forth in division 68663  
(A)(1) of section 5709.61 of the Revised Code as amended by 68664  
Substitute Senate Bill No. 19 of the 120th general assembly. 68665  
Except as otherwise provided in division (E) of this section, on 68666  
and after July 1, 1994, legislative authorities shall not enter 68667  
into agreements under this section unless the legislative 68668  
authority has petitioned the director and the director has 68669  
certified the zone under this section as amended by that act; 68670  
however, all agreements entered into under this section as it 68671  
existed prior to July 1, 1994, and the incentives granted under 68672  
those agreements shall remain in effect for the period agreed to 68673  
under those agreements. Within sixty days after receiving such a 68674  
petition, the director shall determine whether the area has the 68675

characteristics set forth in division (A)(1) of section 5709.61 of 68676  
the Revised Code, and shall forward the findings to the 68677  
legislative authority of the municipal corporation. If the 68678  
director certifies the area as having those characteristics, and 68679  
thereby certifies it as a zone, the legislative authority may 68680  
enter into an agreement with an enterprise under division (C) of 68681  
this section. 68682

(B) Any enterprise that wishes to enter into an agreement 68683  
with a municipal corporation under division (C) of this section 68684  
shall submit a proposal to the legislative authority of the 68685  
municipal corporation on a form prescribed by the director of 68686  
development services, together with the application fee 68687  
established under section 5709.68 of the Revised Code. The form 68688  
shall require the following information: 68689

(1) An estimate of the number of new employees whom the 68690  
enterprise intends to hire, or of the number of employees whom the 68691  
enterprise intends to retain, within the zone at a facility that 68692  
is a project site, and an estimate of the amount of payroll of the 68693  
enterprise attributable to these employees; 68694

(2) An estimate of the amount to be invested by the 68695  
enterprise to establish, expand, renovate, or occupy a facility, 68696  
including investment in new buildings, additions or improvements 68697  
to existing buildings, machinery, equipment, furniture, fixtures, 68698  
and inventory; 68699

(3) A listing of the enterprise's current investment, if any, 68700  
in a facility as of the date of the proposal's submission. 68701

The enterprise shall review and update the listings required 68702  
under this division to reflect material changes, and any agreement 68703  
entered into under division (C) of this section shall set forth 68704  
final estimates and listings as of the time the agreement is 68705  
entered into. The legislative authority may, on a separate form 68706

and at any time, require any additional information necessary to 68707  
determine whether an enterprise is in compliance with an agreement 68708  
and to collect the information required to be reported under 68709  
section 5709.68 of the Revised Code. 68710

(C) Upon receipt and investigation of a proposal under 68711  
division (B) of this section, if the legislative authority finds 68712  
that the enterprise submitting the proposal is qualified by 68713  
financial responsibility and business experience to create and 68714  
preserve employment opportunities in the zone and improve the 68715  
economic climate of the municipal corporation, the legislative 68716  
authority, on or before October 15, ~~2015~~ 2017, may do one of the 68717  
following: 68718

(1) Enter into an agreement with the enterprise under which 68719  
the enterprise agrees to establish, expand, renovate, or occupy a 68720  
facility and hire new employees, or preserve employment 68721  
opportunities for existing employees, in return for one or more of 68722  
the following incentives: 68723

(a) Exemption for a specified number of years, not to exceed 68724  
fifteen, of a specified portion, up to seventy-five per cent, of 68725  
the assessed value of tangible personal property first used in 68726  
business at the project site as a result of the agreement. If an 68727  
exemption for inventory is specifically granted in the agreement 68728  
pursuant to this division, the exemption applies to inventory 68729  
required to be listed pursuant to sections 5711.15 and 5711.16 of 68730  
the Revised Code, except that, in the instance of an expansion or 68731  
other situations in which an enterprise was in business at the 68732  
facility prior to the establishment of the zone, the inventory 68733  
that is exempt is that amount or value of inventory in excess of 68734  
the amount or value of inventory required to be listed in the 68735  
personal property tax return of the enterprise in the return for 68736  
the tax year in which the agreement is entered into. 68737

(b) Exemption for a specified number of years, not to exceed 68738



fifteen, of a specified portion, up to seventy-five per cent, of 68739  
the increase in the assessed valuation of real property 68740  
constituting the project site subsequent to formal approval of the 68741  
agreement by the legislative authority; 68742

(c) Provision for a specified number of years, not to exceed 68743  
fifteen, of any optional services or assistance that the municipal 68744  
corporation is authorized to provide with regard to the project 68745  
site. 68746

(2) Enter into an agreement under which the enterprise agrees 68747  
to remediate an environmentally contaminated facility, to spend an 68748  
amount equal to at least two hundred fifty per cent of the true 68749  
value in money of the real property of the facility prior to 68750  
remediation as determined for the purposes of property taxation to 68751  
establish, expand, renovate, or occupy the remediated facility, 68752  
and to hire new employees or preserve employment opportunities for 68753  
existing employees at the remediated facility, in return for one 68754  
or more of the following incentives: 68755

(a) Exemption for a specified number of years, not to exceed 68756  
fifteen, of a specified portion, not to exceed fifty per cent, of 68757  
the assessed valuation of the real property of the facility prior 68758  
to remediation; 68759

(b) Exemption for a specified number of years, not to exceed 68760  
fifteen, of a specified portion, not to exceed one hundred per 68761  
cent, of the increase in the assessed valuation of the real 68762  
property of the facility during or after remediation; 68763

(c) The incentive under division (C)(1)(a) of this section, 68764  
except that the percentage of the assessed value of such property 68765  
exempted from taxation shall not exceed one hundred per cent; 68766

(d) The incentive under division (C)(1)(c) of this section. 68767

(3) Enter into an agreement with an enterprise that plans to 68768  
purchase and operate a large manufacturing facility that has 68769

ceased operation or announced its intention to cease operation, in 68770  
return for exemption for a specified number of years, not to 68771  
exceed fifteen, of a specified portion, up to one hundred per 68772  
cent, of the assessed value of tangible personal property used in 68773  
business at the project site as a result of the agreement, or of 68774  
the assessed valuation of real property constituting the project 68775  
site, or both. 68776

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 68777  
section, the portion of the assessed value of tangible personal 68778  
property or of the increase in the assessed valuation of real 68779  
property exempted from taxation under those divisions may exceed 68780  
seventy-five per cent in any year for which that portion is 68781  
exempted if the average percentage exempted for all years in which 68782  
the agreement is in effect does not exceed sixty per cent, or if 68783  
the board of education of the city, local, or exempted village 68784  
school district within the territory of which the property is or 68785  
will be located approves a percentage in excess of seventy-five 68786  
per cent. 68787

(2) Notwithstanding any provision of the Revised Code to the 68788  
contrary, the exemptions described in divisions (C)(1)(a), (b), 68789  
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 68790  
be for up to fifteen years if the board of education of the city, 68791  
local, or exempted village school district within the territory of 68792  
which the property is or will be located approves a number of 68793  
years in excess of ten. 68794

(3) For the purpose of obtaining the approval of a city, 68795  
local, or exempted village school district under division (D)(1) 68796  
or (2) of this section, the legislative authority shall deliver to 68797  
the board of education a notice not later than forty-five days 68798  
prior to approving the agreement, excluding Saturdays, Sundays, 68799  
and legal holidays as defined in section 1.14 of the Revised Code. 68800  
The notice shall state the percentage to be exempted, an estimate 68801

of the true value of the property to be exempted, and the number 68802  
of years the property is to be exempted. The board of education, 68803  
by resolution adopted by a majority of the board, shall approve or 68804  
disapprove the agreement and certify a copy of the resolution to 68805  
the legislative authority not later than fourteen days prior to 68806  
the date stipulated by the legislative authority as the date upon 68807  
which approval of the agreement is to be formally considered by 68808  
the legislative authority. The board of education may include in 68809  
the resolution conditions under which the board would approve the 68810  
agreement, including the execution of an agreement to compensate 68811  
the school district under division (B) of section 5709.82 of the 68812  
Revised Code. The legislative authority may approve the agreement 68813  
at any time after the board of education certifies its resolution 68814  
approving the agreement to the legislative authority, or, if the 68815  
board approves the agreement conditionally, at any time after the 68816  
conditions are agreed to by the board and the legislative 68817  
authority. 68818

If a board of education has adopted a resolution waiving its 68819  
right to approve agreements and the resolution remains in effect, 68820  
approval of an agreement by the board is not required under this 68821  
division. If a board of education has adopted a resolution 68822  
allowing a legislative authority to deliver the notice required 68823  
under this division fewer than forty-five business days prior to 68824  
the legislative authority's approval of the agreement, the 68825  
legislative authority shall deliver the notice to the board not 68826  
later than the number of days prior to such approval as prescribed 68827  
by the board in its resolution. If a board of education adopts a 68828  
resolution waiving its right to approve agreements or shortening 68829  
the notification period, the board shall certify a copy of the 68830  
resolution to the legislative authority. If the board of education 68831  
rescinds such a resolution, it shall certify notice of the 68832  
rescission to the legislative authority. 68833

(4) The legislative authority shall comply with section 68834  
5709.83 of the Revised Code unless the board of education has 68835  
adopted a resolution under that section waiving its right to 68836  
receive such notice. 68837

(E) This division applies to zones certified by the director 68838  
of development services under this section prior to July 22, 1994. 68839

On or before October 15, ~~2015~~ 2017, the legislative authority 68840  
that designated a zone to which this division applies may enter 68841  
into an agreement with an enterprise if the legislative authority 68842  
finds that the enterprise satisfies one of the criteria described 68843  
in divisions (E)(1) to (5) of this section: 68844

(1) The enterprise currently has no operations in this state 68845  
and, subject to approval of the agreement, intends to establish 68846  
operations in the zone; 68847

(2) The enterprise currently has operations in this state 68848  
and, subject to approval of the agreement, intends to establish 68849  
operations at a new location in the zone that would not result in 68850  
a reduction in the number of employee positions at any of the 68851  
enterprise's other locations in this state; 68852

(3) The enterprise, subject to approval of the agreement, 68853  
intends to relocate operations, currently located in another 68854  
state, to the zone; 68855

(4) The enterprise, subject to approval of the agreement, 68856  
intends to expand operations at an existing site in the zone that 68857  
the enterprise currently operates; 68858

(5) The enterprise, subject to approval of the agreement, 68859  
intends to relocate operations, currently located in this state, 68860  
to the zone, and the director of development services has issued a 68861  
waiver for the enterprise under division (B) of section 5709.633 68862  
of the Revised Code. 68863

The agreement shall require the enterprise to agree to 68864  
establish, expand, renovate, or occupy a facility in the zone and 68865  
hire new employees, or preserve employment opportunities for 68866  
existing employees, in return for one or more of the incentives 68867  
described in division (C) of this section. 68868

(F) All agreements entered into under this section shall be 68869  
in the form prescribed under section 5709.631 of the Revised Code. 68870  
After an agreement is entered into under this section, if the 68871  
legislative authority revokes its designation of a zone, or if the 68872  
director of development services revokes a zone's certification, 68873  
any entitlements granted under the agreement shall continue for 68874  
the number of years specified in the agreement. 68875

(G) Except as otherwise provided in this division, an 68876  
agreement entered into under this section shall require that the 68877  
enterprise pay an annual fee equal to the greater of one per cent 68878  
of the dollar value of incentives offered under the agreement or 68879  
five hundred dollars; provided, however, that if the value of the 68880  
incentives exceeds two hundred fifty thousand dollars, the fee 68881  
shall not exceed two thousand five hundred dollars. The fee shall 68882  
be payable to the legislative authority once per year for each 68883  
year the agreement is effective on the days and in the form 68884  
specified in the agreement. Fees paid shall be deposited in a 68885  
special fund created for such purpose by the legislative authority 68886  
and shall be used by the legislative authority exclusively for the 68887  
purpose of complying with section 5709.68 of the Revised Code and 68888  
by the tax incentive review council created under section 5709.85 68889  
of the Revised Code exclusively for the purposes of performing the 68890  
duties prescribed under that section. The legislative authority 68891  
may waive or reduce the amount of the fee charged against an 68892  
enterprise, but such a waiver or reduction does not affect the 68893  
obligations of the legislative authority or the tax incentive 68894  
review council to comply with section 5709.68 or 5709.85 of the 68895

Revised Code. 68896

(H) When an agreement is entered into pursuant to this 68897  
section, the legislative authority authorizing the agreement shall 68898  
forward a copy of the agreement to the director of development 68899  
services and to the tax commissioner within fifteen days after the 68900  
agreement is entered into. If any agreement includes terms not 68901  
provided for in section 5709.631 of the Revised Code affecting the 68902  
revenue of a city, local, or exempted village school district or 68903  
causing revenue to be forgone by the district, including any 68904  
compensation to be paid to the school district pursuant to section 68905  
5709.82 of the Revised Code, those terms also shall be forwarded 68906  
in writing to the director of development services along with the 68907  
copy of the agreement forwarded under this division. 68908

(I) After an agreement is entered into, the enterprise shall 68909  
file with each personal property tax return required to be filed, 68910  
or annual report required to be filed under section 5727.08 of the 68911  
Revised Code, while the agreement is in effect, an informational 68912  
return, on a form prescribed by the tax commissioner for that 68913  
purpose, setting forth separately the property, and related costs 68914  
and values, exempted from taxation under the agreement. 68915

(J) Enterprises may agree to give preference to residents of 68916  
the zone within which the agreement applies relative to residents 68917  
of this state who do not reside in the zone when hiring new 68918  
employees under the agreement. 68919

(K) An agreement entered into under this section may include 68920  
a provision requiring the enterprise to create one or more 68921  
temporary internship positions for students enrolled in a course 68922  
of study at a school or other educational institution in the 68923  
vicinity, and to create a scholarship or provide another form of 68924  
educational financial assistance for students holding such a 68925  
position in exchange for the student's commitment to work for the 68926  
enterprise at the completion of the internship. 68927

(L) The tax commissioner's authority in determining the 68928  
accuracy of any exemption granted by an agreement entered into 68929  
under this section is limited to divisions (C)(1)(a) and (b), 68930  
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 68931  
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 68932  
and, as authorized by law, to enforcing any modification to, or 68933  
revocation of, that agreement by the legislative authority of a 68934  
municipal corporation or the director of development services. 68935

**Sec. 5709.63.** (A) With the consent of the legislative 68936  
authority of each affected municipal corporation or of a board of 68937  
township trustees, a board of county commissioners may, in the 68938  
manner set forth in section 5709.62 of the Revised Code, designate 68939  
one or more areas in one or more municipal corporations or in 68940  
unincorporated areas of the county as proposed enterprise zones. A 68941  
board of county commissioners may designate no more than one area 68942  
within a township, or within adjacent townships, as a proposed 68943  
enterprise zone. The board shall petition the director of 68944  
development services for certification of the area as having the 68945  
characteristics set forth in division (A)(1) or (2) of section 68946  
5709.61 of the Revised Code as amended by Substitute Senate Bill 68947  
No. 19 of the 120th general assembly. Except as otherwise provided 68948  
in division (D) of this section, on and after July 1, 1994, boards 68949  
of county commissioners shall not enter into agreements under this 68950  
section unless the board has petitioned the director and the 68951  
director has certified the zone under this section as amended by 68952  
that act; however, all agreements entered into under this section 68953  
as it existed prior to July 1, 1994, and the incentives granted 68954  
under those agreements shall remain in effect for the period 68955  
agreed to under those agreements. The director shall make the 68956  
determination in the manner provided under section 5709.62 of the 68957  
Revised Code. 68958

Any enterprise wishing to enter into an agreement with the 68959

board under division (B) or (D) of this section shall submit a 68960  
proposal to the board on the form and accompanied by the 68961  
application fee prescribed under division (B) of section 5709.62 68962  
of the Revised Code. The enterprise shall review and update the 68963  
estimates and listings required by the form in the manner required 68964  
under that division. The board may, on a separate form and at any 68965  
time, require any additional information necessary to determine 68966  
whether an enterprise is in compliance with an agreement and to 68967  
collect the information required to be reported under section 68968  
5709.68 of the Revised Code. 68969

(B) If the board of county commissioners finds that an 68970  
enterprise submitting a proposal is qualified by financial 68971  
responsibility and business experience to create and preserve 68972  
employment opportunities in the zone and to improve the economic 68973  
climate of the municipal corporation or municipal corporations or 68974  
the unincorporated areas in which the zone is located and to which 68975  
the proposal applies, the board, on or before October 15, ~~2015~~ 68976  
2017, and with the consent of the legislative authority of each 68977  
affected municipal corporation or of the board of township 68978  
trustees may do either of the following: 68979

(1) Enter into an agreement with the enterprise under which 68980  
the enterprise agrees to establish, expand, renovate, or occupy a 68981  
facility in the zone and hire new employees, or preserve 68982  
employment opportunities for existing employees, in return for the 68983  
following incentives: 68984

(a) When the facility is located in a municipal corporation, 68985  
the board may enter into an agreement for one or more of the 68986  
incentives provided in division (C) of section 5709.62 of the 68987  
Revised Code, subject to division (D) of that section; 68988

(b) When the facility is located in an unincorporated area, 68989  
the board may enter into an agreement for one or more of the 68990  
following incentives: 68991



(i) Exemption for a specified number of years, not to exceed 68992  
fifteen, of a specified portion, up to sixty per cent, of the 68993  
assessed value of tangible personal property first used in 68994  
business at a project site as a result of the agreement. If an 68995  
exemption for inventory is specifically granted in the agreement 68996  
pursuant to this division, the exemption applies to inventory 68997  
required to be listed pursuant to sections 5711.15 and 5711.16 of 68998  
the Revised Code, except, in the instance of an expansion or other 68999  
situations in which an enterprise was in business at the facility 69000  
prior to the establishment of the zone, the inventory that is 69001  
exempt is that amount or value of inventory in excess of the 69002  
amount or value of inventory required to be listed in the personal 69003  
property tax return of the enterprise in the return for the tax 69004  
year in which the agreement is entered into. 69005

(ii) Exemption for a specified number of years, not to exceed 69006  
fifteen, of a specified portion, up to sixty per cent, of the 69007  
increase in the assessed valuation of real property constituting 69008  
the project site subsequent to formal approval of the agreement by 69009  
the board; 69010

(iii) Provision for a specified number of years, not to 69011  
exceed fifteen, of any optional services or assistance the board 69012  
is authorized to provide with regard to the project site; 69013

(iv) The incentive described in division (C)(2) of section 69014  
5709.62 of the Revised Code. 69015

(2) Enter into an agreement with an enterprise that plans to 69016  
purchase and operate a large manufacturing facility that has 69017  
ceased operation or has announced its intention to cease 69018  
operation, in return for exemption for a specified number of 69019  
years, not to exceed fifteen, of a specified portion, up to one 69020  
hundred per cent, of tangible personal property used in business 69021  
at the project site as a result of the agreement, or of real 69022  
property constituting the project site, or both. 69023

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 69024  
this section, the portion of the assessed value of tangible 69025  
personal property or of the increase in the assessed valuation of 69026  
real property exempted from taxation under those divisions may 69027  
exceed sixty per cent in any year for which that portion is 69028  
exempted if the average percentage exempted for all years in which 69029  
the agreement is in effect does not exceed fifty per cent, or if 69030  
the board of education of the city, local, or exempted village 69031  
school district within the territory of which the property is or 69032  
will be located approves a percentage in excess of sixty per cent. 69033

(b) Notwithstanding any provision of the Revised Code to the 69034  
contrary, the exemptions described in divisions (B)(1)(b)(i), 69035  
(ii), (iii), and (iv) and (B)(2) of this section may be for up to 69036  
fifteen years if the board of education of the city, local, or 69037  
exempted village school district within the territory of which the 69038  
property is or will be located approves a number of years in 69039  
excess of ten. 69040

(c) For the purpose of obtaining the approval of a city, 69041  
local, or exempted village school district under division 69042  
(C)(1)(a) or (b) of this section, the board of county 69043  
commissioners shall deliver to the board of education a notice not 69044  
later than forty-five days prior to approving the agreement, 69045  
excluding Saturdays, Sundays, and legal holidays as defined in 69046  
section 1.14 of the Revised Code. The notice shall state the 69047  
percentage to be exempted, an estimate of the true value of the 69048  
property to be exempted, and the number of years the property is 69049  
to be exempted. The board of education, by resolution adopted by a 69050  
majority of the board, shall approve or disapprove the agreement 69051  
and certify a copy of the resolution to the board of county 69052  
commissioners not later than fourteen days prior to the date 69053  
stipulated by the board of county commissioners as the date upon 69054  
which approval of the agreement is to be formally considered by 69055

the board of county commissioners. The board of education may 69056  
include in the resolution conditions under which the board would 69057  
approve the agreement, including the execution of an agreement to 69058  
compensate the school district under division (B) of section 69059  
5709.82 of the Revised Code. The board of county commissioners may 69060  
approve the agreement at any time after the board of education 69061  
certifies its resolution approving the agreement to the board of 69062  
county commissioners, or, if the board of education approves the 69063  
agreement conditionally, at any time after the conditions are 69064  
agreed to by the board of education and the board of county 69065  
commissioners. 69066

If a board of education has adopted a resolution waiving its 69067  
right to approve agreements and the resolution remains in effect, 69068  
approval of an agreement by the board of education is not required 69069  
under division (C) of this section. If a board of education has 69070  
adopted a resolution allowing a board of county commissioners to 69071  
deliver the notice required under this division fewer than 69072  
forty-five business days prior to approval of the agreement by the 69073  
board of county commissioners, the board of county commissioners 69074  
shall deliver the notice to the board of education not later than 69075  
the number of days prior to such approval as prescribed by the 69076  
board of education in its resolution. If a board of education 69077  
adopts a resolution waiving its right to approve agreements or 69078  
shortening the notification period, the board of education shall 69079  
certify a copy of the resolution to the board of county 69080  
commissioners. If the board of education rescinds such a 69081  
resolution, it shall certify notice of the rescission to the board 69082  
of county commissioners. 69083

(2) The board of county commissioners shall comply with 69084  
section 5709.83 of the Revised Code unless the board of education 69085  
has adopted a resolution under that section waiving its right to 69086  
receive such notice. 69087

(D) This division applies to zones certified by the director 69088  
of development services under this section prior to July 22, 1994. 69089

On or before October 15, ~~2015~~ 2017, and with the consent of 69090  
the legislative authority of each affected municipal corporation 69091  
or board of township trustees of each affected township, the board 69092  
of county commissioners that designated a zone to which this 69093  
division applies may enter into an agreement with an enterprise if 69094  
the board finds that the enterprise satisfies one of the criteria 69095  
described in divisions (D)(1) to (5) of this section: 69096

(1) The enterprise currently has no operations in this state 69097  
and, subject to approval of the agreement, intends to establish 69098  
operations in the zone; 69099

(2) The enterprise currently has operations in this state 69100  
and, subject to approval of the agreement, intends to establish 69101  
operations at a new location in the zone that would not result in 69102  
a reduction in the number of employee positions at any of the 69103  
enterprise's other locations in this state; 69104

(3) The enterprise, subject to approval of the agreement, 69105  
intends to relocate operations, currently located in another 69106  
state, to the zone; 69107

(4) The enterprise, subject to approval of the agreement, 69108  
intends to expand operations at an existing site in the zone that 69109  
the enterprise currently operates; 69110

(5) The enterprise, subject to approval of the agreement, 69111  
intends to relocate operations, currently located in this state, 69112  
to the zone, and the director of development services has issued a 69113  
waiver for the enterprise under division (B) of section 5709.633 69114  
of the Revised Code. 69115

The agreement shall require the enterprise to agree to 69116  
establish, expand, renovate, or occupy a facility in the zone and 69117  
hire new employees, or preserve employment opportunities for 69118

existing employees, in return for one or more of the incentives 69119  
described in division (B) of this section. 69120

(E) All agreements entered into under this section shall be 69121  
in the form prescribed under section 5709.631 of the Revised Code. 69122  
After an agreement under this section is entered into, if the 69123  
board of county commissioners revokes its designation of a zone, 69124  
or if the director of development services revokes a zone's 69125  
certification, any entitlements granted under the agreement shall 69126  
continue for the number of years specified in the agreement. 69127

(F) Except as otherwise provided in this division, an 69128  
agreement entered into under this section shall require that the 69129  
enterprise pay an annual fee equal to the greater of one per cent 69130  
of the dollar value of incentives offered under the agreement or 69131  
five hundred dollars; provided, however, that if the value of the 69132  
incentives exceeds two hundred fifty thousand dollars, the fee 69133  
shall not exceed two thousand five hundred dollars. The fee shall 69134  
be payable to the board of county commissioners once per year for 69135  
each year the agreement is effective on the days and in the form 69136  
specified in the agreement. Fees paid shall be deposited in a 69137  
special fund created for such purpose by the board and shall be 69138  
used by the board exclusively for the purpose of complying with 69139  
section 5709.68 of the Revised Code and by the tax incentive 69140  
review council created under section 5709.85 of the Revised Code 69141  
exclusively for the purposes of performing the duties prescribed 69142  
under that section. The board may waive or reduce the amount of 69143  
the fee charged against an enterprise, but such waiver or 69144  
reduction does not affect the obligations of the board or the tax 69145  
incentive review council to comply with section 5709.68 or 5709.85 69146  
of the Revised Code, respectively. 69147

(G) With the approval of the legislative authority of a 69148  
municipal corporation or the board of township trustees of a 69149  
township in which a zone is designated under division (A) of this 69150

section, the board of county commissioners may delegate to that 69151  
legislative authority or board any powers and duties of the board 69152  
of county commissioners to negotiate and administer agreements 69153  
with regard to that zone under this section. 69154

(H) When an agreement is entered into pursuant to this 69155  
section, the board of county commissioners authorizing the 69156  
agreement or the legislative authority or board of township 69157  
trustees that negotiates and administers the agreement shall 69158  
forward a copy of the agreement to the director of development 69159  
services and to the tax commissioner within fifteen days after the 69160  
agreement is entered into. If any agreement includes terms not 69161  
provided for in section 5709.631 of the Revised Code affecting the 69162  
revenue of a city, local, or exempted village school district or 69163  
causing revenue to be foregone by the district, including any 69164  
compensation to be paid to the school district pursuant to section 69165  
5709.82 of the Revised Code, those terms also shall be forwarded 69166  
in writing to the director of development services along with the 69167  
copy of the agreement forwarded under this division. 69168

(I) After an agreement is entered into, the enterprise shall 69169  
file with each personal property tax return required to be filed, 69170  
or annual report that is required to be filed under section 69171  
5727.08 of the Revised Code, while the agreement is in effect, an 69172  
informational return, on a form prescribed by the tax commissioner 69173  
for that purpose, setting forth separately the property, and 69174  
related costs and values, exempted from taxation under the 69175  
agreement. 69176

(J) Enterprises may agree to give preference to residents of 69177  
the zone within which the agreement applies relative to residents 69178  
of this state who do not reside in the zone when hiring new 69179  
employees under the agreement. 69180

(K) An agreement entered into under this section may include 69181  
a provision requiring the enterprise to create one or more 69182

temporary internship positions for students enrolled in a course 69183  
of study at a school or other educational institution in the 69184  
vicinity, and to create a scholarship or provide another form of 69185  
educational financial assistance for students holding such a 69186  
position in exchange for the student's commitment to work for the 69187  
enterprise at the completion of the internship. 69188

(L) The tax commissioner's authority in determining the 69189  
accuracy of any exemption granted by an agreement entered into 69190  
under this section is limited to divisions (B)(1)(b)(i) and (ii), 69191  
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 69192  
this section as it pertains to divisions (C)(2)(a), (b), and (c) 69193  
of section 5709.62 of the Revised Code, and divisions (B)(1) to 69194  
(10) of section 5709.631 of the Revised Code and, as authorized by 69195  
law, to enforcing any modification to, or revocation of, that 69196  
agreement by the board of county commissioners or the director of 69197  
development services or, if the board's powers and duties are 69198  
delegated under division (G) of this section, by the legislative 69199  
authority of a municipal corporation or board of township 69200  
trustees. 69201

**Sec. 5709.632.** (A)(1) The legislative authority of a 69202  
municipal corporation defined by the United States office of 69203  
management and budget as a principal city of a metropolitan 69204  
statistical area may, in the manner set forth in section 5709.62 69205  
of the Revised Code, designate one or more areas in the municipal 69206  
corporation as a proposed enterprise zone. 69207

(2) With the consent of the legislative authority of each 69208  
affected municipal corporation or of a board of township trustees, 69209  
a board of county commissioners may, in the manner set forth in 69210  
section 5709.62 of the Revised Code, designate one or more areas 69211  
in one or more municipal corporations or in unincorporated areas 69212  
of the county as proposed urban jobs and enterprise zones, except 69213

that a board of county commissioners may designate no more than 69214  
one area within a township, or within adjacent townships, as a 69215  
proposed urban jobs and enterprise zone. 69216

(3) The legislative authority or board of county 69217  
commissioners may petition the director of development services 69218  
for certification of the area as having the characteristics set 69219  
forth in division (A)(3) of section 5709.61 of the Revised Code. 69220  
Within sixty days after receiving such a petition, the director 69221  
shall determine whether the area has the characteristics set forth 69222  
in that division and forward the findings to the legislative 69223  
authority or board of county commissioners. If the director 69224  
certifies the area as having those characteristics and thereby 69225  
certifies it as a zone, the legislative authority or board may 69226  
enter into agreements with enterprises under division (B) of this 69227  
section. Any enterprise wishing to enter into an agreement with a 69228  
legislative authority or board of county commissioners under this 69229  
section and satisfying one of the criteria described in divisions 69230  
(B)(1) to (5) of this section shall submit a proposal to the 69231  
legislative authority or board on the form prescribed under 69232  
division (B) of section 5709.62 of the Revised Code and shall 69233  
review and update the estimates and listings required by the form 69234  
in the manner required under that division. The legislative 69235  
authority or board may, on a separate form and at any time, 69236  
require any additional information necessary to determine whether 69237  
an enterprise is in compliance with an agreement and to collect 69238  
the information required to be reported under section 5709.68 of 69239  
the Revised Code. 69240

(B) Prior to entering into an agreement with an enterprise, 69241  
the legislative authority or board of county commissioners shall 69242  
determine whether the enterprise submitting the proposal is 69243  
qualified by financial responsibility and business experience to 69244  
create and preserve employment opportunities in the zone and to 69245



improve the economic climate of the municipal corporation or 69246  
municipal corporations or the unincorporated areas in which the 69247  
zone is located and to which the proposal applies, and whether the 69248  
enterprise satisfies one of the following criteria: 69249

(1) The enterprise currently has no operations in this state 69250  
and, subject to approval of the agreement, intends to establish 69251  
operations in the zone; 69252

(2) The enterprise currently has operations in this state 69253  
and, subject to approval of the agreement, intends to establish 69254  
operations at a new location in the zone that would not result in 69255  
a reduction in the number of employee positions at any of the 69256  
enterprise's other locations in this state; 69257

(3) The enterprise, subject to approval of the agreement, 69258  
intends to relocate operations, currently located in another 69259  
state, to the zone; 69260

(4) The enterprise, subject to approval of the agreement, 69261  
intends to expand operations at an existing site in the zone that 69262  
the enterprise currently operates; 69263

(5) The enterprise, subject to approval of the agreement, 69264  
intends to relocate operations, currently located in this state, 69265  
to the zone, and the director of development services has issued a 69266  
waiver for the enterprise under division (B) of section 5709.633 69267  
of the Revised Code. 69268

(C) If the legislative authority or board determines that the 69269  
enterprise is so qualified and satisfies one of the criteria 69270  
described in divisions (B)(1) to (5) of this section, the 69271  
legislative authority or board may, after complying with section 69272  
5709.83 of the Revised Code and on or before October 15, ~~2015~~ 69273  
2017, and, in the case of a board of commissioners, with the 69274  
consent of the legislative authority of each affected municipal 69275  
corporation or of the board of township trustees, enter into an 69276

agreement with the enterprise under which the enterprise agrees to 69277  
establish, expand, renovate, or occupy a facility in the zone and 69278  
hire new employees, or preserve employment opportunities for 69279  
existing employees, in return for the following incentives: 69280

(1) When the facility is located in a municipal corporation, 69281  
a legislative authority or board of commissioners may enter into 69282  
an agreement for one or more of the incentives provided in 69283  
division (C) of section 5709.62 of the Revised Code, subject to 69284  
division (D) of that section; 69285

(2) When the facility is located in an unincorporated area, a 69286  
board of commissioners may enter into an agreement for one or more 69287  
of the incentives provided in divisions (B)(1)(b), (B)(2), and 69288  
(B)(3) of section 5709.63 of the Revised Code, subject to division 69289  
(C) of that section. 69290

(D) All agreements entered into under this section shall be 69291  
in the form prescribed under section 5709.631 of the Revised Code. 69292  
After an agreement under this section is entered into, if the 69293  
legislative authority or board of county commissioners revokes its 69294  
designation of the zone, or if the director of development 69295  
services revokes the zone's certification, any entitlements 69296  
granted under the agreement shall continue for the number of years 69297  
specified in the agreement. 69298

(E) Except as otherwise provided in this division, an 69299  
agreement entered into under this section shall require that the 69300  
enterprise pay an annual fee equal to the greater of one per cent 69301  
of the dollar value of incentives offered under the agreement or 69302  
five hundred dollars; provided, however, that if the value of the 69303  
incentives exceeds two hundred fifty thousand dollars, the fee 69304  
shall not exceed two thousand five hundred dollars. The fee shall 69305  
be payable to the legislative authority or board of commissioners 69306  
once per year for each year the agreement is effective on the days 69307  
and in the form specified in the agreement. Fees paid shall be 69308

deposited in a special fund created for such purpose by the 69309  
legislative authority or board and shall be used by the 69310  
legislative authority or board exclusively for the purpose of 69311  
complying with section 5709.68 of the Revised Code and by the tax 69312  
incentive review council created under section 5709.85 of the 69313  
Revised Code exclusively for the purposes of performing the duties 69314  
prescribed under that section. The legislative authority or board 69315  
may waive or reduce the amount of the fee charged against an 69316  
enterprise, but such waiver or reduction does not affect the 69317  
obligations of the legislative authority or board or the tax 69318  
incentive review council to comply with section 5709.68 or 5709.85 69319  
of the Revised Code, respectively. 69320

(F) With the approval of the legislative authority of a 69321  
municipal corporation or the board of township trustees of a 69322  
township in which a zone is designated under division (A)(2) of 69323  
this section, the board of county commissioners may delegate to 69324  
that legislative authority or board any powers and duties of the 69325  
board to negotiate and administer agreements with regard to that 69326  
zone under this section. 69327

(G) When an agreement is entered into pursuant to this 69328  
section, the legislative authority or board of commissioners 69329  
authorizing the agreement shall forward a copy of the agreement to 69330  
the director of development services and to the tax commissioner 69331  
within fifteen days after the agreement is entered into. If any 69332  
agreement includes terms not provided for in section 5709.631 of 69333  
the Revised Code affecting the revenue of a city, local, or 69334  
exempted village school district or causing revenue to be forgone 69335  
by the district, including any compensation to be paid to the 69336  
school district pursuant to section 5709.82 of the Revised Code, 69337  
those terms also shall be forwarded in writing to the director of 69338  
development services along with the copy of the agreement 69339  
forwarded under this division. 69340

(H) After an agreement is entered into, the enterprise shall  
file with each personal property tax return required to be filed  
while the agreement is in effect, an informational return, on a  
form prescribed by the tax commissioner for that purpose, setting  
forth separately the property, and related costs and values,  
exempted from taxation under the agreement.

(I) An agreement entered into under this section may include  
a provision requiring the enterprise to create one or more  
temporary internship positions for students enrolled in a course  
of study at a school or other educational institution in the  
vicinity, and to create a scholarship or provide another form of  
educational financial assistance for students holding such a  
position in exchange for the student's commitment to work for the  
enterprise at the completion of the internship.

**Sec. 5709.67.** (A) Except as otherwise provided in sections  
5709.61 to 5709.69 of the Revised Code, the director of  
development shall administer those sections and shall adopt rules  
necessary to implement and administer the enterprise zone program.  
The director shall assign to each zone currently certified a  
unique designation by which the zone shall be identified for  
purposes of administering sections 5709.61 to 5709.69 of the  
Revised Code. The tax commissioner shall administer all other tax  
incentives provided under sections 5709.61 to 5709.69 of the  
Revised Code and shall adopt rules necessary to carry out that  
duty. No tax incentive qualification certificate or employee tax  
credit certificate shall be issued or remain in effect unless the  
enterprise applying for or holding the certificate complies with  
all such rules. The director of job and family services shall  
administer the incentive provided under division (B)(1) of section  
5709.66 of the Revised Code and shall adopt rules necessary to  
carry out that duty. No extension of benefits certificate shall be  
issued or remain in effect unless the enterprise applying for or

holding the certificate complies with all such rules. 69373

(B) Not later than the first day of August each year, the 69374  
director of development shall report to the general assembly on 69375  
all of the following for the preceding calendar year: 69376

(1) The cost to the state of the tax and other incentives 69377  
provided under sections 5709.61 to 5709.69 of the Revised Code; 69378

(2) The number of tax incentive qualification certificates, 69379  
employee tax credit certificates, and extension of benefits 69380  
certificates issued; 69381

(3) The names of the municipal corporations and counties that 69382  
have entered agreements under sections 5709.62, 5709.63, and 69383  
5709.632 of the Revised Code; 69384

(4) The number of new employees hired as a result of the tax 69385  
and other incentives provided under sections 5709.61 to 5709.69 of 69386  
the Revised Code; 69387

(5) Information on agreement terms concerning school district 69388  
revenue that are not provided for in section 5709.631 of the 69389  
Revised Code and that are forwarded to the director under division 69390  
(H) of section 5709.62, division (H) of section 5709.63, or 69391  
division (G) of section 5709.632 of the Revised Code. 69392

The report shall include a finding by the director as to 69393  
whether the incentives provided under sections 5709.61 to 5709.69 69394  
of the Revised Code have resulted in the creation of more 69395  
positions in the state than would have been created without the 69396  
incentives. The director shall send a copy of the report to each 69397  
member of the general assembly and to the director of the 69398  
legislative service commission. 69399

~~(C) All forms used in connection with the administration of 69400  
sections 5709.61 to 5709.69 of the Revised Code, except forms 69401  
administered directly by the tax commissioner, by the director of 69402~~

~~job and family services, or by a county or municipal corporation,~~ 69403  
~~are subject to review and approval by the state forms management~~ 69404  
~~control center under sections 125.91 to 125.98 of the Revised~~ 69405  
~~Code.~~ 69406

**Sec. 5709.73.** (A) As used in this section and section 5709.74 69407  
of the Revised Code: 69408

(1) "Business day" means a day of the week excluding 69409  
Saturday, Sunday, and a legal holiday as defined in section 1.14 69410  
of the Revised Code. 69411

(2) "Further improvements" or "improvements" means the 69412  
increase in the assessed value of real property that would first 69413  
appear on the tax list and duplicate of real and public utility 69414  
property after the effective date of a resolution adopted under 69415  
this section were it not for the exemption granted by that 69416  
resolution. For purposes of division (B) of this section, 69417  
"improvements" do not include any property used or to be used for 69418  
residential purposes. For this purpose, "property that is used or 69419  
to be used for residential purposes" means property that, as 69420  
improved, is used or to be used for purposes that would cause the 69421  
tax commissioner to classify the property as residential property 69422  
in accordance with rules adopted by the commissioner under section 69423  
5713.041 of the Revised Code. 69424

(3) "Housing renovation" means a project carried out for 69425  
residential purposes. 69426

(4) "Incentive district" has the same meaning as in section 69427  
5709.40 of the Revised Code, except that a blighted area is in the 69428  
unincorporated area of a township. 69429

(5) "Project" and "public infrastructure improvement" have 69430  
the same meanings as in section 5709.40 of the Revised Code. 69431

(B) A board of township trustees may, by unanimous vote, 69432

adopt a resolution that declares to be a public purpose any public 69433  
infrastructure improvements made that are necessary for the 69434  
development of certain parcels of land located in the 69435  
unincorporated area of the township. Except with the approval 69436  
under division (D) of this section of the board of education of 69437  
each city, local, or exempted village school district within which 69438  
the improvements are located, the resolution may exempt from real 69439  
property taxation not more than seventy-five per cent of further 69440  
improvements to a parcel of land that directly benefits from the 69441  
public infrastructure improvements, for a period of not more than 69442  
ten years. The resolution shall specify the percentage of the 69443  
further improvements to be exempted and the life of the exemption. 69444

(C)(1) A board of township trustees may adopt, by unanimous 69445  
vote, a resolution creating an incentive district and declaring 69446  
improvements to parcels within the district to be a public purpose 69447  
and, except as provided in division (F) of this section, exempt 69448  
from taxation as provided in this section, but no board of 69449  
township trustees of a township that has a population that exceeds 69450  
twenty-five thousand, as shown by the most recent federal 69451  
decennial census, shall adopt a resolution that creates an 69452  
incentive district if the sum of the taxable value of real 69453  
property in the proposed district for the preceding tax year and 69454  
the taxable value of all real property in the township that would 69455  
have been taxable in the preceding year were it not for the fact 69456  
that the property was in an existing incentive district and 69457  
therefore exempt from taxation exceeds twenty-five per cent of the 69458  
taxable value of real property in the township for the preceding 69459  
tax year. The district shall be located within the unincorporated 69460  
area of the township and shall not include any territory that is 69461  
included within a district created under division (B) of section 69462  
5709.78 of the Revised Code. The resolution shall delineate the 69463  
boundary of the district and specifically identify each parcel 69464  
within the district. A district may not include any parcel that is 69465

or has been exempted from taxation under division (B) of this section or that is or has been within another district created under this division. A resolution may create more than one district, and more than one resolution may be adopted under division (C)(1) of this section.

(2) Not later than thirty days prior to adopting a resolution under division (C)(1) of this section, if the township intends to apply for exemptions from taxation under section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the board shall conduct a public hearing on the proposed resolution. Not later than thirty days prior to the public hearing, the board shall give notice of the public hearing and the proposed resolution by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed resolution.

(3)(a) A resolution adopted under division (C)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The resolution also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the resolution. The project identified may, but need not be, the project under division (C)(3)(b) of this section that places real property in use for commercial or industrial purposes.

A resolution adopted under division (C)(1) of this section on or after March 30, 2006, shall not designate police or fire equipment as public infrastructure improvements, and no service payment provided for in section 5709.74 of the Revised Code and



received by the township under the resolution shall be used for 69498  
police or fire equipment. 69499

(b) A resolution adopted under division (C)(1) of this 69500  
section may authorize the use of service payments provided for in 69501  
section 5709.74 of the Revised Code for the purpose of housing 69502  
renovations within the incentive district, provided that the 69503  
resolution also designates public infrastructure improvements that 69504  
benefit or serve the district, and that a project within the 69505  
district places real property in use for commercial or industrial 69506  
purposes. Service payments may be used to finance or support 69507  
loans, deferred loans, and grants to persons for the purpose of 69508  
housing renovations within the district. The resolution shall 69509  
designate the parcels within the district that are eligible for 69510  
housing renovations. The resolution shall state separately the 69511  
amount or the percentages of the expected aggregate service 69512  
payments that are designated for each public infrastructure 69513  
improvement and for the purpose of housing renovations. 69514

(4) Except with the approval of the board of education of 69515  
each city, local, or exempted village school district within the 69516  
territory of which the incentive district is or will be located, 69517  
and subject to division (E) of this section, the life of an 69518  
incentive district shall not exceed ten years, and the percentage 69519  
of improvements to be exempted shall not exceed seventy-five per 69520  
cent. With approval of the board of education, the life of a 69521  
district may be not more than thirty years, and the percentage of 69522  
improvements to be exempted may be not more than one hundred per 69523  
cent. The approval of a board of education shall be obtained in 69524  
the manner provided in division (D) of this section. 69525

(D) Improvements with respect to a parcel may be exempted 69526  
from taxation under division (B) of this section, and improvements 69527  
to parcels within an incentive district may be exempted from 69528  
taxation under division (C) of this section, for up to ten years 69529

or, with the approval of the board of education of the city, 69530  
local, or exempted village school district within which the parcel 69531  
or district is located, for up to thirty years. The percentage of 69532  
the improvements exempted from taxation may, with such approval, 69533  
exceed seventy-five per cent, but shall not exceed one hundred per 69534  
cent. Not later than forty-five business days prior to adopting a 69535  
resolution under this section declaring improvements to be a 69536  
public purpose that is subject to approval by a board of education 69537  
under this division, the board of township trustees shall deliver 69538  
to the board of education a notice stating its intent to adopt a 69539  
resolution making that declaration. The notice regarding 69540  
improvements with respect to a parcel under division (B) of this 69541  
section shall identify the parcels for which improvements are to 69542  
be exempted from taxation, provide an estimate of the true value 69543  
in money of the improvements, specify the period for which the 69544  
improvements would be exempted from taxation and the percentage of 69545  
the improvements that would be exempted, and indicate the date on 69546  
which the board of township trustees intends to adopt the 69547  
resolution. The notice regarding improvements made under division 69548  
(C) of this section to parcels within an incentive district shall 69549  
delineate the boundaries of the district, specifically identify 69550  
each parcel within the district, identify each anticipated 69551  
improvement in the district, provide an estimate of the true value 69552  
in money of each such improvement, specify the life of the 69553  
district and the percentage of improvements that would be 69554  
exempted, and indicate the date on which the board of township 69555  
trustees intends to adopt the resolution. The board of education, 69556  
by resolution adopted by a majority of the board, may approve the 69557  
exemption for the period or for the exemption percentage specified 69558  
in the notice; may disapprove the exemption for the number of 69559  
years in excess of ten, may disapprove the exemption for the 69560  
percentage of the improvements to be exempted in excess of 69561  
seventy-five per cent, or both; or may approve the exemption on 69562

the condition that the board of township trustees and the board of 69563  
education negotiate an agreement providing for compensation to the 69564  
school district equal in value to a percentage of the amount of 69565  
taxes exempted in the eleventh and subsequent years of the 69566  
exemption period or, in the case of exemption percentages in 69567  
excess of seventy-five per cent, compensation equal in value to a 69568  
percentage of the taxes that would be payable on the portion of 69569  
the improvements in excess of seventy-five per cent were that 69570  
portion to be subject to taxation, or other mutually agreeable 69571  
compensation. 69572

The board of education shall certify its resolution to the 69573  
board of township trustees not later than fourteen days prior to 69574  
the date the board of township trustees intends to adopt the 69575  
resolution as indicated in the notice. If the board of education 69576  
and the board of township trustees negotiate a mutually acceptable 69577  
compensation agreement, the resolution may declare the 69578  
improvements a public purpose for the number of years specified in 69579  
the resolution or, in the case of exemption percentages in excess 69580  
of seventy-five per cent, for the exemption percentage specified 69581  
in the resolution. In either case, if the board of education and 69582  
the board of township trustees fail to negotiate a mutually 69583  
acceptable compensation agreement, the resolution may declare the 69584  
improvements a public purpose for not more than ten years, and 69585  
shall not exempt more than seventy-five per cent of the 69586  
improvements from taxation. If the board of education fails to 69587  
certify a resolution to the board of township trustees within the 69588  
time prescribed by this section, the board of township trustees 69589  
thereupon may adopt the resolution and may declare the 69590  
improvements a public purpose for up to thirty years or, in the 69591  
case of exemption percentages proposed in excess of seventy-five 69592  
per cent, for the exemption percentage specified in the 69593  
resolution. The board of township trustees may adopt the 69594  
resolution at any time after the board of education certifies its 69595

resolution approving the exemption to the board of township trustees, or, if the board of education approves the exemption on the condition that a mutually acceptable compensation agreement be negotiated, at any time after the compensation agreement is agreed to by the board of education and the board of township trustees. If a mutually acceptable compensation agreement is negotiated between the board of township trustees and the board of education, including agreements for payments in lieu of taxes under section 5709.74 of the Revised Code, the board of township trustees shall compensate the joint vocational school district within which the parcel or district is located at the same rate and under the same terms received by the city, local, or exempted village school district.

If a board of education has adopted a resolution waiving its right to approve exemptions from taxation under this section and the resolution remains in effect, approval of such exemptions by the board of education is not required under division (D) of this section. If a board of education has adopted a resolution allowing a board of township trustees to deliver the notice required under division (D) of this section fewer than forty-five business days prior to adoption of the resolution by the board of township trustees, the board of township trustees shall deliver the notice to the board of education not later than the number of days prior to the adoption as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve exemptions or shortening the notification period, the board of education shall certify a copy of the resolution to the board of township trustees. If the board of education rescinds the resolution, it shall certify notice of the rescission to the board of township trustees.

If the board of township trustees is not required by division (D) of this section to notify the board of education of the board

of township trustees' intent to declare improvements to be a 69628  
public purpose, the board of township trustees shall comply with 69629  
the notice requirements imposed under section 5709.83 of the 69630  
Revised Code before taking formal action to adopt the resolution 69631  
making that declaration, unless the board of education has adopted 69632  
a resolution under that section waiving its right to receive the 69633  
notice. 69634

(E)(1) If a proposed resolution under division (C)(1) of this 69635  
section exempts improvements with respect to a parcel within an 69636  
incentive district for more than ten years, or the percentage of 69637  
the improvement exempted from taxation exceeds seventy-five per 69638  
cent, not later than forty-five business days prior to adopting 69639  
the resolution the board of township trustees shall deliver to the 69640  
board of county commissioners of the county within which the 69641  
incentive district is or will be located a notice that states its 69642  
intent to adopt a resolution creating an incentive district. The 69643  
notice shall include a copy of the proposed resolution, identify 69644  
the parcels for which improvements are to be exempted from 69645  
taxation, provide an estimate of the true value in money of the 69646  
improvements, specify the period of time for which the 69647  
improvements would be exempted from taxation, specify the 69648  
percentage of the improvements that would be exempted from 69649  
taxation, and indicate the date on which the board of township 69650  
trustees intends to adopt the resolution. 69651

(2) The board of county commissioners, by resolution adopted 69652  
by a majority of the board, may object to the exemption for the 69653  
number of years in excess of ten, may object to the exemption for 69654  
the percentage of the improvement to be exempted in excess of 69655  
seventy-five per cent, or both. If the board of county 69656  
commissioners objects, the board may negotiate a mutually 69657  
acceptable compensation agreement with the board of township 69658  
trustees. In no case shall the compensation provided to the board 69659

of county commissioners exceed the property taxes foregone due to 69660  
the exemption. If the board of county commissioners objects, and 69661  
the board of county commissioners and board of township trustees 69662  
fail to negotiate a mutually acceptable compensation agreement, 69663  
the resolution adopted under division (C)(1) of this section shall 69664  
provide to the board of county commissioners compensation in the 69665  
eleventh and subsequent years of the exemption period equal in 69666  
value to not more than fifty per cent of the taxes that would be 69667  
payable to the county or, if the board of county commissioner's 69668  
objection includes an objection to an exemption percentage in 69669  
excess of seventy-five per cent, compensation equal in value to 69670  
not more than fifty per cent of the taxes that would be payable to 69671  
the county, on the portion of the improvement in excess of 69672  
seventy-five per cent, were that portion to be subject to 69673  
taxation. The board of county commissioners shall certify its 69674  
resolution to the board of township trustees not later than thirty 69675  
days after receipt of the notice. 69676

(3) If the board of county commissioners does not object or 69677  
fails to certify its resolution objecting to an exemption within 69678  
thirty days after receipt of the notice, the board of township 69679  
trustees may adopt its resolution, and no compensation shall be 69680  
provided to the board of county commissioners. If the board of 69681  
county commissioners timely certifies its resolution objecting to 69682  
the trustees' resolution, the board of township trustees may adopt 69683  
its resolution at any time after a mutually acceptable 69684  
compensation agreement is agreed to by the board of county 69685  
commissioners and the board of township trustees, or, if no 69686  
compensation agreement is negotiated, at any time after the board 69687  
of township trustees agrees in the proposed resolution to provide 69688  
compensation to the board of county commissioners of fifty per 69689  
cent of the taxes that would be payable to the county in the 69690  
eleventh and subsequent years of the exemption period or on the 69691  
portion of the improvement in excess of seventy-five per cent, 69692

were that portion to be subject to taxation. 69693

(F) Service payments in lieu of taxes that are attributable 69694  
to any amount by which the effective tax rate of either a renewal 69695  
levy with an increase or a replacement levy exceeds the effective 69696  
tax rate of the levy renewed or replaced, or that are attributable 69697  
to an additional levy, for a levy authorized by the voters for any 69698  
of the following purposes on or after January 1, 2006, and which 69699  
are provided pursuant to a resolution creating an incentive 69700  
district under division (C)(1) of this section that is adopted on 69701  
or after January 1, 2006, shall be distributed to the appropriate 69702  
taxing authority as required under division (C) of section 5709.74 69703  
of the Revised Code in an amount equal to the amount of taxes from 69704  
that additional levy or from the increase in the effective tax 69705  
rate of such renewal or replacement levy that would have been 69706  
payable to that taxing authority from the following levies were it 69707  
not for the exemption authorized under division (C) of this 69708  
section: 69709

(1) A tax levied under division (L) of section 5705.19 or 69710  
section 5705.191 of the Revised Code for community mental 69711  
retardation and developmental disabilities programs and services 69712  
pursuant to Chapter 5126. of the Revised Code; 69713

(2) A tax levied under division (Y) of section 5705.19 of the 69714  
Revised Code for providing or maintaining senior citizens services 69715  
or facilities; 69716

(3) A tax levied under section 5705.22 of the Revised Code 69717  
for county hospitals; 69718

(4) A tax levied by a joint-county district or by a county 69719  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 69720  
for alcohol, drug addiction, and mental health services or 69721  
families; 69722

(5) A tax levied under section 5705.23 of the Revised Code 69723

for library purposes;	69724
(6) A tax levied under section 5705.24 of the Revised Code	69725
for the support of children services and the placement and care of	69726
children;	69727
(7) A tax levied under division (Z) of section 5705.19 of the	69728
Revised Code for the provision and maintenance of zoological park	69729
services and facilities under section 307.76 of the Revised Code;	69730
(8) A tax levied under section 511.27 or division (H) of	69731
section 5705.19 of the Revised Code for the support of township	69732
park districts;	69733
(9) A tax levied under division (A), (F), or (H) of section	69734
5705.19 of the Revised Code for parks and recreational purposes of	69735
a joint recreation district organized pursuant to division (B) of	69736
section 755.14 of the Revised Code;	69737
(10) A tax levied under section 1545.20 or 1545.21 of the	69738
Revised Code for park district purposes;	69739
(11) A tax levied under section 5705.191 of the Revised Code	69740
for the purpose of making appropriations for public assistance;	69741
human or social services; public relief; public welfare; public	69742
health and hospitalization; and support of general hospitals;	69743
(12) A tax levied under section 3709.29 of the Revised Code	69744
for a general health district program.	69745
(G) An exemption from taxation granted under this section	69746
commences with the tax year specified in the resolution so long as	69747
the year specified in the resolution commences after the effective	69748
date of the resolution. If the resolution specifies a year	69749
commencing before the effective date of the resolution or	69750
specifies no year whatsoever, the exemption commences with the tax	69751
year in which an exempted improvement first appears on the tax	69752
list and duplicate of real and public utility property and that	69753



commences after the effective date of the resolution. In lieu of 69754  
stating a specific year, the resolution may provide that the 69755  
exemption commences in the tax year in which the value of an 69756  
improvement exceeds a specified amount or in which the 69757  
construction of one or more improvements is completed, provided 69758  
that such tax year commences after the effective date of the 69759  
resolution. With respect to the exemption of improvements to 69760  
parcels under division (B) of this section, the resolution may 69761  
allow for the exemption to commence in different tax years on a 69762  
parcel-by-parcel basis, with a separate exemption term specified 69763  
for each parcel. 69764

Except as otherwise provided in this division, the exemption 69765  
ends on the date specified in the resolution as the date the 69766  
improvement ceases to be a public purpose or the incentive 69767  
district expires, or ends on the date on which the public 69768  
infrastructure improvements and housing renovations are paid in 69769  
full from the township public improvement tax increment equivalent 69770  
fund established under section 5709.75 of the Revised Code, 69771  
whichever occurs first. The exemption of an improvement with 69772  
respect to a parcel or within an incentive district may end on a 69773  
later date, as specified in the resolution, if the board of 69774  
township trustees and the board of education of the city, local, 69775  
or exempted village school district within which the parcel or 69776  
district is located have entered into a compensation agreement 69777  
under section 5709.82 of the Revised Code with respect to the 69778  
improvement and the board of education has approved the term of 69779  
the exemption under division (D) of this section, but in no case 69780  
shall the improvement be exempted from taxation for more than 69781  
thirty years. The board of township trustees may, by majority 69782  
vote, adopt a resolution permitting the township to enter into 69783  
such agreements as the board finds necessary or appropriate to 69784  
provide for the construction or undertaking of public 69785  
infrastructure improvements and housing renovations. Any exemption 69786

shall be claimed and allowed in the same or a similar manner as in 69787  
the case of other real property exemptions. If an exemption status 69788  
changes during a tax year, the procedure for the apportionment of 69789  
the taxes for that year is the same as in the case of other 69790  
changes in tax exemption status during the year. 69791

(H) The board of township trustees may issue the notes of the 69792  
township to finance all costs pertaining to the construction or 69793  
undertaking of public infrastructure improvements and housing 69794  
renovations made pursuant to this section. The notes shall be 69795  
signed by the board and attested by the signature of the township 69796  
fiscal officer, shall bear interest not to exceed the rate 69797  
provided in section 9.95 of the Revised Code, and are not subject 69798  
to Chapter 133. of the Revised Code. The resolution authorizing 69799  
the issuance of the notes shall pledge the funds of the township 69800  
public improvement tax increment equivalent fund established 69801  
pursuant to section 5709.75 of the Revised Code to pay the 69802  
interest on and principal of the notes. The notes, which may 69803  
contain a clause permitting prepayment at the option of the board, 69804  
shall be offered for sale on the open market or given to the 69805  
vendor or contractor if no sale is made. 69806

(I) The township, not later than fifteen days after the 69807  
adoption of a resolution under this section, shall submit to the 69808  
director of development services a copy of the resolution. On or 69809  
before the thirty-first day of March of each year, the township 69810  
shall submit a status report to the director of development 69811  
services. The report shall indicate, in the manner prescribed by 69812  
the director, the progress of the project during each year that 69813  
the exemption remains in effect, including a summary of the 69814  
receipts from service payments in lieu of taxes; expenditures of 69815  
money from the fund created under section 5709.75 of the Revised 69816  
Code; a description of the public infrastructure improvements and 69817  
housing renovations financed with the expenditures; and a 69818

quantitative summary of changes in private investment resulting 69819  
from each project. 69820

(J) Nothing in this section shall be construed to prohibit a 69821  
board of township trustees from declaring to be a public purpose 69822  
improvements with respect to more than one parcel. 69823

If a parcel is located in a new community district in which 69824  
the new community authority imposes a community development charge 69825  
on the basis of rentals received from leases of real property as 69826  
described in division (L)(2) of section 349.01 of the Revised 69827  
Code, the parcel may not be exempted from taxation under this 69828  
section. 69829

(K) A board of township trustees that adopted a resolution 69830  
under this section prior to July 21, 1994, may amend that 69831  
resolution to include any additional public infrastructure 69832  
improvement. A board of township trustees that seeks by the 69833  
amendment to utilize money from its township public improvement 69834  
tax increment equivalent fund for land acquisition in aid of 69835  
industry, commerce, distribution, or research, demolition on 69836  
private property, or stormwater and flood remediation projects may 69837  
do so provided that the board currently is a party to a 69838  
hold-harmless agreement with the board of education of the city, 69839  
local, or exempted village school district within the territory of 69840  
which are located the parcels that are subject to an exemption. 69841  
For the purposes of this division, a "hold-harmless agreement" 69842  
means an agreement under which the board of township trustees 69843  
agrees to compensate the school district for one hundred per cent 69844  
of the tax revenue that the school district would have received 69845  
from further improvements to parcels designated in the resolution 69846  
were it not for the exemption granted by the resolution. 69847

(L) Notwithstanding the limitation prescribed by division (D) 69848  
of this section on the number of years that improvements to a 69849  
parcel or parcels may be exempted from taxation, a board of 69850

trustees of a township with a population of fifteen thousand or 69851  
more may amend a resolution originally adopted under this section 69852  
before December 31, 1994, to extend the exemption of improvements 69853  
to the parcel or parcels included in such resolution for an 69854  
additional period not to exceed fifteen years. The amendment shall 69855  
not increase the percentage of improvements to the parcel or 69856  
parcels exempted from taxation. The board of township trustees 69857  
shall comply with the notice requirements imposed under section 69858  
5709.83 of the Revised Code before taking formal action to adopt 69859  
an amendment authorized under this division unless the board of 69860  
education has adopted a resolution under that section waiving its 69861  
right to receive the notice. The board of township trustees shall 69862  
deliver an identical notice to the board of county commissioners 69863  
of each county in which the exempted parcels are located. 69864

**Sec. 5709.92.** (A) As used in this section: 69865

(1) "School district" means a city, local, or exempted 69866  
village school district. 69867

(2) "Joint vocational school district" means a joint 69868  
vocational school district created under section 3311.16 of the 69869  
Revised Code, and includes a cooperative education school district 69870  
created under section 3311.52 or 3311.521 of the Revised Code and 69871  
a county school financing district created under section 3311.50 69872  
of the Revised Code. 69873

(3) "Total resources" means the sum of the amounts described 69874  
in divisions (A)(3)(a) to (g) of this section less any reduction 69875  
required under division (C)(2)(a) of this section. 69876

(a) The state education aid for fiscal year 2015; 69877

(b) The sum of the payments received in fiscal year 2015 for 69878  
current expense levy losses under division (C)(3) of section 69879  
5727.85 and division (C)(12) of section 5751.21 of the Revised 69880

Code, as they existed at that time, excluding the portion of such 69881  
payments attributable to levies for joint vocational school 69882  
district purposes; 69883

(c) The sum of fixed-sum levy loss payments received by the 69884  
school district in fiscal year 2015 under division (F)(1) of 69885  
section 5727.85 and division (E)(1) of section 5751.21 of the 69886  
Revised Code, as they existed at that time, for fixed-sum levies 69887  
charged and payable for a purpose other than paying debt charges; 69888

(d) The district's taxes charged and payable against all 69889  
property on the tax list of real and public utility property for 69890  
current expense purposes for tax year 2014, including taxes 69891  
charged and payable from emergency levies charged and payable 69892  
under sections 5705.194 to 5705.197 of the Revised Code, excluding 69893  
taxes levied for joint vocational school district purposes or 69894  
levied under section 5705.23 of the Revised Code; 69895

(e) The amount certified for fiscal year 2015 under division 69896  
(A)(2) of section 3317.08 of the Revised Code; 69897

(f) Distributions received during calendar year 2014 from 69898  
taxes levied under section 718.09 of the Revised Code; 69899

(g) Distributions received during fiscal year 2015 from the 69900  
gross casino revenue county student fund. 69901

(4)(a) "State education aid" for a school district means the 69902  
sum of state amounts computed for the district under sections 69903  
3317.022 and 3317.0212 of the Revised Code after any amounts are 69904  
added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of 69905  
the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, 69906  
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 69907

(b) "State education aid" for a joint vocational district 69908  
means the amount computed for the district under section 3317.16 69909  
of the Revised Code after any amounts are added or subtracted 69910  
under Section 263.250 of Am. Sub. H.B. 59 of the 130th general 69911

assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 69912  
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(5) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code. 69914  
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(6) "Capacity quintile" means the capacity measure quintiles determined under division (B) of this section. 69918  
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(7) "Threshold per cent" means the following: 69920

(a) For a school district in the lowest capacity quintile, one per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one percentage point. 69921  
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(b) For a school district in the second lowest capacity quintile, one and one-fourth per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and one-fourth percentage points. 69925  
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(c) For a school district in the third lowest capacity quintile, one and one-half per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and one-half percentage points. 69930  
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(d) For a school district in the second highest capacity quintile, one and three-fourths per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and three-fourths percentage points. 69934  
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(e) For a school district in the highest capacity quintile, two per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent 69939  
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plus two percentage points. 69942

(f) For a joint vocational school district, two per cent for 69943  
fiscal year 2016; for fiscal year 2017 and thereafter, the sum of 69944  
the prior year's threshold per cent plus two percentage points. 69945

(8) "Current expense allocation" means the sum of the 69946  
payments received by a school district or joint vocational school 69947  
district in fiscal year 2015 for current expense levy losses under 69948  
division (C)(3) of section 5727.85 and division (C)(12) of section 69949  
5751.21 of the Revised Code as they existed at that time, less any 69950  
reduction required under division (C)(2)(b) of this section. 69951

(9) "Non-current expense allocation" means the sum of the 69952  
payments received by a school district or joint vocational school 69953  
district in fiscal year 2015 for levy losses under division 69954  
(C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 69955  
5751.21 of the Revised Code, as they existed at that time, and 69956  
levy losses in fiscal year 2015 under division (H) of section 69957  
5727.84 of the Revised Code as that section existed at that time 69958  
attributable to levies for and payments received for losses on 69959  
levies intended to generate money for maintenance of classroom 69960  
facilities. 69961

(10) "Operating TPP fixed-sum levy losses" means the sum of 69962  
payments received by a school district in fiscal year 2015 for 69963  
levy losses under division (E) of section 5751.21 of the Revised 69964  
Code, excluding levy losses for debt purposes. 69965

(11) "Operating S.B. 3 fixed-sum levy losses" means the sum 69966  
of payments received by the school district in fiscal year 2015 69967  
for levy losses under division (H) of section 5727.84 of the 69968  
Revised Code, excluding levy losses for debt purposes. 69969

(12) "TPP fixed-sum debt levy losses" means the sum of 69970  
payments received by a school district in fiscal year 2015 for 69971  
levy losses under division (E) of section 5751.21 of the Revised 69972

<u>Code for debt purposes.</u>	69973
<u>(13) "S.B. 3 fixed-sum debt levy losses" means the sum of</u>	69974
<u>payments received by the school district in fiscal year 2015 for</u>	69975
<u>levy losses under division (H) of section 5727.84 of the Revised</u>	69976
<u>Code for debt purposes.</u>	69977
<u>(14) "Qualifying levies" means qualifying levies described in</u>	69978
<u>section 5751.20 of the Revised Code as that section was in effect</u>	69979
<u>before July 1, 2015.</u>	69980
<u>(15) "Qualifying school district" means a school district</u>	69981
<u>within whose territory a nuclear power plant is located and for</u>	69982
<u>which the ratio of current expense allocation to total resources</u>	69983
<u>is ten per cent or more.</u>	69984
<u>(B) The department of education shall rank all school</u>	69985
<u>districts in the order of districts' capacity measures determined</u>	69986
<u>under section 3317.017 of the Revised Code from lowest to highest,</u>	69987
<u>and divide such ranking into quintiles, with the first quintile</u>	69988
<u>containing the twenty per cent of school districts having the</u>	69989
<u>lowest capacity measure and the fifth quintile containing the</u>	69990
<u>twenty per cent of school districts having the highest capacity</u>	69991
<u>measure. This calculation and ranking shall be performed once, in</u>	69992
<u>fiscal year 2016, and used for subsequent years for the purpose of</u>	69993
<u>division (A)(7) of this section.</u>	69994
<u>(C)(1) In fiscal year 2016, payments shall be made to school</u>	69995
<u>districts and joint vocational school districts other than</u>	69996
<u>qualifying school districts equal to the sum of the amounts</u>	69997
<u>described in divisions (C)(1)(a) or (b) and (C)(1)(c) of this</u>	69998
<u>section. In fiscal year 2017 and subsequent fiscal years, payments</u>	69999
<u>shall be made to school districts and joint vocational school</u>	70000
<u>districts other than qualifying school districts equal to the</u>	70001
<u>amount described in division (C)(1)(a) or (b) of this section. In</u>	70002
<u>fiscal year 2016 and subsequent fiscal years, payments shall be</u>	70003



made to qualifying school districts equal to the sum of the 70004  
amounts described in divisions (A)(3)(b) and (c) of this section. 70005

(a) If the ratio of the current expense allocation to total 70006  
resources is equal to or less than the district's threshold per 70007  
cent, zero; 70008

(b) If the ratio of the current expense allocation to total 70009  
resources is greater than the district's threshold per cent, the 70010  
difference between the current expense allocation and the product 70011  
of the threshold percentage and total resources; 70012

(c) For fiscal year 2016, the product of the non-current 70013  
expense allocation multiplied by fifty per cent. 70014

(2)(a) "Total resources" used to compute payments under 70015  
division (C)(1) of this section shall be reduced to the extent 70016  
that payments distributed in fiscal year 2015 were attributable to 70017  
levies no longer charged and payable for tax year 2014. 70018

(b) "Current expense allocation" used to compute payments 70019  
under division (C)(1) of this section shall be reduced to the 70020  
extent that the payments distributed in fiscal year 2015 were 70021  
attributable to levies no longer charged and payable for tax year 70022  
2014. 70023

(3) The department of education shall report to each school 70024  
district and joint vocational school district the apportionment of 70025  
the payments under division (C)(1) of this section among the 70026  
district's funds based on qualifying levies. 70027

(D)(1) Except as provided in division (D)(2) of this section, 70028  
payments in the following amounts shall be made to school 70029  
districts and joint vocational school districts in tax years 2016 70030  
through 2021: 70031

(a) In tax year 2016, the sum of the district's operating TPP 70032  
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 70033

(b) In tax year 2017, the sum of the district's operating TPP fixed-sum levy losses and eighty per cent of operating S.B. 3 fixed-sum levy losses. 70034  
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(c) In tax year 2018, the sum of eighty per cent of the district's operating TPP fixed-sum levy losses and sixty per cent of its operating S.B. 3 fixed-sum levy losses. 70037  
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(d) In tax year 2019, the sum of sixty per cent of the district's operating TPP fixed-sum levy losses and forty per cent of its operating S.B. 3 fixed-sum levy losses. 70040  
70041  
70042

(e) In tax year 2020, the sum of forty per cent of the district's operating TPP fixed-sum levy losses and twenty per cent of its operating S.B. 3 fixed-sum levy losses. 70043  
70044  
70045

(f) In tax year 2021, twenty per cent of the district's operating TPP fixed-sum levy losses. 70046  
70047

No payment shall be made under division (D)(1) of this section after tax year 2021. 70048  
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(2) In the case of a qualifying school district, payments shall be made in tax year 2016 and subsequent tax years equal to one hundred per cent of the sum of the district's operating TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 70050  
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(3) Amounts are payable under division (D) of this section for fixed-sum levy losses only to the extent of such losses for qualifying levies that remain in effect for the current tax year. For this purpose, a qualifying levy levied under section 5705.194 or 5705.213 of the Revised Code remains in effect for the current tax year only if a tax levied under either of those sections is charged and payable for the current tax year for an annual sum at least equal to the annual sum levied by the board of education for tax year 2004 under those sections less the amount of the payment under this division. 70054  
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(E)(1) For fixed-sum levies for debt purposes, payments shall 70064  
be made to school districts and joint vocational school districts 70065  
equal to one hundred per cent of the district's fixed-sum levy 70066  
loss determined under division (E) of section 5751.20 and division 70067  
(H) of section 5727.84 of the Revised Code as in effect before 70068  
July 1, 2015, and paid in tax year 2014. No payment shall be made 70069  
for qualifying levies that are no longer charged and payable. 70070

(2) Beginning in 2016, by the thirty-first day of January of 70071  
each year, the tax commissioner shall review the calculation of 70072  
fixed-sum levy loss for debt purposes determined under division 70073  
(E) of section 5751.20 and division (H) of section 5727.84 of the 70074  
Revised Code as in effect before July 1, 2015. If the commissioner 70075  
determines that a fixed-sum levy that had been scheduled to be 70076  
reimbursed in the current year is no longer charged and payable, a 70077  
revised calculation for that year and all subsequent years shall 70078  
be made. 70079

(F)(1) For taxes levied within the ten-mill limitation for 70080  
debt purposes in tax year 1998 in the case of electric company tax 70081  
value losses, and in tax year 1999 in the case of natural gas 70082  
company tax value losses, payments shall be made to school 70083  
districts and joint vocational school districts equal to one 70084  
hundred per cent of the loss computed under division (D) of 70085  
section 5727.85 of the Revised Code as in effect before July 1, 70086  
2015, as if the tax were a fixed-rate levy, but those payments 70087  
shall extend through fiscal year 2016. 70088

(2) For taxes levied within the ten-mill limitation for debt 70089  
purposes in tax year 2005, payments shall be made to school 70090  
districts and joint vocational school districts equal to one 70091  
hundred per cent of the loss computed under division (D) of 70092  
section 5751.21 as in effect before July 1, 2015, as if the tax 70093  
were a fixed-rate levy, but those payments shall extend through 70094  
fiscal year 2018. 70095

(G) If all the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section as follows: 70096  
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(1) For a merger of two or more districts, the fixed-sum levy losses, total resources, current expense allocation, and non-current expense allocation of the successor district shall be the sum of such items for each of the districts involved in the merger. 70103  
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(2) If property is transferred from one district to a previously existing district, the amount of total resources, current expense allocation, and non-current expense allocation that shall be transferred to the recipient district shall be an amount equal to total resources, current expense allocation, and non-current expense allocation of the transferor district times a fraction, the numerator of which is the number of pupils being transferred to the recipient district, measured, in the case of a school district, by formula ADM as defined in section 3317.02 of the Revised Code or, in the case of a joint vocational school district, by formula ADM as defined for a joint vocational school district in that section, and the denominator of which is the formula ADM of the transferor district. 70108  
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(3) After December 31, 2010, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any total resources, current expense allocation, total allocation, or non-current expense allocation. 70121  
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(4) If the recipient district under division (G)(2) of this section or the newly created district under division (G)(3) of 70126  
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this section is assuming debt from one or more of the districts 70128  
from which the property was transferred and any of the districts 70129  
losing the property had fixed-sum levy losses, the department of 70130  
education, in consultation with the tax commissioner, shall make 70131  
an equitable division of the fixed-sum levy loss reimbursements. 70132

(H) The payments required by divisions (C), (D), (E), and (F) 70133  
of this section shall be distributed periodically to each school 70134  
and joint vocational school district by the department of 70135  
education unless otherwise provided for. Except as provided in 70136  
division (D) of this section, if a levy that is a qualifying levy 70137  
is not charged and payable in any year after 2014, payments to the 70138  
school district or joint vocational school district shall be 70139  
reduced to the extent that the payments distributed in fiscal year 70140  
2015 were attributable to the levy loss of that levy. 70141

**Sec. 5709.93.** (A) As used in this section: 70142

(1) "Taxes charged and payable" means taxes charged and 70143  
payable after the reduction required by section 319.301 of the 70144  
Revised Code but before the reductions required by sections 70145  
319.302 and 323.152 of the Revised Code. 70146

(2) "Threshold per cent" means two per cent for fiscal year 70147  
2016; and, for fiscal year 2017 and thereafter, the sum of the 70148  
prior year's threshold per cent plus two percentage points. 70149

(3) "Public library" means a county, municipal, school 70150  
district, or township public library that receives the proceeds of 70151  
a tax levied under section 5705.23 of the Revised Code. 70152

(4) "Local taxing unit" means a subdivision or taxing unit, 70153  
as defined in section 5705.01 of the Revised Code, a park district 70154  
created under Chapter 1545. of the Revised Code, or a township 70155  
park district established under section 511.23 of the Revised 70156  
Code, but excludes school districts and joint vocational school 70157

districts. 70158

(5) "Municipal current expense allocation" means the sum of 70159  
the payments received by a municipal corporation in calendar year 70160  
2014 for current expense levy losses under division (A)(1)(e)(ii) 70161  
of section 5727.86 and division (A)(1)(c)(ii) of section 5751.22 70162  
of the Revised Code as they existed at that time. 70163

(6) "Current expense allocation" means the sum of the 70164  
payments received by a local taxing unit or public library in 70165  
calendar year 2014 for current expense levy losses under division 70166  
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 70167  
5751.22 of the Revised Code as they existed at that time, less any 70168  
reduction required under division (B)(2) of this section. 70169

(7) "TPP inside millage debt levy loss" means payments made 70170  
to local taxing units in calendar year 2014 under division (A)(3) 70171  
of section 5751.22 of the Revised Code as that section existed at 70172  
that time. 70173

(8) "S.B. 3 inside millage debt levy loss" means payments 70174  
made to local taxing units in calendar year 2014 under section 70175  
(A)(4) of section 5727.86 of the Revised Code as that section 70176  
existed at that time. 70177

(9) "Qualifying levy" means a levy for which payment was made 70178  
in calendar year 2014 under division (A)(1) of section 5727.86 and 70179  
divisions (A)(1) and (2) of section 5751.22 of the Revised Code as 70180  
they existed at that time. 70181

(10) "Total resources," in the case of county mental health 70182  
and disability related functions, means the sum of the amounts in 70183  
divisions (A)(10)(a) and (b) of this section less any reduction 70184  
required under division (B)(1) of this section. 70185

(a) The sum of the payments received by the county for mental 70186  
health and developmental disability related functions in calendar 70187  
year 2014 under division (A)(1) of section 5727.86 and division 70188

(A)(1) of section 5751.22 of the Revised Code as they existed at that time; 70189  
70190

(b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 70191  
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(11) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(11)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 70195  
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(a) The sum of the payments received by the county for senior services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 70199  
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(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 70203  
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(12) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(12)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 70207  
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(a) The sum of the payments received by the county for children's services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 70211  
70212  
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(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 70215  
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(13) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(13)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 70219  
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(a) The sum of the payments received by the county for public health related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 70223  
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(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 70227  
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(14) "Total resources," in the case of all county functions not included in divisions (A)(10) to (13) of this section, means the sum of the amounts in divisions (A)(14)(a) to (e) of this section less any reduction required under division (B)(1) or (2) of this section. 70231  
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(a) The sum of the payments received by the county for all other purposes in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 70236  
70237  
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(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 70240  
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(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property 70247  
70248  
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<u>for tax year 2014, excluding taxes charged and payable for the</u>	70250
<u>purpose of paying debt charges;</u>	70251
<u>(d) The sum of the amounts distributed to the county in</u>	70252
<u>calendar year 2014 for the taxes levied pursuant to sections</u>	70253
<u>5739.021 and 5741.021 of the Revised Code;</u>	70254
<u>(e) The sum of amounts distributed to the county from the</u>	70255
<u>gross casino revenue county fund from July 2014 through April</u>	70256
<u>2015.</u>	70257
<u>(15) "Total resources," in the case of a municipal</u>	70258
<u>corporation, means the sum of the amounts in divisions (A)(15)(a)</u>	70259
<u>to (h) of this section less any reduction required under division</u>	70260
<u>(B)(1) or (2) of this section.</u>	70261
<u>(a) The sum of the payments received by the municipal</u>	70262
<u>corporation in calendar year 2014 for current expense levy losses</u>	70263
<u>under division (A)(1) of section 5727.86 and division (A)(1) of</u>	70264
<u>section 5751.22 of the Revised Code as they existed at that time;</u>	70265
<u>(b) The municipal corporation's percentage share of county</u>	70266
<u>undivided local government fund allocations as certified to the</u>	70267
<u>tax commissioner for calendar year 2015 by the county auditor</u>	70268
<u>under division (J) of section 5747.51 of the Revised Code or</u>	70269
<u>division (F) of section 5747.53 of the Revised Code multiplied by</u>	70270
<u>the total amount actually distributed in calendar year 2014 from</u>	70271
<u>the county undivided local government fund;</u>	70272
<u>(c) The sum of the amounts distributed to the municipal</u>	70273
<u>corporation in calendar year 2014 pursuant to section 5747.50 of</u>	70274
<u>the Revised Code;</u>	70275
<u>(d) With respect to taxes levied by the municipal</u>	70276
<u>corporation, the taxes charged and payable against all property on</u>	70277
<u>the tax list of real and public utility property for municipal</u>	70278
<u>current expenses for tax year 2014;</u>	70279

(e) The amount of admissions tax collected by the municipal corporation in calendar year 2013, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2013 for which the municipal corporation has reported data to the commissioner; 70280  
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(f) The amount of income taxes collected by the municipal corporation in calendar year 2013 as certified to the tax commissioner under section 5747.50 of the Revised Code in 2013, or if such information has not yet been reported to the commissioner, in the most recent year before 2014 for which the municipal corporation has reported such data to the commissioner; 70285  
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(g) The sum of the amounts distributed to the municipal corporation from the gross casino revenue host city fund from July 2014 through April 2015; 70291  
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70293

(h) The sum of the amounts distributed to the municipal corporation from the gross casino revenue county fund from July 2014 through April 2015. 70294  
70295  
70296

(16) "Total resources," in the case of a township, means the sum of the amounts in divisions (A)(16)(a) to (c) of this section less any reduction required under division (B)(1) or (2) of this section. 70297  
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70300

(a) The sum of the payments received by the township in calendar year 2014 pursuant to division (A)(1) of section 5727.86 of the Revised Code and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time, excluding payments received for debt purposes; 70301  
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(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount 70306  
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actually distributed in calendar year 2014 from the county 70311  
undivided local government fund; 70312

(c) With respect to taxes levied by the township, the taxes 70313  
charged and payable against all property on the tax list of real 70314  
and public utility property for tax year 2014 excluding taxes 70315  
charged and payable for the purpose of paying debt charges or from 70316  
levies imposed under section 5705.23 of the Revised Code. 70317

(17) "Total resources," in the case of a local taxing unit 70318  
that is not a county, municipal corporation, township, or public 70319  
library means the sum of the amounts in divisions (A)(17)(a) to 70320  
(e) of this section less any reduction required under division 70321  
(B)(1) of this section. 70322

(a) The sum of the payments received by the local taxing unit 70323  
in calendar year 2014 pursuant to division (A)(1) of section 70324  
5727.86 of the Revised Code and division (A)(1) of section 5751.22 70325  
of the Revised Code as they existed at that time; 70326

(b) The local taxing unit's percentage share of county 70327  
undivided local government fund allocations as certified to the 70328  
tax commissioner for calendar year 2015 by the county auditor 70329  
under division (J) of section 5747.51 of the Revised Code or 70330  
division (F) of section 5747.53 of the Revised Code multiplied by 70331  
the total amount actually distributed in calendar year 2014 from 70332  
the county undivided local government fund; 70333

(c) With respect to taxes levied by the local taxing unit, 70334  
the taxes charged and payable against all property on the tax list 70335  
of real and public utility property for tax year 2014 excluding 70336  
taxes charged and payable for the purpose of paying debt charges 70337  
or from a levy imposed under section 5705.23 of the Revised Code; 70338

(d) The amount received from the tax commissioner during 70339  
calendar year 2014 for sales or use taxes authorized under 70340  
sections 5739.023 and 5741.022 of the Revised Code; 70341

(e) For institutions of higher education receiving tax revenue from a local levy, as identified in section 3358.02 of the Revised Code, the final state share of instruction allocation for fiscal year 2014 as calculated by the director of higher education and reported to the state controlling board. 70342  
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(18) "Total library resources," in the case of a county, municipal corporation, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, means the sum of the amounts in divisions (A)(18)(a) to (d) of this section less any reduction required under division (B)(1) of this section. 70347  
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70352

(a) The sum of the payments received by the county, municipal corporation, school district, or township public library in calendar year 2014 pursuant to sections 5727.86 and 5751.22 of the Revised Code, as they existed at that time, for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code for the benefit of the public library; 70353  
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(b) The public library's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 70359  
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(c) With respect to a tax levied pursuant to section 5705.23 of the Revised Code for the benefit of the public library, the amount of such tax that is charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding any tax that is charged and payable for the purpose of paying debt charges; 70366  
70367  
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(d) The sum of the amounts distributed to the library 70372

district from the county public library fund in calendar year 70373  
2014, as reported to the tax commissioner by the county auditor. 70374

(19) "Municipal current expense property tax levies" means 70375  
all property tax levies of a municipality, except those with the 70376  
following levy names: library; airport resurfacing; bond or any 70377  
levy name including the word "bond"; capital improvement or any 70378  
levy name including the word "capital"; debt or any levy name 70379  
including the word "debt"; equipment or any levy name including 70380  
the word "equipment," unless the levy is for combined operating 70381  
and equipment; employee termination fund; fire pension or any levy 70382  
containing the word "pension," including police pensions; 70383  
fireman's fund or any practically similar name; sinking fund; road 70384  
improvements or any levy containing the word "road"; fire truck or 70385  
apparatus; flood or any levy containing the word "flood"; 70386  
conservancy district; county health; note retirement; sewage, or 70387  
any levy containing the words "sewage" or "sewer"; park 70388  
improvement; parkland acquisition; storm drain; street or any levy 70389  
name containing the word "street"; lighting, or any levy name 70390  
containing the word "lighting"; and water. 70391

(20) "Operating fixed-rate levy loss" means, in the case of 70392  
local taxing units other than municipal corporations, fixed-rate 70393  
levy losses of levies imposed for purposes other than paying debt 70394  
charges or, in the case of municipal corporations, fixed-rate levy 70395  
losses of municipal current expense property tax levies. 70396

(21) "Qualifying local taxing unit" means a local taxing 70397  
unit, other than a county or municipal corporation, within whose 70398  
territory a nuclear power plant is located, including a public 70399  
library on behalf of which a tax is levied under section 5705.23 70400  
of the Revised Code on a tax list that includes the property of a 70401  
nuclear power plant. 70402

(22) Any term used in this section has the same meaning as in 70403  
section 5727.84 or 5751.20 of the Revised Code unless otherwise 70404

defined by this section. 70405

(B)(1) "Total resources" used to compute payments to be made under division (C) of this section shall be reduced to the extent that payments distributed in calendar year 2014 were attributable to levies no longer charged and payable. 70406  
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(2) "Current expense allocation" used to compute payments to be made under division (C) of this section shall be reduced to the extent that payments distributed in calendar year 2014 were attributable to levies no longer charged and payable. 70410  
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(C)(1) Except as provided in divisions (C)(2) and (D) of this section, the tax commissioner shall compute payments for operating fixed-rate levy losses of local taxing units and public libraries for fiscal year 2016 and each year thereafter as prescribed in divisions (C)(1)(a) and (b) and (2) of this section: 70414  
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(a) For public libraries and local taxing units other than municipal corporations: 70419  
70420

(i) If the ratio of current expense allocation to total resources is equal to or less than the threshold per cent, zero; 70421  
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(ii) If the ratio of current expense allocation to total resources is greater than the threshold per cent, the current expense allocation minus the product of total resources multiplied by the threshold per cent. 70423  
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70425  
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(b) For municipal corporations: 70427

(i) If the ratio of the municipal current expense allocation to total resources is equal to or less than the threshold per cent, zero; 70428  
70429  
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(ii) If the ratio of the municipal current expense allocation to total resources is greater than the threshold per cent, the municipal current expense allocation minus the product of total resources multiplied by the threshold per cent. 70431  
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(2) In the case of a qualifying local taxing unit for which the ratio of current expense allocation to total resources is ten per cent or more, the payment to be made under division (C) of this section for fiscal year 2016 and each year thereafter, in lieu of the payment computed under division (C)(1)(a) of this section, shall equal the amount described in division (A)(16)(a) of this section if the qualifying local taxing unit is a township, division (A)(18)(a) if the qualifying local taxing unit is a public library, and division (A)(17)(a) if the qualifying local taxing unit is not a township or public library.

(3) For any local taxing unit or public library with operating fixed-rate levy losses greater than zero, the operating fixed-rate levy loss shall be allocated among all qualifying operating fixed-rate levies in proportion to each such levy's share of the payments received in tax year 2014. In fiscal year 2016 and thereafter, if a levy to which operating fixed-rate levy loss is allocated is no longer charged and payable, the payment to the local taxing unit or public library shall be reduced by the amount allocated to the levy that is no longer charged and payable.

(D)(1) Except as provided in division (D)(2) of this section, the tax commissioner shall make payments to local taxing units equal to the sum of TPP inside millage debt levy loss and S.B. 3 inside millage debt levy loss. No payment shall be made if the levy for which the levy loss is computed is not charged and payable for debt purposes in fiscal year 2016 or any year thereafter.

(2) No payment shall be made for TPP inside millage debt levy loss in calendar year 2018 or thereafter. No payment shall be made for S.B.3 inside millage debt levy loss in calendar year 2017 or thereafter.

(E) The payments required to be made under divisions (C) and

(D) of this section shall be paid from local government tangible property tax replacement fund to the county undivided income tax fund in the proper county treasury. Beginning in August 2015, one-half of the amount determined under each of those divisions shall be paid on or before the last day of August each year, and one-half shall be paid on or before the last day of February each year. Within thirty days after receipt of such payments, the county treasurer shall distribute amounts determined under this section to the proper local taxing unit or public library as if they had been levied and collected as taxes, and the local taxing unit or public library shall allocate the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes.

(F) If all or a part of the territories of two or more local taxing units are merged, or unincorporated territory of a township is annexed by a municipal corporation, the tax commissioner shall adjust the payments made under this section to each of the local taxing units in proportion to the square mileage of the merged or annexed territory as a percentage of the total square mileage of the jurisdiction from which the territory originated, or as otherwise provided by a written agreement between the legislative authorities of the local taxing units certified to the commissioner not later than the first day of June of the calendar year in which the payment is to be made.

**Sec. 5713.30.** As used in sections 5713.31 to 5713.37 and 5715.01 of the Revised Code:

(A) "Land devoted exclusively to agricultural use" means:

(1) Tracts, lots, or parcels of land totaling not less than ten acres to which, during the three calendar years prior to the year in which application is filed under section 5713.31 of the Revised Code, and through the last day of May of such year, one or



more of the following apply: 70498

(a) The tracts, lots, or parcels of land were devoted 70499  
exclusively to commercial animal or poultry husbandry, 70500  
aquaculture, algaculture meaning the farming of algae, apiculture, 70501  
the production for a commercial purpose of timber, field crops, 70502  
tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, 70503  
or flowers, or the growth of timber for a noncommercial purpose, 70504  
if the land on which the timber is grown is contiguous to or part 70505  
of a parcel of land under common ownership that is otherwise 70506  
devoted exclusively to agricultural use. 70507

(b) The tracts, lots, or parcels of land were devoted 70508  
exclusively to biodiesel production, biomass energy production, 70509  
electric or heat energy production, or biologically derived 70510  
methane gas production if the land on which the production 70511  
facility is located is contiguous to or part of a parcel of land 70512  
under common ownership that is otherwise devoted exclusively to 70513  
agricultural use, provided that at least fifty per cent of the 70514  
feedstock used in the production was derived from parcels of land 70515  
under common ownership or leasehold. 70516

(c) The tracts, lots, or parcels of land were devoted to and 70517  
qualified for payments or other compensation under a land 70518  
retirement or conservation program under an agreement with an 70519  
agency of the federal government. 70520

(2) Tracts, lots, or parcels of land totaling less than ten 70521  
acres that, during the three calendar years prior to the year in 70522  
which application is filed under section 5713.31 of the Revised 70523  
Code and through the last day of May of such year, were devoted 70524  
exclusively to commercial animal or poultry husbandry, 70525  
aquaculture, algaculture meaning the farming of algae, apiculture, 70526  
the production for a commercial purpose of field crops, tobacco, 70527  
fruits, vegetables, timber, nursery stock, ornamental trees, sod, 70528  
or flowers where such activities produced an average yearly gross 70529

income of at least twenty-five hundred dollars during such 70530  
three-year period or where there is evidence of an anticipated 70531  
gross income of such amount from such activities during the tax 70532  
year in which application is made, or were devoted to and 70533  
qualified for payments or other compensation under a land 70534  
retirement or conservation program under an agreement with an 70535  
agency of the federal government; 70536

(3) A tract, lot, or parcel of land taxed under sections 70537  
5713.22 to 5713.26 of the Revised Code is not land devoted 70538  
exclusively to agricultural use; 70539

(4) Tracts, lots, or parcels of land, or portions thereof 70540  
that, during the previous three consecutive calendar years have 70541  
been designated as land devoted exclusively to agricultural use, 70542  
but such land has been lying idle or fallow for up to one year and 70543  
no action has occurred to such land that is either inconsistent 70544  
with the return of it to agricultural production or converts the 70545  
land devoted exclusively to agricultural use as defined in this 70546  
section. Such land shall remain designated as land devoted 70547  
exclusively to agricultural use provided that beyond one year, but 70548  
less than three years, the landowner proves good cause as 70549  
determined by the board of revision. 70550

(5) Tracts, lots, or parcels of land, or portions thereof 70551  
that, during the previous three consecutive calendar years have 70552  
been designated as land devoted exclusively to agricultural use, 70553  
but such land has been lying idle or fallow because of dredged 70554  
material being stored or deposited on such land pursuant to a 70555  
contract between the land's owner and the department of natural 70556  
resources or the United States army corps of engineers and no 70557  
action has occurred to the land that is either inconsistent with 70558  
the return of it to agricultural production or converts the land 70559  
devoted exclusively to agricultural use. Such land shall remain 70560  
designated as land devoted exclusively to agricultural use until 70561

the last year in which dredged material is stored or deposited on 70562  
the land pursuant to such a contract, but not to exceed five 70563  
years. 70564

"Land devoted exclusively to agricultural use" includes 70565  
tracts, lots, or parcels of land or portions thereof that are used 70566  
for conservation practices, provided that the tracts, lots, or 70567  
parcels of land or portions thereof comprise twenty-five per cent 70568  
or less of the total of the tracts, lots, or parcels of land that 70569  
satisfy the criteria established in division (A)(1), (2), ~~or (4)~~ 70570  
or (5) of this section together with the tracts, lots, or parcels 70571  
of land or portions thereof that are used for conservation 70572  
practices. 70573

(B) "Conversion of land devoted exclusively to agricultural 70574  
use" means any of the following: 70575

(1) The failure of the owner of land devoted exclusively to 70576  
agricultural use during the next preceding calendar year to file a 70577  
renewal application under section 5713.31 of the Revised Code 70578  
without good cause as determined by the board of revision; 70579

(2) The failure of the new owner of such land to file an 70580  
initial application under that section without good cause as 70581  
determined by the board of revision; 70582

(3) The failure of such land or portion thereof to qualify as 70583  
land devoted exclusively to agricultural use for the current 70584  
calendar year as requested by an application filed under such 70585  
section; 70586

(4) The failure of the owner of the land described in 70587  
division (A)(4) or (5) of this section to act on such land in a 70588  
manner that is consistent with the return of the land to 70589  
agricultural production after three years. 70590

The construction or installation of an energy facility, as 70591  
defined in section 5727.01 of the Revised Code, on a portion of a 70592

tract, lot, or parcel of land devoted exclusively to agricultural 70593  
use shall not cause the remaining portion of the tract, lot, or 70594  
parcel to be regarded as a conversion of land devoted exclusively 70595  
to agricultural use if the remaining portion of the tract, lot, or 70596  
parcel continues to be devoted exclusively to agricultural use. 70597

(C) "Tax savings" means the difference between the dollar 70598  
amount of real property taxes levied in any year on land valued 70599  
and assessed in accordance with its current agricultural use value 70600  
and the dollar amount of real property taxes that would have been 70601  
levied upon such land if it had been valued and assessed for such 70602  
year in accordance with Section 2 of Article XII, Ohio 70603  
Constitution. 70604

(D) "Owner" includes, but is not limited to, any person 70605  
owning a fee simple, fee tail, or life estate or a buyer on a land 70606  
installment contract. 70607

(E) "Conservation practices" are practices used to abate soil 70608  
erosion as required in the management of the farming operation, 70609  
and include, but are not limited to, the installation, 70610  
construction, development, planting, or use of grass waterways, 70611  
terraces, diversions, filter strips, field borders, windbreaks, 70612  
riparian buffers, wetlands, ponds, and cover crops for that 70613  
purpose. 70614

(F) "Wetlands" has the same meaning as in section 6111.02 of 70615  
the Revised Code. 70616

(G) "Biodiesel" means a mono-alkyl ester combustible liquid 70617  
fuel that is derived from vegetable oils or animal fats or any 70618  
combination of those reagents and that meets the American society 70619  
for testing and materials specification D6751-03a for biodiesel 70620  
fuel (B100) blend stock distillate fuels. 70621

(H) "Biologically derived methane gas" means gas from the 70622  
anaerobic digestion of organic materials, including animal waste 70623

and agricultural crops and residues. 70624

(I) "Biomass energy" means energy that is produced from 70625  
organic material derived from plants or animals and available on a 70626  
renewable basis, including, but not limited to, agricultural 70627  
crops, tree crops, crop by-products, and residues. 70628

(J) "Electric or heat energy" means electric or heat energy 70629  
generated from manure, cornstalks, soybean waste, or other 70630  
agricultural feedstocks. 70631

(K) "Dredged material" means material that is excavated or 70632  
dredged from waters of this state. "Dredged material" does not 70633  
include material resulting from normal farming, silviculture, and 70634  
ranching activities, such as plowing, cultivating, seeding, and 70635  
harvesting, for production of food, fiber, and forest products. 70636

**Sec. 5725.22.** (A) The treasurer of state shall maintain an 70637  
intangible property tax list of taxes levied by section 5707.03 of 70638  
the Revised Code and certified by the tax commissioner pursuant to 70639  
sections 5711.13, 5725.08, 5725.16, and 5727.15 of the Revised 70640  
Code, and a separate list of taxes levied by section 5725.18 of 70641  
the Revised Code and certified by the superintendent of insurance 70642  
pursuant to section 5725.20 of the Revised Code. 70643

(B)(1) With respect to taxes levied under section 5725.18 of 70644  
the Revised Code, the treasurer of state, upon receipt of an 70645  
assessment, shall compute the taxes at the rates prescribed by law 70646  
and enter the taxes on the proper tax list. The treasurer shall 70647  
collect, and the taxpayer shall pay, all such taxes and any 70648  
interest applicable thereto. Payments may be made by mail, in 70649  
person, or by any other means authorized by the treasurer. The 70650  
treasurer shall render a daily itemized statement to the 70651  
superintendent of insurance of the amount of taxes collected and 70652  
the name of the domestic insurance company from whom collected. 70653  
The treasurer of state may adopt rules concerning the methods and 70654

timeliness of payments under this division. 70655

(2) With respect to taxes levied under section 5707.03 of the Revised Code, any assessment certified to the treasurer of state shall reflect the taxes computed at the rates prescribed by law. Upon receipt of such an assessment, the treasurer shall enter the taxes on the proper tax list. The tax commissioner shall collect, and the taxpayer shall pay, all such taxes and any interest applicable thereto. Payments may be made by mail, in person, or by any other means authorized by the commissioner. The commissioner shall immediately forward to the treasurer any payments received under this division, together with any information necessary for the treasurer to properly credit such payments. The commissioner may adopt rules concerning the method and timeliness of payments under this division. 70656  
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(C) Each tax bill issued pursuant to this section shall separately reflect the taxes due, interest, if any, due date, and any other information considered necessary. The With respect to taxes levied under section 5725.18 of the Revised Code, the last day on which payment may be made without penalty shall be the fifteenth day of June, unless that day is not a business day as defined in section 5709.40 of the Revised Code, in which case the payment may be made on the next business day. With respect to taxes levied under section 5707.03 of the Revised Code, the last day on which payment may be made without penalty shall be at least twenty but not more than thirty days from the date of mailing the tax bill. The treasurer of state or tax commissioner, as appropriate, shall ~~mail~~ issue the tax bill, and, if the tax bill is issued by mail, the mailing thereof shall be prima-facie evidence of receipt thereof by the taxpayer. 70669  
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The treasurer or commissioner, as appropriate, shall refund taxes as provided in this section, but no refund shall be made to a taxpayer having a delinquent claim certified pursuant to this 70684  
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section that remains unpaid. The treasurer or commissioner may 70687  
consult the attorney general regarding such claims. Refunds shall 70688  
be paid from the tax refund fund created by section 5703.052 of 70689  
the Revised Code. 70690

(D)(1) Within twenty days after receipt of any preliminary 70691  
assessment of taxes levied under section 5725.18 of the Revised 70692  
Code, the treasurer of state shall issue a tax bill, but if such 70693  
preliminary assessment reflects a late filed tax return, the 70694  
treasurer of state shall add interest as provided in division (A) 70695  
of section 5725.221 of the Revised Code and issue a tax bill. 70696

(2) ~~Within twenty days after~~ After receipt of any amended or 70697  
final assessment of taxes levied under section 5725.18 of the 70698  
Revised Code, the treasurer of state shall ascertain the 70699  
difference between the total taxes computed on such assessment and 70700  
the total taxes computed on the most recent assessment certified 70701  
for the same tax year. If the difference is a deficiency, the 70702  
treasurer of state shall add interest as provided in division 70703  
(B)(1) of section 5725.221 of the Revised Code and issue a tax 70704  
bill. Unless an exigency exists, the treasurer shall issue the tax 70705  
bill on or before the fifteenth day of May. In the case of an 70706  
exigency, the treasurer shall issue the tax bill as soon as 70707  
possible after the fifteenth day of May and may extend the due 70708  
date for payment of the tax prescribed by division (C) of this 70709  
section. If the difference is an excess, the treasurer of state 70710  
shall add interest as provided in division (B)(2) of section 70711  
5725.221 of the Revised Code and certify the name of the taxpayer 70712  
and the amount to be refunded to the director of budget and 70713  
management for payment to the taxpayer. If the taxpayer has a 70714  
deficiency for one tax year and an excess for another tax year, or 70715  
any combination thereof for more than two tax years, the treasurer 70716  
of state may determine the net result after adding interest, if 70717  
applicable, and, depending on such result, proceed to ~~mail~~ issue a 70718

tax bill or certify a refund. 70719

(E)(1) Except as provided in division (E)(2) of this section, 70720  
within twenty days after certifying to the treasurer of state an 70721  
amended or final assessment, or a preliminary assessment of a 70722  
dealer in intangibles that has failed to file a report or disclose 70723  
taxable property, the tax commissioner shall ascertain the 70724  
difference between the total taxes computed on such assessment and 70725  
the total taxes computed on the most recent assessment certified 70726  
for the same tax year, if any. If the difference is a deficiency, 70727  
the commissioner shall add interest as provided in division (B)(1) 70728  
of section 5725.221 of the Revised Code and issue a tax bill. If 70729  
the difference is an excess, the commissioner shall add interest 70730  
as provided in division (B)(2) of section 5725.221 of the Revised 70731  
Code and certify the name of the taxpayer and the amount to be 70732  
refunded to the director of budget and management for payment to 70733  
the taxpayer. If the taxpayer has a deficiency for one tax year 70734  
and excess for another tax year, or any combination thereof for 70735  
more than two tax years, the commissioner may determine the net 70736  
result after adding interest, if applicable, and, depending on 70737  
such result, proceed to mail a tax bill or certify a refund. 70738

(2) The tax commissioner may issue a tax bill for any 70739  
deficiency resulting from an assessment at the time the 70740  
commissioner issues the assessment. 70741

(F) ~~If~~ With respect to taxes levied under section 5707.03 of 70742  
the Revised Code, if a taxpayer fails to pay all taxes and 70743  
interest, if any, on or before the due date shown on the tax bill 70744  
but makes payment within ten calendar days of such date, the 70745  
~~treasurer of state or tax commissioner, as appropriate,~~ shall add 70746  
a penalty equal to five per cent of the taxes due. If payment is 70747  
not made within ten days of such date, the ~~treasurer or~~ 70748  
commissioner shall add a penalty equal to ten per cent of the 70749  
taxes due. The ~~treasurer or~~ commissioner shall prepare a 70750



delinquent claim for each tax bill on which penalties were added 70751  
and certify such claims to the attorney general for collection. 70752  
~~The attorney general shall transmit a copy of each claim certified~~ 70753  
~~by the treasurer to the superintendent of insurance.~~ For each 70754  
claim certified by the ~~treasurer~~ or commissioner, the attorney 70755  
general shall proceed to collect the delinquent taxes, penalties, 70756  
and interest thereon in the manner prescribed by law. 70757

(G) With respect to taxes levied under section 5725.18 of the 70758  
Revised Code, if a taxpayer fails to pay all taxes and interest, 70759  
if any, on or before the due date shown on the tax bill issued by 70760  
the treasurer of state, the treasurer shall add a penalty equal to 70761  
five hundred dollars for each month the taxpayer fails to pay all 70762  
taxes and interest due. The treasurer may add an additional 70763  
penalty, not to exceed ten per cent of the taxes and interest due, 70764  
if the taxpayer fails to demonstrate that the taxpayer made a good 70765  
faith effort to pay all taxes and interest on or before the due 70766  
date shown on the tax bill. The treasurer shall prepare a 70767  
delinquent claim for each tax bill on which penalties were added 70768  
and certify such claims to the attorney general for collection. 70769  
The attorney general shall transmit a copy of each claim certified 70770  
by the treasurer to the superintendent of insurance. For each 70771  
claim certified by the treasurer, the attorney general shall 70772  
proceed to collect the delinquent taxes, penalties, and interest 70773  
thereon in the manner prescribed by law. 70774

**Sec. 5725.98.** (A) To provide a uniform procedure for 70775  
calculating the amount of tax imposed by section 5725.18 of the 70776  
Revised Code that is due under this chapter, a taxpayer shall 70777  
claim any credits and offsets against tax liability to which it is 70778  
entitled in the following order: 70779

(1) The credit for an insurance company or insurance company 70780  
group under section 5729.031 of the Revised Code; 70781

(2) The credit for eligible employee training costs under section 5725.31 of the Revised Code;	70782 70783
(3) The credit for purchasers of qualified low-income community investments under section 5725.33 of the Revised Code;	70784 70785
(4) The nonrefundable job retention credit under division (B) <del>(1)</del> of section 122.171 of the Revised Code;	70786 70787
(5) The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code;	70788 70789 70790
(6) The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code.	70791 70792
(7) The refundable credit for Ohio job retention under <u>former</u> division (B)(2) or (3) of section 122.171 of the Revised Code <u>as those divisions existed before the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;</u>	70793 70794 70795 70796
(8) The refundable credit for Ohio job creation under section 5725.32 of the Revised Code;	70797 70798
(9) The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.	70799 70800 70801 70802
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	70803 70804 70805 70806 70807 70808 70809 70810
<b>Sec. 5726.50.</b> (A) A taxpayer may claim a refundable tax	70811

credit against the tax imposed under this chapter for each person 70812  
included in the annual report of the taxpayer that is granted a 70813  
credit by the tax credit authority under section 122.17 or former 70814  
division (B)(2) or (3) of section 122.171 of the Revised Code as 70815  
those divisions existed before the effective date of the amendment 70816  
of this section by H.B. 64 of the 131st general assembly. Such a 70817  
credit shall not be claimed for any tax year following the 70818  
calendar year in which a relocation of employment positions occurs 70819  
in violation of an agreement entered into under section 122.17 or 70820  
122.171 of the Revised Code. For the purpose of making tax 70821  
payments under this chapter, taxes equal to the amount of the 70822  
refundable credit shall be considered to be paid on the first day 70823  
of the tax year. 70824

(B) A taxpayer may claim a nonrefundable tax credit against 70825  
the tax imposed under this chapter for each person included in the 70826  
annual report of the taxpayer that is granted a nonrefundable 70827  
credit by the tax credit authority under division (B)~~(1)~~ of 70828  
section 122.171 of the Revised Code. A taxpayer may claim against 70829  
the tax imposed by this chapter any unused portion of the credits 70830  
authorized under division (B) of section 5733.0610 of the Revised 70831  
Code. 70832

(C) The credits authorized in divisions (A) and (B) of this 70833  
section shall be claimed in the order required under section 70834  
5726.98 of the Revised Code. If the amount of a credit authorized 70835  
in division (A) of this section exceeds the tax otherwise due 70836  
under section 5726.02 of the Revised Code after deducting all 70837  
other credits preceding the credit in the order prescribed in 70838  
section 5726.98 of the Revised Code, the excess shall be refunded 70839  
to the taxpayer. 70840

**Sec. 5727.031.** (A) For tax year 2009 and each tax year 70841  
thereafter, a person that is engaged in some other primary 70842

business to which the supplying of electricity to others is 70843  
incidental shall file a report under section 5727.08 of the 70844  
Revised Code as an electric company but shall only report therein 70845  
as taxable property the amounts required in divisions (B) and (C) 70846  
of this section. All time limits and other procedural requirements 70847  
of this chapter for the reporting and assessment of property of 70848  
electric companies apply to persons required to file a report 70849  
under this section. For the purposes of this section, "the 70850  
supplying of electricity to others" shall not include donating all 70851  
of the electricity a person generates to a political subdivision 70852  
of the state. 70853

(B) A person subject to this section shall report the true 70854  
value of the boilers, machinery, equipment, and any personal 70855  
property used to supply electricity to others, which shall be the 70856  
sum of the following: 70857

(1) The true value of the property that is production 70858  
equipment as it would be determined for an electric company under 70859  
section 5727.11 of the Revised Code multiplied by the per cent of 70860  
the electricity generated in the preceding calendar year that was 70861  
not used by the person who generated it; plus 70862

(2) The true value of the property that is not production 70863  
equipment as it would be determined for an electric company under 70864  
section 5727.11 of the Revised Code multiplied by the per cent of 70865  
the electricity generated in the preceding calendar year that was 70866  
not used by the person who generated it. 70867

(C) The property reported under division (B) of this section 70868  
shall be listed and assessed at an amount equal to the sum of the 70869  
products determined under divisions (C)(1) and (2) of this 70870  
section. 70871

(1) Multiply the portion of the true value determined under 70872  
division (B)(1) of this section by the assessment rate in section 70873

5727.111 of the Revised Code that is applicable to the production 70874  
equipment of an electric company; 70875

(2) Multiply the portion of the true value determined under 70876  
division (B)(2) of this section by the assessment rate in section 70877  
5727.111 of the Revised Code that is applicable to the property of 70878  
an electric company that is not production equipment. 70879

**Sec. 5727.111.** The taxable property of each public utility, 70880  
except a railroad company, and of each interexchange 70881  
telecommunications company shall be assessed at the following 70882  
percentages of true value: 70883

(A) In the case of a rural electric company, fifty per cent 70884  
in the case of its taxable transmission and distribution property 70885  
and its energy conversion equipment, and twenty-five per cent for 70886  
all its other taxable property; 70887

(B) In the case of a telephone or telegraph company, 70888  
twenty-five per cent for taxable property first subject to 70889  
taxation in this state for tax year 1995 or thereafter for tax 70890  
years before tax year 2007, and pursuant to division (H) of 70891  
section 5711.22 of the Revised Code for tax year 2007 and 70892  
thereafter, and the following for all other taxable property: 70893

(1) For tax years prior to 2005, eighty-eight per cent; 70894

(2) For tax year 2005, sixty-seven per cent; 70895

(3) For tax year 2006, forty-six per cent; 70896

(4) For tax year 2007 and thereafter, pursuant to division 70897  
(H) of section 5711.22 of the Revised Code. 70898

(C) Twenty-five per cent in the case of a natural gas 70899  
company. 70900

(D) Eighty-eight per cent in the case of a pipe-line, 70901  
~~water works,~~ or heating company; 70902

(E)(1) For tax year 2005, eighty-eight per cent in the case of the taxable transmission and distribution property of an electric company, and twenty-five per cent for all its other taxable property;

(2) For tax year 2006 and each tax year thereafter, in the case of an electric company, eighty-five per cent in the case of its taxable transmission and distribution property and its energy conversion equipment, and twenty-four per cent for all its other taxable property.

(F)(1) Twenty-five per cent in the case of an interexchange telecommunications company for tax years before tax year 2007;

(2) Pursuant to division (H) of section 5711.22 of the Revised Code for tax year 2007 and thereafter.

(G) Twenty-five per cent in the case of a water transportation company;

(H) For tax year 2011 and each tax year thereafter in the case of an energy company, twenty-four per cent in the case of its taxable production equipment, and eighty-five per cent for all its other taxable property.

(I) In the case of a water-works company, twenty-five per cent for taxable property first subject to taxation in this state for tax year 2015 or thereafter, and eighty-eight per cent for all its other taxable property.

**Sec. 5727.80.** As used in sections 5727.80 to 5727.95 of the Revised Code:

(A) "Electric distribution company" means either of the following:

(1) A person who distributes electricity through a meter of an end user in this state or to an unmetered location in this state;

(2) The end user of electricity in this state, if the end user obtains electricity that is not distributed or transmitted to the end user by an electric distribution company that is required to remit the tax imposed by section 5727.81 of the Revised Code.  
~~"Electric~~

"Electric distribution company" does not include ~~the~~ an end user of electricity in this state who self-generates electricity that is used directly by that end user on the same site that the electricity is generated or a person that donates all of the electricity the person generates to a political subdivision of the state.

(B) "Kilowatt hour" means one thousand watt hours of electricity.

(C) For an electric distribution company, "meter of an end user in this state" means the last meter used to measure the kilowatt hours distributed by an electric distribution company to a location in this state, or the last meter located outside of this state that is used to measure the kilowatt hours consumed at a location in this state.

(D) "Person" has the same meaning as in section 5701.01 of the Revised Code, but also includes a political subdivision of the state.

(E) "Municipal electric utility" means a municipal corporation that owns or operates a system for the distribution of electricity.

(F) "Qualified end user" means an end user of electricity that uses more than three million kilowatt hours of electricity at one manufacturing location in this state for a calendar day for use in a qualifying manufacturing process.

(G) "Qualified regeneration" means a process to convert electricity to a form of stored energy by means such as using

electricity to compress air for storage or to pump water to an 70964  
elevated storage reservoir, if such stored energy is subsequently 70965  
used to generate electricity for sale to others primarily during 70966  
periods when there is peak demand for electricity. 70967

(H) "Qualified regeneration meter" means the last meter used 70968  
to measure electricity used in a qualified regeneration process. 70969

(I) "Qualifying manufacturing process" means the performance 70970  
of an electrochemical reaction in which electrons from direct 70971  
current electricity remain a part of the product being 70972  
manufactured. 70973

(J) "Self-assessing purchaser" means a purchaser that meets 70974  
all the requirements of, and pays the excise tax in accordance 70975  
with, division (C) of section 5727.81 of the Revised Code. 70976

(K) "Natural gas distribution company" means a natural gas 70977  
company or a combined company, as defined in section 5727.01 of 70978  
the Revised Code, that is subject to the excise tax imposed by 70979  
section 5727.24 of the Revised Code and that distributes natural 70980  
gas through a meter of an end user in this state or to an 70981  
unmetered location in this state. 70982

(L) "MCF" means one thousand cubic feet. 70983

(M) For a natural gas distribution company, "meter of an end 70984  
user in this state" means the last meter used to measure the MCF 70985  
of natural gas distributed by a natural gas distribution company 70986  
to a location in this state, or the last meter located outside of 70987  
this state that is used to measure the natural gas consumed at a 70988  
location in this state. 70989

(N) "Flex customer" means an industrial or a commercial 70990  
facility that has consumed more than one billion cubic feet of 70991  
natural gas a year at a single location during any of the previous 70992  
five years, or an industrial or a commercial end user of natural 70993  
gas that purchases natural gas distribution services from a 70994



natural gas distribution company at discounted rates or charges 70995  
established in any of the following: 70996

(1) A special arrangement subject to review and regulation by 70997  
the public utilities commission under section 4905.31 of the 70998  
Revised Code; 70999

(2) A special arrangement with a natural gas distribution 71000  
company pursuant to a municipal ordinance; 71001

(3) A variable rate schedule that permits rates to vary 71002  
between defined amounts, provided that the schedule is on file 71003  
with the public utilities commission. 71004

An end user that meets this definition on January 1, 2000, or 71005  
thereafter is a "flex customer" for purposes of determining the 71006  
rate of taxation under division (D) of section 5727.811 of the 71007  
Revised Code. 71008

**Sec. 5727.81.** (A) For the purpose of raising revenue ~~for~~ 71009  
~~public education and to fund the needs of this state and its local~~ 71010  
~~government operations governments,~~ an excise tax is hereby levied 71011  
and imposed on an electric distribution company for all 71012  
electricity distributed by such company at the following rates per 71013  
kilowatt hour of electricity distributed in a thirty-day period by 71014  
the company through a meter of an end user in this state: 71015

KILOWATT HOURS DISTRIBUTED	RATE PER	
TO AN END USER	KILOWATT HOUR	
For the first 2,000	\$.00465	71018
For the next 2,001 to 15,000	\$.00419	71019
For 15,001 and above	\$.00363	71020

If no meter is used to measure the kilowatt hours of 71021  
electricity distributed by the company, the rates shall apply to 71022  
the estimated kilowatt hours of electricity distributed to an 71023  
unmetered location in this state. 71024

The electric distribution company shall base the monthly tax on the kilowatt hours of electricity distributed to an end user through the meter of the end user that is not measured for a thirty-day period by dividing the days in the measurement period into the total kilowatt hours measured during the measurement period to obtain a daily average usage. The tax shall be determined by obtaining the sum of divisions (A)(1), (2), and (3) of this section and multiplying that amount by the number of days in the measurement period:

(1) Multiplying \$0.00465 per kilowatt hour for the first sixty-seven kilowatt hours distributed using a daily average;

(2) Multiplying \$0.00419 for the next sixty-eight to five hundred kilowatt hours distributed using a daily average;

(3) Multiplying \$0.00363 for the remaining kilowatt hours distributed using a daily average.

Except as provided in division (C) of this section, the electric distribution company shall pay the tax to the tax commissioner in accordance with section 5727.82 of the Revised Code, unless required to remit each tax payment by electronic funds transfer to the treasurer of state in accordance with section 5727.83 of the Revised Code.

Only the distribution of electricity through a meter of an end user in this state shall be used by the electric distribution company to compute the amount or estimated amount of tax due. In the event a meter is not actually read for a measurement period, the estimated kilowatt hours distributed by an electric distribution company to bill for its distribution charges shall be used.

(B) Except as provided in division (C) of this section, each electric distribution company shall pay the tax imposed by this section in all of the following circumstances:

- (1) The electricity is distributed by the company through a meter of an end user in this state; 71056  
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- (2) The company is distributing electricity through a meter located in another state, but the electricity is consumed in this state in the manner prescribed by the tax commissioner; 71058  
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- (3) The company is distributing electricity in this state without the use of a meter, but the electricity is consumed in this state as estimated and in the manner prescribed by the tax commissioner. 71061  
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- (C)(1) As used in division (C) of this section: 71065
- (a) "Total price of electricity" means the aggregate value in money of anything paid or transferred, or promised to be paid or transferred, to obtain electricity or electric service, including but not limited to the value paid or promised to be paid for the transmission or distribution of electricity and for transition costs as described in Chapter 4928. of the Revised Code. 71066  
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- (b) "Package" means the provision or the acquisition, at a combined price, of electricity with other services or products, or any combination thereof, such as natural gas or other fuels; energy management products, software, and services; machinery and equipment acquisition; and financing agreements. 71072  
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- (c) "Single location" means a facility located on contiguous property separated only by a roadway, railway, or waterway. 71077  
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- (2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds forty-five million kilowatt hours of electricity over the course of the preceding calendar year, or any commercial or industrial purchaser that will consume more than forty-five million kilowatt hours of electricity over the course of the succeeding twelve 71079  
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months as estimated by the tax commissioner. The tax commissioner 71087  
shall make such an estimate upon the written request by an 71088  
applicant for registration as a self-assessing purchaser under 71089  
this division. For the meter reading period including July 1, 71090  
2008, through the meter reading period including December 31, 71091  
2010, such a purchaser may elect to self-assess the excise tax 71092  
imposed by this section at the rate of \$.00075 per kilowatt hour 71093  
on the first five hundred four million kilowatt hours distributed 71094  
to that meter or location during the registration year, and a 71095  
percentage of the total price of all electricity distributed to 71096  
that meter or location equal to three and one-half per cent. For 71097  
the meter reading period including January 1, 2011, and 71098  
thereafter, such a purchaser may elect to self-assess the excise 71099  
tax imposed by this section at the rate of \$.00257 per kilowatt 71100  
hour for the first five hundred million kilowatt hours, and 71101  
\$.001832 per kilowatt hour for each kilowatt hour in excess of 71102  
five hundred million kilowatt hours, distributed to that meter or 71103  
location during the registration year. 71104

A qualified end user that receives electricity through a 71105  
meter of an end user in this state or through more than one meter 71106  
at a single location in this state and that consumes, over the 71107  
course of the previous calendar year, more than forty-five million 71108  
kilowatt hours in other than its qualifying manufacturing process, 71109  
may elect to self-assess the tax as allowed by this division with 71110  
respect to the electricity used in other than its qualifying 71111  
manufacturing process. 71112

Payment of the tax shall be made directly to the tax 71113  
commissioner in accordance with divisions (A)(4) and (5) of 71114  
section 5727.82 of the Revised Code, or the treasurer of state in 71115  
accordance with section 5727.83 of the Revised Code. If the 71116  
electric distribution company serving the self-assessing purchaser 71117  
is a municipal electric utility and the purchaser is within the 71118

municipal corporation's corporate limits, payment shall be made to 71119  
such municipal corporation's general fund and reports shall be 71120  
filed in accordance with divisions (A)(4) and (5) of section 71121  
5727.82 of the Revised Code, except that "municipal corporation" 71122  
shall be substituted for "treasurer of state" and "tax 71123  
commissioner." A self-assessing purchaser that pays the excise tax 71124  
as provided in this division shall not be required to pay the tax 71125  
to the electric distribution company from which its electricity is 71126  
distributed. If a self-assessing purchaser's receipt of 71127  
electricity is not subject to the tax as measured under this 71128  
division, the tax on the receipt of such electricity shall be 71129  
measured and paid as provided in division (A) of this section. 71130

(3) In the case of the acquisition of a package, unless the 71131  
elements of the package are separately stated isolating the total 71132  
price of electricity from the price of the remaining elements of 71133  
the package, the tax imposed under this section applies to the 71134  
entire price of the package. If the elements of the package are 71135  
separately stated, the tax imposed under this section applies to 71136  
the total price of the electricity. 71137

(4) Any electric supplier that sells electricity as part of a 71138  
package shall separately state to the purchaser the total price of 71139  
the electricity and, upon request by the tax commissioner, the 71140  
total price of each of the other elements of the package. 71141

(5) The tax commissioner may adopt rules relating to the 71142  
computation of the total price of electricity with respect to 71143  
self-assessing purchasers, which may include rules to establish 71144  
the total price of electricity purchased as part of a package. 71145

(6) An annual application for registration as a 71146  
self-assessing purchaser shall be made for each qualifying meter 71147  
or location on a form prescribed by the tax commissioner. The 71148  
registration year begins on the first day of May and ends on the 71149  
following thirtieth day of April. Persons may apply after the 71150

first day of May for the remainder of the registration year. In 71151  
the case of an applicant applying on the basis of an estimated 71152  
consumption of forty-five million kilowatt hours over the course 71153  
of the succeeding twelve months, the applicant shall provide such 71154  
information as the tax commissioner considers to be necessary to 71155  
estimate such consumption. At the time of making the application 71156  
and by the first day of May of each year, a self-assessing 71157  
purchaser shall pay a fee of five hundred dollars to the tax 71158  
commissioner, or to the treasurer of state as provided in section 71159  
5727.83 of the Revised Code, for each qualifying meter or 71160  
location. The tax commissioner shall immediately pay to the 71161  
treasurer of state all amounts that the tax commissioner receives 71162  
under this section. The treasurer of state shall deposit such 71163  
amounts into the kilowatt hour excise tax administration fund, 71164  
which is hereby created in the state treasury. Money in the fund 71165  
shall be used to defray the tax commissioner's cost in 71166  
administering the tax owed under section 5727.81 of the Revised 71167  
Code by self-assessing purchasers. After the application is 71168  
approved by the tax commissioner, the registration shall remain in 71169  
effect for the current registration year, or until canceled by the 71170  
registrant upon written notification to the commissioner of the 71171  
election to pay the tax in accordance with division (A) of this 71172  
section, or until canceled by the tax commissioner for not paying 71173  
the tax or fee under division (C) of this section or for not 71174  
meeting the qualifications in division (C)(2) of this section. The 71175  
tax commissioner shall give written notice to the electric 71176  
distribution company from which electricity is delivered to a 71177  
self-assessing purchaser of the purchaser's self-assessing status, 71178  
and the electric distribution company is relieved of the 71179  
obligation to pay the tax imposed by division (A) of this section 71180  
for electricity distributed to that self-assessing purchaser until 71181  
it is notified by the tax commissioner that the self-assessing 71182  
purchaser's registration is canceled. Within fifteen days of 71183

notification of the canceled registration, the electric 71184  
distribution company shall be responsible for payment of the tax 71185  
imposed by division (A) of this section on electricity distributed 71186  
to a purchaser that is no longer registered as a self-assessing 71187  
purchaser. A self-assessing purchaser with a canceled registration 71188  
must file a report and remit the tax imposed by division (A) of 71189  
this section on all electricity it receives for any measurement 71190  
period prior to the tax being reported and paid by the electric 71191  
distribution company. A self-assessing purchaser whose 71192  
registration is canceled by the tax commissioner is not eligible 71193  
to register as a self-assessing purchaser for two years after the 71194  
registration is canceled. 71195

(7) If the tax commissioner cancels the self-assessing 71196  
registration of a purchaser registered on the basis of its 71197  
estimated consumption because the purchaser does not consume at 71198  
least forty-five million kilowatt hours of electricity over the 71199  
course of the twelve-month period for which the estimate was made, 71200  
the tax commissioner shall assess and collect from the purchaser 71201  
the difference between (a) the amount of tax that would have been 71202  
payable under division (A) of this section on the electricity 71203  
distributed to the purchaser during that period and (b) the amount 71204  
of tax paid by the purchaser on such electricity pursuant to 71205  
division (C)(2) of this section. The assessment shall be paid 71206  
within sixty days after the tax commissioner issues it, regardless 71207  
of whether the purchaser files a petition for reassessment under 71208  
section 5727.89 of the Revised Code covering that period. If the 71209  
purchaser does not pay the assessment within the time prescribed, 71210  
the amount assessed is subject to the additional charge and the 71211  
interest prescribed by divisions (B) and (C) of section 5727.82 of 71212  
the Revised Code, and is subject to assessment under section 71213  
5727.89 of the Revised Code. If the purchaser is a qualified end 71214  
user, division (C)(7) of this section applies only to electricity 71215  
it consumes in other than its qualifying manufacturing process. 71216

(D) The tax imposed by this section does not apply to the 71217  
distribution of any kilowatt hours of electricity to the federal 71218  
government, to an end user located at a federal facility that uses 71219  
electricity for the enrichment of uranium, to a qualified 71220  
regeneration meter, or to an end user for any day the end user is 71221  
a qualified end user. The exemption under this division for a 71222  
qualified end user only applies to the manufacturing location 71223  
where the qualified end user uses more than three million kilowatt 71224  
hours per day in a qualifying manufacturing process. 71225

(E) All revenue arising from the tax imposed by this section 71226  
shall be credited to the general revenue fund except as provided 71227  
by division (C) of this section and section 5727.82 of the Revised 71228  
Code. 71229

**Sec. 5727.811.** (A) For the purpose of raising revenue ~~for~~ 71230  
~~public education and to fund the needs of this state and its local~~ 71231  
~~government operations governments,~~ an excise tax is hereby levied 71232  
on every natural gas distribution company for all natural gas 71233  
volumes billed by, or on behalf of, the company beginning with the 71234  
measurement period that includes July 1, 2001. Except as provided 71235  
in divisions (C) or (D) of this section, the tax shall be levied 71236  
at the following rates per MCF of natural gas distributed by the 71237  
company through a meter of an end user in this state: 71238

MCF DISTRIBUTED TO AN END USER	RATE PER MCF	
For the first 100 MCF per month	\$.1593	71239
For the next 101 to 2000 MCF per month	\$.0877	71240
For 2001 and above MCF per month	\$.0411	71241

If no meter is used to measure the MCF of natural gas 71243  
distributed by the company, the rates shall apply to the estimated 71244  
MCF of natural gas distributed to an unmetered location in this 71245  
state. 71246

(B) A natural gas distribution company shall base the tax on 71247



the MCF of natural gas distributed to an end user through the meter of the end user in this state that is estimated to be consumed by the end user as reflected on the end user's customer statement from the natural gas distribution company. Until January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the treasurer of state in accordance with section 5727.82 of the Revised Code. Beginning January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the tax commissioner in accordance with section 5727.82 of the Revised Code unless required to remit payment to the treasurer of state in accordance with section 5727.83 of the Revised Code.

(C) A natural gas distribution company with seventy thousand customers or less may elect to apply the rates specified in division (A) of this section to the aggregate of the natural gas distributed by the company through the meter of all its customers in this state, and upon such election, this method shall be used to determine the amount of tax to be paid by such company.

(D) A natural gas distribution company shall pay the tax imposed by this section at the rate of \$.02 per MCF of natural gas distributed by the company through the meter of a flex customer. The natural gas distribution company correspondingly shall reduce the per MCF rate that it charges the flex customer for natural gas distribution services by \$.02 per MCF of natural gas distributed to the flex customer.

(E) Except as provided in division (F) of this section, each natural gas distribution company shall pay the tax imposed by this section in all of the following circumstances:

(1) The natural gas is distributed by the company through a meter of an end user in this state;

(2) The natural gas distribution company is distributing

natural gas through a meter located in another state, but the 71279  
natural gas is consumed in this state in the manner prescribed by 71280  
the tax commissioner; 71281

(3) The natural gas distribution company is distributing 71282  
natural gas in this state without the use of a meter, but the 71283  
natural gas is consumed in this state as estimated and in the 71284  
manner prescribed by the tax commissioner. 71285

(F) The tax levied by this section does not apply to the 71286  
distribution of natural gas to the federal government, or natural 71287  
gas produced by an end user in this state that is consumed by that 71288  
end user or its affiliates and is not distributed through the 71289  
facilities of a natural gas company. 71290

(G) All revenue arising from the tax imposed by this section 71291  
shall be credited to the general revenue fund. 71292

**Sec. 5727.84.** ~~(A)~~ No determinations, computations, 71293  
certifications, or payments shall be made under this section after 71294  
June 30, 2015. 71295

(A) As used in this section and sections 5727.85, 5727.86, 71296  
and 5727.87 of the Revised Code: 71297

(1) "School district" means a city, local, or exempted 71298  
village school district. 71299

(2) "Joint vocational school district" means a joint 71300  
vocational school district created under section 3311.16 of the 71301  
Revised Code, and includes a cooperative education school district 71302  
created under section 3311.52 or 3311.521 of the Revised Code and 71303  
a county school financing district created under section 3311.50 71304  
of the Revised Code. 71305

(3) "Local taxing unit" means a subdivision or taxing unit, 71306  
as defined in section 5705.01 of the Revised Code, a park district 71307  
created under Chapter 1545. of the Revised Code, or a township 71308

park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts. 71309  
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(4) "State education aid," for a school district, means the following: 71312  
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(a) For fiscal years prior to fiscal year 2010, the sum of state aid amounts computed for the district under former sections 3317.029, 3317.052, and 3317.053 of the Revised Code and the following provisions, as they existed for the applicable fiscal year: divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) of section 3317.023; divisions (G), (L), and (N) of section 3317.024; and sections 3317.0216, 3317.0217, 3317.04, and 3317.05 of the Revised Code; and the adjustments required by: division (C) of section 3310.08; division (C)(2) of section 3310.41; division (C) of section 3314.08; division (D)(2) of section 3314.091; division (D) of former section 3314.13; divisions (E), (K), (L), (M), and (N) of section 3317.023; division (C) of section 3317.20; and sections 3313.979 and 3313.981 of the Revised Code. However, when calculating state education aid for a school district for fiscal years 2008 and 2009, include the amount computed for the district under Section 269.20.80 of H.B. 119 of the 127th general assembly, as subsequently amended, instead of division (D) of section 3317.022 of the Revised Code; and include amounts calculated under Section 269.30.80 of H.B. 119 of the 127th general assembly, as subsequently amended. 71314  
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(b) For fiscal years 2010 and 2011, the sum of the amounts computed for the district under former sections 3306.052, 3306.12, 3306.13, 3306.19, 3306.191, 3306.192, 3317.052, and 3317.053 of the Revised Code and the following provisions, as they existed for the applicable fiscal year: division (G) of section 3317.024; section 3317.05 of the Revised Code; and the adjustments required 71335  
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by division (C) of section 3310.08; division (C)(2) of section 71341  
3310.41; division (C) of section 3314.08; division (D)(2) of 71342  
section 3314.091; division (D) of former section 3314.13; 71343  
divisions (E), (K), (L), (M), and (N) of section 3317.023; 71344  
division (C) of section 3317.20; and sections 3313.979, 3313.981, 71345  
and 3326.33 of the Revised Code. 71346

(c) For fiscal years 2012 and 2013, the amount paid in 71347  
accordance with the section of H.B. 153 of the 129th general 71348  
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 71349  
SCHOOL DISTRICTS" and the adjustments required by division (C) of 71350  
section 3310.08; division (C)(2) of section 3310.41; section 71351  
3310.55; division (C) of section 3314.08; division (D)(2) of 71352  
section 3314.091; division (D) of former section 3314.13; 71353  
divisions (B), (H), (I), (J), and (K) of section 3317.023; 71354  
division (C) of section 3317.20; and sections 3313.979 and 71355  
3313.981 of the Revised Code; 71356

(d) For fiscal year 2014 and each fiscal year thereafter, the 71357  
sum of amounts computed for and paid to the district under section 71358  
3317.022 of the Revised Code; and the adjustments required by 71359  
division (C) of section 3310.08, division (C)(2) of section 71360  
3310.41, section 3310.55, division (C) of section 3314.08, 71361  
division (D)(2) of section 3314.091, divisions (B), (H), (J), and 71362  
(K) of section 3317.023, and sections 3313.978, 3313.981, 71363  
3317.0212, 3317.0213, 3317.0214, and 3326.33 of the Revised Code. 71364  
However, for fiscal years 2014 and 2015, the amount computed for 71365  
the district under the section of this act entitled "TRANSITIONAL 71366  
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" also 71367  
shall be included. 71368

(5) "State education aid," for a joint vocational school 71369  
district, means the following: 71370

(a) For fiscal years prior to fiscal year 2010, the sum of 71371  
the state aid amounts computed for the district under division (N) 71372

of section 3317.024 and section 3317.16 of the Revised Code. 71373  
However, when calculating state education aid for a joint 71374  
vocational school district for fiscal years 2008 and 2009, include 71375  
the amount computed for the district under Section 269.30.90 of 71376  
H.B. 119 of the 127th general assembly, as subsequently amended. 71377

(b) For fiscal years 2010 and 2011, the amount computed for 71378  
the district in accordance with the section of H.B. 1 of the 128th 71379  
general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 71380  
DISTRICTS." 71381

(c) For fiscal years 2012 and 2013, the amount paid in 71382  
accordance with the section of H.B. 153 of the 129th general 71383  
assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 71384

(d) For fiscal year 2014 and each fiscal year thereafter, the 71385  
amount computed for the district under section 3317.16 of the 71386  
Revised Code; except that, for fiscal years 2014 and 2015, the 71387  
amount computed for the district under the section of this act 71388  
entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" 71389  
shall be included. 71390

(6) "State education aid offset" means the amount determined 71391  
for each school district or joint vocational school district under 71392  
division (A)(1) of section 5727.85 of the Revised Code. 71393

(7) "Recognized valuation" means the amount computed for a 71394  
school district pursuant to section 3317.015 of the Revised Code. 71395

(8) "Electric company tax value loss" means the amount 71396  
determined under division (D) of this section. 71397

(9) "Natural gas company tax value loss" means the amount 71398  
determined under division (E) of this section. 71399

(10) "Tax value loss" means the sum of the electric company 71400  
tax value loss and the natural gas company tax value loss. 71401

(11) "Fixed-rate levy" means any tax levied on property other 71402

than a fixed-sum levy. 71403

(12) "Fixed-rate levy loss" means the amount determined under 71404  
division (G) of this section. 71405

(13) "Fixed-sum levy" means a tax levied on property at 71406  
whatever rate is required to produce a specified amount of tax 71407  
money or levied in excess of the ten-mill limitation to pay debt 71408  
charges, and includes school district emergency levies charged and 71409  
payable pursuant to section 5705.194 of the Revised Code. 71410

(14) "Fixed-sum levy loss" means the amount determined under 71411  
division (H) of this section. 71412

(15) "Consumer price index" means the consumer price index 71413  
(all items, all urban consumers) prepared by the bureau of labor 71414  
statistics of the United States department of labor. 71415

(16) "Total resources" and "total library resources" have the 71416  
same meanings as in section 5751.20 of the Revised Code. 71417

(17) "2011 current expense S.B. 3 allocation" means the sum 71418  
of payments received by a school district or joint vocational 71419  
school district in fiscal year 2011 for current expense levy 71420  
losses pursuant to division (C)(2) of section 5727.85 of the 71421  
Revised Code. If a fixed-rate levy eligible for reimbursement is 71422  
not charged and payable in any year after tax year 2010, "2011 71423  
current expense S.B. 3 allocation" used to compute payments to be 71424  
made under division (C)(3) of section 5727.85 of the Revised Code 71425  
in the tax years following the last year the levy is charged and 71426  
payable shall be reduced to the extent that those payments are 71427  
attributable to the fixed-rate levy loss of that levy. 71428

(18) "2010 current expense S.B. 3 allocation" means the sum 71429  
of payments received by a municipal corporation in calendar year 71430  
2010 for current expense levy losses pursuant to division (A)(1) 71431  
of section 5727.86 of the Revised Code, excluding any such 71432  
payments received for current expense levy losses attributable to 71433

a tax levied under section 5705.23 of the Revised Code. If a 71434  
fixed-rate levy eligible for reimbursement is not charged and 71435  
payable in any year after tax year 2010, "2010 current expense 71436  
S.B. 3 allocation" used to compute payments to be made under 71437  
division (A)(1)(d) or (e) of section 5727.86 of the Revised Code 71438  
in the tax years following the last year the levy is charged and 71439  
payable shall be reduced to the extent that those payments are 71440  
attributable to the fixed-rate levy loss of that levy. 71441

(19) "2010 S.B. 3 allocation" means the sum of payments 71442  
received by a local taxing unit during calendar year 2010 pursuant 71443  
to division (A)(1) of section 5727.86 of the Revised Code, 71444  
excluding any such payments received for fixed-rate levy losses 71445  
attributable to a tax levied under section 5705.23 of the Revised 71446  
Code. If a fixed-rate levy eligible for reimbursement is not 71447  
charged and payable in any year after tax year 2010, "2010 S.B. 3 71448  
allocation" used to compute payments to be made under division 71449  
(A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax 71450  
years following the last year the levy is charged and payable 71451  
shall be reduced to the extent that those payments are 71452  
attributable to the fixed-rate levy loss of that levy. 71453

(20) "Total S.B. 3 allocation" means, in the case of a school 71454  
district or joint vocational school district, the sum of the 71455  
payments received in fiscal year 2011 pursuant to divisions (C)(2) 71456  
and (D) of section 5727.85 of the Revised Code. In the case of a 71457  
local taxing unit, "total S.B. 3 allocation" means the sum of 71458  
payments received by the unit in calendar year 2010 pursuant to 71459  
divisions (A)(1) and (4) of section 5727.86 of the Revised Code, 71460  
excluding any such payments received for fixed-rate levy losses 71461  
attributable to a tax levied under section 5705.23 of the Revised 71462  
Code. If a fixed-rate levy eligible for reimbursement is not 71463  
charged and payable in any year after tax year 2010, "total S.B. 3 71464  
allocation" used to compute payments to be made under division 71465

(C)(3) of section 5727.85 or division (A)(1)(d) or (e) of section 71466  
5727.86 of the Revised Code in the tax years following the last 71467  
year the levy is charged and payable shall be reduced to the 71468  
extent that those payments are attributable to the fixed-rate levy 71469  
loss of that levy as would be computed under division (C)(2) of 71470  
section 5727.85 or division (A)(1)(b) of section 5727.86 of the 71471  
Revised Code. 71472

(21) "2011 non-current expense S.B. 3 allocation" means the 71473  
difference of a school district's or joint vocational school 71474  
district's total S.B. 3 allocation minus the sum of the school 71475  
district's 2011 current expense S.B. 3 allocation and the portion 71476  
of the school district's total S.B. 3 allocation constituting 71477  
reimbursement for debt levies pursuant to division (D) of section 71478  
5727.85 of the Revised Code. 71479

(22) "2010 non-current expense S.B. 3 allocation" means the 71480  
difference of a municipal corporation's total S.B. 3 allocation 71481  
minus the sum of its 2010 current expense S.B. 3 allocation and 71482  
the portion of its total S.B. 3 allocation constituting 71483  
reimbursement for debt levies pursuant to division (A)(4) of 71484  
section 5727.86 of the Revised Code. 71485

(23) "S.B. 3 allocation for library purposes" means, in the 71486  
case of a county, municipal corporation, school district, or 71487  
township public library that receives the proceeds of a tax levied 71488  
under section 5705.23 of the Revised Code, the sum of the payments 71489  
received by the public library in calendar year 2010 pursuant to 71490  
section 5727.86 of the Revised Code for fixed-rate levy losses 71491  
attributable to a tax levied under section 5705.23 of the Revised 71492  
Code. If a fixed-rate levy authorized under section 5705.23 of the 71493  
Revised Code that is eligible for reimbursement is not charged and 71494  
payable in any year after tax year 2010, "S.B. 3 allocation for 71495  
library purposes" used to compute payments to be made under 71496  
division (A)(1)(f) of section 5727.86 of the Revised Code in the 71497



tax years following the last year the levy is charged and payable 71498  
shall be reduced to the extent that those payments are 71499  
attributable to the fixed-rate levy loss of that levy as would be 71500  
computed under division (A)(1)(b) of section 5727.86 of the 71501  
Revised Code. 71502

(24) "Threshold per cent" means, in the case of a school 71503  
district or joint vocational school district, two per cent for 71504  
fiscal year 2012 and four per cent for fiscal years 2013 and 71505  
thereafter. In the case of a local taxing unit or public library 71506  
that receives the proceeds of a tax levied under section 5705.23 71507  
of the Revised Code, "threshold per cent" means two per cent for 71508  
calendar year 2011, four per cent for calendar year 2012, and six 71509  
per cent for calendar years 2013 and thereafter. 71510

(B) The kilowatt-hour tax receipts fund is hereby created in 71511  
the state treasury and shall consist of money arising from the tax 71512  
imposed by section 5727.81 of the Revised Code. All money in the 71513  
kilowatt-hour tax receipts fund shall be credited as follows: 71514

Fiscal Year	General Revenue Fund	School District		Local Government		
		Property Tax Replacement Fund	Property Tax Replacement Fund	Property Tax Replacement Fund	Property Tax Replacement Fund	
2001-2011	63.0%	25.4%		11.6%		71516
<del>2012 and</del> thereafter <u>2012-2015</u>	88.0%	9.0%		3.0%		71517

(C) The natural gas tax receipts fund is hereby created in 71518  
the state treasury and shall consist of money arising from the tax 71519  
imposed by section 5727.811 of the Revised Code. All money in the 71520  
fund shall be credited as follows+ 71521

~~(1) For~~ for fiscal years before fiscal year 2012: 71522

~~(a)~~ (1) Sixty-eight and seven-tenths per cent shall be 71523  
credited to the school district property tax replacement fund for 71524

the purpose of making the payments described in section 5727.85 of 71525  
the Revised Code. 71526

~~(b)(2)~~ Thirty-one and three-tenths per cent shall be credited 71527  
to the local government property tax replacement fund for the 71528  
purpose of making the payments described in section 5727.86 of the 71529  
Revised Code. 71530

~~(2) For fiscal years 2012 and thereafter, one hundred per 71531  
cent to the general revenue fund.~~ 71532

(D) Not later than January 1, 2002, the tax commissioner 71533  
shall determine for each taxing district its electric company tax 71534  
value loss, which is the sum of the applicable amounts described 71535  
in divisions (D)(1) to (4) of this section: 71536

(1) The difference obtained by subtracting the amount 71537  
described in division (D)(1)(b) from the amount described in 71538  
division (D)(1)(a) of this section. 71539

(a) The value of electric company and rural electric company 71540  
tangible personal property as assessed by the tax commissioner for 71541  
tax year 1998 on a preliminary assessment, or an amended 71542  
preliminary assessment if issued prior to March 1, 1999, and as 71543  
apportioned to the taxing district for tax year 1998; 71544

(b) The value of electric company and rural electric company 71545  
tangible personal property as assessed by the tax commissioner for 71546  
tax year 1998 had the property been apportioned to the taxing 71547  
district for tax year 2001, and assessed at the rates in effect 71548  
for tax year 2001. 71549

(2) The difference obtained by subtracting the amount 71550  
described in division (D)(2)(b) from the amount described in 71551  
division (D)(2)(a) of this section. 71552

(a) The three-year average for tax years 1996, 1997, and 1998 71553  
of the assessed value from nuclear fuel materials and assemblies 71554

assessed against a person under Chapter 5711. of the Revised Code 71555  
from the leasing of them to an electric company for those 71556  
respective tax years, as reflected in the preliminary assessments; 71557

(b) The three-year average assessed value from nuclear fuel 71558  
materials and assemblies assessed under division (D)(2)(a) of this 71559  
section for tax years 1996, 1997, and 1998, as reflected in the 71560  
preliminary assessments, using an assessment rate of twenty-five 71561  
per cent. 71562

(3) In the case of a taxing district having a nuclear power 71563  
plant within its territory, any amount, resulting in an electric 71564  
company tax value loss, obtained by subtracting the amount 71565  
described in division (D)(1) of this section from the difference 71566  
obtained by subtracting the amount described in division (D)(3)(b) 71567  
of this section from the amount described in division (D)(3)(a) of 71568  
this section. 71569

(a) The value of electric company tangible personal property 71570  
as assessed by the tax commissioner for tax year 2000 on a 71571  
preliminary assessment, or an amended preliminary assessment if 71572  
issued prior to March 1, 2001, and as apportioned to the taxing 71573  
district for tax year 2000; 71574

(b) The value of electric company tangible personal property 71575  
as assessed by the tax commissioner for tax year 2001 on a 71576  
preliminary assessment, or an amended preliminary assessment if 71577  
issued prior to March 1, 2002, and as apportioned to the taxing 71578  
district for tax year 2001. 71579

(4) In the case of a taxing district having a nuclear power 71580  
plant within its territory, the difference obtained by subtracting 71581  
the amount described in division (D)(4)(b) of this section from 71582  
the amount described in division (D)(4)(a) of this section, 71583  
provided that such difference is greater than ten per cent of the 71584  
amount described in division (D)(4)(a) of this section. 71585

(a) The value of electric company tangible personal property 71586  
as assessed by the tax commissioner for tax year 2005 on a 71587  
preliminary assessment, or an amended preliminary assessment if 71588  
issued prior to March 1, 2006, and as apportioned to the taxing 71589  
district for tax year 2005; 71590

(b) The value of electric company tangible personal property 71591  
as assessed by the tax commissioner for tax year 2006 on a 71592  
preliminary assessment, or an amended preliminary assessment if 71593  
issued prior to March 1, 2007, and as apportioned to the taxing 71594  
district for tax year 2006. 71595

(E) Not later than January 1, 2002, the tax commissioner 71596  
shall determine for each taxing district its natural gas company 71597  
tax value loss, which is the sum of the amounts described in 71598  
divisions (E)(1) and (2) of this section: 71599

(1) The difference obtained by subtracting the amount 71600  
described in division (E)(1)(b) from the amount described in 71601  
division (E)(1)(a) of this section. 71602

(a) The value of all natural gas company tangible personal 71603  
property, other than property described in division (E)(2) of this 71604  
section, as assessed by the tax commissioner for tax year 1999 on 71605  
a preliminary assessment, or an amended preliminary assessment if 71606  
issued prior to March 1, 2000, and apportioned to the taxing 71607  
district for tax year 1999; 71608

(b) The value of all natural gas company tangible personal 71609  
property, other than property described in division (E)(2) of this 71610  
section, as assessed by the tax commissioner for tax year 1999 had 71611  
the property been apportioned to the taxing district for tax year 71612  
2001, and assessed at the rates in effect for tax year 2001. 71613

(2) The difference in the value of current gas obtained by 71614  
subtracting the amount described in division (E)(2)(b) from the 71615  
amount described in division (E)(2)(a) of this section. 71616

(a) The three-year average assessed value of current gas as 71617  
assessed by the tax commissioner for tax years 1997, 1998, and 71618  
1999 on a preliminary assessment, or an amended preliminary 71619  
assessment if issued prior to March 1, 2001, and as apportioned in 71620  
the taxing district for those respective years; 71621

(b) The three-year average assessed value from current gas 71622  
under division (E)(2)(a) of this section for tax years 1997, 1998, 71623  
and 1999, as reflected in the preliminary assessment, using an 71624  
assessment rate of twenty-five per cent. 71625

(F) The tax commissioner may request that natural gas 71626  
companies, electric companies, and rural electric companies file a 71627  
report to help determine the tax value loss under divisions (D) 71628  
and (E) of this section. The report shall be filed within thirty 71629  
days of the commissioner's request. A company that fails to file 71630  
the report or does not timely file the report is subject to the 71631  
penalty in section 5727.60 of the Revised Code. 71632

(G) Not later than January 1, 2002, the tax commissioner 71633  
shall determine for each school district, joint vocational school 71634  
district, and local taxing unit its fixed-rate levy loss, which is 71635  
the sum of its electric company tax value loss multiplied by the 71636  
tax rate in effect in tax year 1998 for fixed-rate levies and its 71637  
natural gas company tax value loss multiplied by the tax rate in 71638  
effect in tax year 1999 for fixed-rate levies. 71639

(H) Not later than January 1, 2002, the tax commissioner 71640  
shall determine for each school district, joint vocational school 71641  
district, and local taxing unit its fixed-sum levy loss, which is 71642  
the amount obtained by subtracting the amount described in 71643  
division (H)(2) of this section from the amount described in 71644  
division (H)(1) of this section: 71645

(1) The sum of the electric company tax value loss multiplied 71646  
by the tax rate in effect in tax year 1998, and the natural gas 71647

company tax value loss multiplied by the tax rate in effect in tax 71648  
year 1999, for fixed-sum levies for all taxing districts within 71649  
each school district, joint vocational school district, and local 71650  
taxing unit. For the years 2002 through 2006, this computation 71651  
shall include school district emergency levies that existed in 71652  
1998 in the case of the electric company tax value loss, and 1999 71653  
in the case of the natural gas company tax value loss, and all 71654  
other fixed-sum levies that existed in 1998 in the case of the 71655  
electric company tax value loss and 1999 in the case of the 71656  
natural gas company tax value loss and continue to be charged in 71657  
the tax year preceding the distribution year. For the years 2007 71658  
through 2016 in the case of school district emergency levies, and 71659  
for all years after 2006 in the case of all other fixed-sum 71660  
levies, this computation shall exclude all fixed-sum levies that 71661  
existed in 1998 in the case of the electric company tax value loss 71662  
and 1999 in the case of the natural gas company tax value loss, 71663  
but are no longer in effect in the tax year preceding the 71664  
distribution year. For the purposes of this section, an emergency 71665  
levy that existed in 1998 in the case of the electric company tax 71666  
value loss, and 1999 in the case of the natural gas company tax 71667  
value loss, continues to exist in a year beginning on or after 71668  
January 1, 2007, but before January 1, 2017, if, in that year, the 71669  
board of education levies a school district emergency levy for an 71670  
annual sum at least equal to the annual sum levied by the board in 71671  
tax year 1998 or 1999, respectively, less the amount of the 71672  
payment certified under this division for 2002. 71673

(2) The total taxable value in tax year 1999 less the tax 71674  
value loss in each school district, joint vocational school 71675  
district, and local taxing unit multiplied by one-fourth of one 71676  
mill. 71677

If the amount computed under division (H) of this section for 71678  
any school district, joint vocational school district, or local 71679

taxing unit is greater than zero, that amount shall equal the 71680  
fixed-sum levy loss reimbursed pursuant to division (F) of section 71681  
5727.85 of the Revised Code or division (A)(2) of section 5727.86 71682  
of the Revised Code, and the one-fourth of one mill that is 71683  
subtracted under division (H)(2) of this section shall be 71684  
apportioned among all contributing fixed-sum levies in the 71685  
proportion of each levy to the sum of all fixed-sum levies within 71686  
each school district, joint vocational school district, or local 71687  
taxing unit. 71688

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 71689  
section, in computing the tax value loss, fixed-rate levy loss, 71690  
and fixed-sum levy loss, the tax commissioner shall use the 71691  
greater of the 1998 tax rate or the 1999 tax rate in the case of 71692  
levy losses associated with the electric company tax value loss, 71693  
but the 1999 tax rate shall not include for this purpose any tax 71694  
levy approved by the voters after June 30, 1999, and the tax 71695  
commissioner shall use the greater of the 1999 or the 2000 tax 71696  
rate in the case of levy losses associated with the natural gas 71697  
company tax value loss. 71698

(J) Not later than January 1, 2002, the tax commissioner 71699  
shall certify to the department of education the tax value loss 71700  
determined under divisions (D) and (E) of this section for each 71701  
taxing district, the fixed-rate levy loss calculated under 71702  
division (G) of this section, and the fixed-sum levy loss 71703  
calculated under division (H) of this section. The calculations 71704  
under divisions (G) and (H) of this section shall separately 71705  
display the levy loss for each levy eligible for reimbursement. 71706

(K) Not later than September 1, 2001, the tax commissioner 71707  
shall certify the amount of the fixed-sum levy loss to the county 71708  
auditor of each county in which a school district with a fixed-sum 71709  
levy loss has territory. 71710

Sec. 5727.85. ~~(A)~~ No determinations, computations, 71711  
certifications, or payments shall be made under this section after 71712  
June 30, 2015. 71713

(A) By the thirty-first day of July of each year, beginning 71714  
in 2002 and ending in 2010, the department of education shall 71715  
determine the following for each school district and each joint 71716  
vocational school district: 71717

(1) The state education aid offset, which, except as provided 71718  
in division (A)(1)(c) of this section, is the difference obtained 71719  
by subtracting the amount described in division (A)(1)(b) of this 71720  
section from the amount described in division (A)(1)(a) of this 71721  
section: 71722

(a) The state education aid computed for the school district 71723  
or joint vocational school district for the current fiscal year as 71724  
of the thirty-first day of July; 71725

(b) The state education aid that would be computed for the 71726  
school district or joint vocational school district for the 71727  
current fiscal year as of the thirty-first day of July if the 71728  
recognized valuation included the tax value loss for the school 71729  
district or joint vocational school district; 71730

(c) The state education aid offset for fiscal year 2010 and 71731  
fiscal year 2011 equals the greater of the state education aid 71732  
offset calculated for that fiscal year under divisions (A)(1)(a) 71733  
and (b) of this section or the state education aid offset 71734  
calculated for fiscal year 2009. 71735

(2) For fiscal years 2008 through 2011, the greater of zero 71736  
or the difference obtained by subtracting the state education aid 71737  
offset determined under division (A)(1) of this section from the 71738  
fixed-rate levy loss certified under division (J) of section 71739  
5727.84 of the Revised Code for all taxing districts in each 71740



school district and joint vocational school district. 71741

By the fifth day of August of each such year, the department 71742  
of education shall certify the amount so determined under division 71743  
(A)(1) of this section to the director of budget and management. 71744

(B) Not later than the thirty-first day of October of the 71745  
years 2006 through 2010, the department of education shall 71746  
determine all of the following for each school district: 71747

(1) The amount obtained by subtracting the district's state 71748  
education aid computed for fiscal year 2002 from the district's 71749  
state education aid computed for the current fiscal year as of the 71750  
fifteenth day of July, by including in the definition of 71751  
recognized valuation the machinery and equipment, inventory, 71752  
furniture and fixtures, and telephone property tax value losses, 71753  
as defined in section 5751.20 of the Revised Code, for the school 71754  
district or joint vocational school district for the preceding tax 71755  
year; 71756

(2) The inflation-adjusted property tax loss. The 71757  
inflation-adjusted property tax loss equals the fixed-rate levy 71758  
loss, excluding the tax loss from levies within the ten-mill 71759  
limitation to pay debt charges, determined under division ~~(G)~~(D) 71760  
of section 5727.84 of the Revised Code for all taxing districts in 71761  
each school district, plus the product obtained by multiplying 71762  
that loss by the cumulative percentage increase in the consumer 71763  
price index from January 1, 2002, to the thirtieth day of June of 71764  
the current year. 71765

(3) The difference obtained by subtracting the amount 71766  
computed under division (B)(1) from the amount of the 71767  
inflation-adjusted property tax loss. If this difference is zero 71768  
or a negative number, no further payments shall be made under 71769  
division (C) of this section to the school district from the 71770  
school district property tax replacement fund. 71771

(C) Beginning in 2002 for school districts and beginning in August 2011 for joint vocational school districts, the department of education shall pay from the school district property tax replacement fund to each school district all of the following:

(1) In February 2002, one-half of the fixed-rate levy loss certified under division ~~(J)~~(G) of section 5727.84 of the Revised Code between the twenty-first and twenty-eighth days of February.

(2) From August 2002 through February 2011, one-half of the amount calculated for that fiscal year under division (A)(2) of this section between the twenty-first and twenty-eighth days of August and of February, provided the difference computed under division (B)(3) of this section is not less than or equal to zero.

(3) For fiscal years 2012 and thereafter, the sum of the amounts in divisions (C)(3)(a) or (b) and (c) of this section shall be paid on or before the thirty-first day of August and the twenty-eighth day of February:

(a) If the ratio of 2011 current expense S.B. 3 allocation to total resources is equal to or less than the threshold per cent, zero;

(b) If the ratio of 2011 current expense S.B. 3 allocation to total resources is greater than the threshold per cent, fifty per cent of the difference of 2011 current expense S.B. 3 allocation minus the product of total resources multiplied by the threshold per cent;

(c) Fifty per cent of the product of 2011 non-current expense S.B. 3 allocation multiplied by seventy-five per cent for fiscal year 2012 and fifty per cent for fiscal years 2013 and thereafter.

The department of education shall report to each school district the apportionment of the payments among the school district's funds based on the certifications under division (J) of section 5727.84 of the Revised Code.

(D) For taxes levied within the ten-mill limitation for debt purposes in tax year 1998 in the case of electric company tax value losses, and in tax year 1999 in the case of natural gas company tax value losses, payments shall be made equal to one hundred per cent of the loss computed as if the tax were a fixed-rate levy, but those payments shall extend from fiscal year 2006 through fiscal year 2016.

(E) Not later than January 1, 2002, for all taxing districts in each joint vocational school district, the tax commissioner shall certify to the department of education the fixed-rate levy loss determined under division (G) of section 5727.84 of the Revised Code. From February 2002 through February 2011, the department shall pay from the school district property tax replacement fund to the joint vocational school district one-half of the amount calculated for that fiscal year under division (A)(2) of this section between the twenty-first and twenty-eighth days of August and of February.

(F)(1) Not later than January 1, 2002, for each fixed-sum levy levied by each school district or joint vocational school district and for each year for which a determination is made under division (H) of section 5727.84 of the Revised Code that a fixed-sum levy loss is to be reimbursed, the tax commissioner shall certify to the department of education the fixed-sum levy loss determined under that division. The certification shall cover a time period sufficient to include all fixed-sum levies for which the tax commissioner made such a determination. The department shall pay from the school district property tax replacement fund to the school district or joint vocational school district one-half of the fixed-sum levy loss so certified for each year between the twenty-first and twenty-eighth days of August and of February.

(2) Beginning in 2003, by the thirty-first day of January of

each year, the tax commissioner shall review the certification 71835  
originally made under division (F)(1) of this section. If the 71836  
commissioner determines that a debt levy that had been scheduled 71837  
to be reimbursed in the current year has expired, a revised 71838  
certification for that and all subsequent years shall be made to 71839  
the department of education. 71840

(G) If the balance of the half-mill equalization fund created 71841  
under section 3318.18 of the Revised Code is insufficient to make 71842  
the full amount of payments required under division (D) of that 71843  
section, the department of education, at the end of the third 71844  
quarter of the fiscal year, shall certify to the director of 71845  
budget and management the amount of the deficiency, and the 71846  
director shall transfer an amount equal to the deficiency from the 71847  
school district property tax replacement fund to the half-mill 71848  
equalization fund. 71849

(H) Beginning in August 2002, and ending in May 2011, the 71850  
director of budget and management shall transfer from the school 71851  
district property tax replacement fund to the general revenue fund 71852  
each of the following: 71853

(1) Between the twenty-eighth day of August and the fifth day 71854  
of September, the lesser of one-half of the amount certified for 71855  
that fiscal year under division (A)(2) of this section or the 71856  
balance in the school district property tax replacement fund; 71857

(2) Between the first and fifth days of May, the lesser of 71858  
one-half of the amount certified for that fiscal year under 71859  
division (A)(2) of this section or the balance in the school 71860  
district property tax replacement fund. 71861

(I) On the first day of June each year, the director of 71862  
budget and management shall transfer any balance remaining in the 71863  
school district property tax replacement fund after the payments 71864  
have been made under divisions (C), (D), (E), (F), (G), and (H) of 71865

this section to the half-mill equalization fund created under 71866  
section 3318.18 of the Revised Code to the extent required to make 71867  
any payments in the current fiscal year under that section, and 71868  
shall transfer the remaining balance to the general revenue fund. 71869

(J) After fiscal year 2002, if the total amount in the school 71870  
district property tax replacement fund is insufficient to make all 71871  
payments under divisions (C), (D), (E), (F), and (G) of this 71872  
section at the time the payments are to be made, the director of 71873  
budget and management shall transfer from the general revenue fund 71874  
to the school district property tax replacement fund the 71875  
difference between the total amount to be paid and the total 71876  
amount in the school district property tax replacement fund, 71877  
except that no transfer shall be made by reason of a deficiency to 71878  
the extent that it results from the amendment of section 5727.84 71879  
of the Revised Code by Amended Substitute House Bill No. 95 of the 71880  
125th general assembly. 71881

(K) If all of the territory of a school district or joint 71882  
vocational school district is merged with an existing district, or 71883  
if a part of the territory of a school district or joint 71884  
vocational school district is transferred to an existing or new 71885  
district, the department of education, in consultation with the 71886  
tax commissioner, shall adjust the payments made under this 71887  
section as follows: 71888

(1) For the merger of all of the territory of two or more 71889  
districts, the total resources, 2011 current expense S.B. 3 71890  
allocation, total 2011 S.B. 3 allocation, 2011 non-current expense 71891  
S.B. 3 allocation, and fixed-sum levy loss of the successor 71892  
district shall be equal to the sum of the total resources, 2011 71893  
current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 71894  
2011 non-current expense S.B. 3 allocation, and fixed-sum levy 71895  
loss for each of the districts involved in the merger. 71896

(2) For the transfer of a part of one district's territory to 71897

an existing district, the amount of the total resources, 2011 71898  
current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 71899  
and 2011 non-current expense S.B. 3 allocation that is transferred 71900  
to the recipient district shall be an amount equal to the 71901  
transferring district's total resources, 2011 current expense S.B. 71902  
3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current 71903  
expense S.B. 3 allocation times a fraction, the numerator of which 71904  
is the number of pupils being transferred to the recipient 71905  
district, measured, in the case of a school district, by formula 71906  
ADM as that term is defined in section 3317.02 of the Revised Code 71907  
or, in the case of a joint vocational school district, by formula 71908  
ADM as defined for a joint vocational school district in that 71909  
section, and the denominator of which is the average daily 71910  
membership or formula ADM of the transferor district. Fixed-sum 71911  
levy losses for both districts shall be determined under division 71912  
(K)(4) of this section. 71913

(3) For the transfer of a part of the territory of one or 71914  
more districts to create a new district: 71915

(a) If the new district is created on or after January 1, 71916  
2000, but before January 1, 2005, the new district shall be paid 71917  
its current fixed-rate levy loss through August 2009. In February 71918  
2010, August 2010, and February 2011, the new district shall be 71919  
paid fifty per cent of the lesser of: (i) the amount calculated 71920  
under division (C)(2) of this section or (ii) an amount equal to 71921  
seventy per cent of the new district's fixed-rate levy loss. 71922

Beginning in fiscal year 2012, the new district shall be paid 71923  
as provided in division (C) of this section. 71924

Fixed-sum levy losses for the districts shall be determined 71925  
under division (K)(4) of this section. 71926

(b) If the new district is created on or after January 1, 71927  
2005, the new district shall be deemed not to have any fixed-rate 71928

levy loss or, except as provided in division (K)(4) of this 71929  
section, fixed-sum levy loss. The district or districts from which 71930  
the territory was transferred shall have no reduction in their 71931  
fixed-rate levy loss, or, except as provided in division (K)(4) of 71932  
this section, their fixed-sum levy loss. 71933

(4) If a recipient district under division (K)(2) of this 71934  
section or a new district under division (K)(3)(a) or (b) of this 71935  
section takes on debt from one or more of the districts from which 71936  
territory was transferred, and any of the districts transferring 71937  
the territory had fixed-sum levy losses, the department of 71938  
education, in consultation with the tax commissioner, shall make 71939  
an equitable division of the fixed-sum levy losses. 71940

**Sec. 5727.86.** ~~(A) No determinations, computations,~~ 71941  
~~certifications, or payments shall be made under this section after~~ 71942  
~~June 30, 2015.~~ 71943

(A) The tax commissioner shall compute the payments to be 71944  
made to each local taxing unit, and to each public library that 71945  
receives the proceeds of a tax levied under section 5705.23 of the 71946  
Revised Code, for each year according to divisions (A)(1), (2), 71947  
(3), and (4) and division (E) of this section, and shall 71948  
distribute the payments in the manner prescribed by division (C) 71949  
of this section. The calculation of the fixed-sum levy loss shall 71950  
cover a time period sufficient to include all fixed-sum levies for 71951  
which the tax commissioner determined, pursuant to division (H) of 71952  
section 5727.84 of the Revised Code, that a fixed-sum levy loss is 71953  
to be reimbursed. 71954

(1) Except as provided in divisions (A)(3) and (4) of this 71955  
section, the following amounts shall be paid on or before the 71956  
thirty-first day of August and the twenty-eighth day of February: 71957

(a) For years 2002 through 2006, fifty per cent of the 71958  
fixed-rate levy loss computed under division (G) of section 71959

5727.84 of the Revised Code;	71960
(b) For years 2007 through 2010, forty per cent of the	71961
fixed-rate levy loss computed under division (G) of section	71962
5727.84 of the Revised Code;	71963
(c) For the payment in 2011 to be made on or before the	71964
twentieth day of February, the amount required to be paid in 2010	71965
on or before the twentieth day of February;	71966
(d) For the payment in 2011 to be made on or before the	71967
thirty-first day of August, the sum of the amounts in divisions	71968
(A)(1)(d)(i) or (ii) and (iii) of this section:	71969
(i) If the ratio of fifty per cent of the taxing unit's 2010	71970
S.B. 3 allocation to its total resources is equal to or less than	71971
the threshold per cent, zero;	71972
(ii) If the ratio of fifty per cent of the taxing unit's 2010	71973
S.B. 3 allocation to its total resources is greater than the	71974
threshold per cent, the difference of fifty per cent of the 2010	71975
S.B. 3 allocation minus the product of total resources multiplied	71976
by the threshold per cent;	71977
(iii) In the case of a municipal corporation, fifty per cent	71978
of the product of its 2010 non-current expense S.B. 3 allocation	71979
multiplied by seventy-five per cent.	71980
(e) For 2012 and each year thereafter, the sum of the amounts	71981
in divisions (A)(1)(e)(i) or (ii) and (iii) of this section:	71982
(i) If the ratio of the taxing unit's 2010 S.B. 3 allocation	71983
to its total resources is equal to or less than the threshold per	71984
cent, zero;	71985
(ii) If the ratio of the taxing unit's 2010 S.B. 3 allocation	71986
to its total resources is greater than the threshold per cent,	71987
fifty per cent of the difference of the 2010 S.B. 3 allocation	71988
minus the product of total resources multiplied by the threshold	71989



per cent; 71990

(iii) In the case of a municipal corporation, fifty per cent 71991  
of the product of its 2010 non-current expense S.B. 3 allocation 71992  
multiplied by fifty per cent for year 2012 and by twenty-five per 71993  
cent for years 2013 and thereafter. 71994

(f) For the payment in 2012 to be made to a public library on 71995  
or before the thirty-first day of August and for all such payments 71996  
to be made in 2013 and thereafter, the amount in division 71997  
(A)(1)(f)(i) or (ii) of this section: 71998

(i) If the ratio of S.B. 3 allocation for library purposes to 71999  
total library resources is equal to or less than the threshold per 72000  
cent, zero; 72001

(ii) If the ratio of S.B. 3 allocation for library purposes 72002  
to total library resources is greater than the threshold per cent, 72003  
fifty per cent of the difference of the S.B. 3 allocation for 72004  
library purposes minus the product of total library resources 72005  
multiplied by the threshold per cent. 72006

(2) For fixed-sum levy losses determined under division (H) 72007  
of section 5727.84 of the Revised Code, payments shall be made in 72008  
the amount of one hundred per cent of the fixed-sum levy loss for 72009  
payments required to be made in 2002 and thereafter. 72010

(3) A local taxing unit in a county of less than two hundred 72011  
fifty square miles that receives eighty per cent or more of its 72012  
combined general fund and bond retirement fund revenues from 72013  
property taxes and rollbacks based on 1997 actual revenues as 72014  
presented in its 1999 tax budget, and in which electric companies 72015  
and rural electric companies comprise over twenty per cent of its 72016  
property valuation, shall receive one hundred per cent of its 72017  
fixed-rate levy losses from electric company tax value losses 72018  
certified under division (A) of this section in years 2002 to 72019  
2010. Beginning in 2011, payments for such local taxing units 72020

shall be determined under division (A)(1) of this section. 72021

(4) For taxes levied within the ten-mill limitation or 72022  
pursuant to a municipal charter for debt purposes in tax year 1998 72023  
in the case of electric company tax value losses, and in tax year 72024  
1999 in the case of natural gas company tax value losses, payments 72025  
shall be made equal to one hundred per cent of the loss computed 72026  
as if the tax were a fixed-rate levy, but those payments shall 72027  
extend from 2011 through 2016 if the levy was charged and payable 72028  
for debt purposes in tax year 2010. If the levy is not charged and 72029  
payable for debt purposes in tax year 2010 or any following tax 72030  
year before tax year 2016, payments for that levy shall be made 72031  
under division (A)(1) of this section beginning with the first 72032  
year after the year the levy is charged and payable for a purpose 72033  
other than debt. For the purposes of this division, taxes levied 72034  
pursuant to a municipal charter refer to taxes levied pursuant to 72035  
a provision of a municipal charter that permits the tax to be 72036  
levied without prior voter approval. 72037

(B) Beginning in 2003, by the thirty-first day of January of 72038  
each year, the tax commissioner shall review the calculation 72039  
originally made under division (A) of this section of the 72040  
fixed-sum levy loss determined under division (H) of section 72041  
5727.84 of the Revised Code. If the commissioner determines that a 72042  
fixed-sum levy that had been scheduled to be reimbursed in the 72043  
current year has expired, a revised calculation for that and all 72044  
subsequent years shall be made. 72045

(C) Payments to local taxing units and public libraries 72046  
required to be made under divisions (A) and (E) of this section 72047  
shall be paid from the local government property tax replacement 72048  
fund to the county undivided income tax fund in the proper county 72049  
treasury. The county treasurer shall distribute amounts paid under 72050  
division (A) of this section to the proper local taxing unit or 72051  
public library as if they had been levied and collected as taxes, 72052

and the local taxing unit or public library shall apportion the 72053  
amounts so received among its funds in the same proportions as if 72054  
those amounts had been levied and collected as taxes. Except in 72055  
the case of amounts distributed to the county as a local taxing 72056  
unit, amounts distributed under division (E)(2) of this section 72057  
shall be credited to the general fund of the local taxing unit 72058  
that receives them. Amounts distributed to each county as a local 72059  
taxing unit under division (E)(2) of this section shall be 72060  
credited in the proportion that the current taxes charged and 72061  
payable from each levy of or by the county bears to the total 72062  
current taxes charged and payable from all levies of or by the 72063  
county. 72064

(D) By February 5, 2002, the tax commissioner shall estimate 72065  
the amount of money in the local government property tax 72066  
replacement fund in excess of the amount necessary to make 72067  
payments in that month under division (C) of this section. 72068  
Notwithstanding division (A) of this section, the tax commissioner 72069  
may pay any local taxing unit, from those excess funds, nine and 72070  
four-tenths times the amount computed for 2002 under division 72071  
(A)(1) of this section. A payment made under this division shall 72072  
be in lieu of the payment to be made in February 2002 under 72073  
division (A)(1) of this section. A local taxing unit receiving a 72074  
payment under this division will no longer be entitled to any 72075  
further payments under division (A)(1) of this section. A payment 72076  
made under this division shall be paid from the local government 72077  
property tax replacement fund to the county undivided income tax 72078  
fund in the proper county treasury. The county treasurer shall 72079  
distribute the payment to the proper local taxing unit as if it 72080  
had been levied and collected as taxes, and the local taxing unit 72081  
shall apportion the amounts so received among its funds in the 72082  
same proportions as if those amounts had been levied and collected 72083  
as taxes. 72084

(E)(1) On the thirty-first day of July of 2002, 2003, 2004, 2005, and 2006, and on the thirty-first day of January and July of 2007 through January 2011, if the amount credited to the local government property tax replacement fund exceeds the amount needed to be distributed from the fund under division (A) of this section in the following month, the tax commissioner shall distribute the excess to each county as follows:

(a) One-half shall be distributed to each county in proportion to each county's population.

(b) One-half shall be distributed to each county in the proportion that the amounts determined under divisions (G) and (H) of section 5727.84 of the Revised Code for all local taxing units in the county is of the total amounts so determined for all local taxing units in the state.

(2) The amounts distributed to each county under division (E) of this section shall be distributed by the county auditor to each local taxing unit in the county in the proportion that the unit's current taxes charged and payable are of the total current taxes charged and payable of all the local taxing units in the county. If the amount that the county auditor determines to be distributed to a local taxing unit is less than five dollars, that amount shall not be distributed, and the amount not distributed shall remain credited to the county undivided income tax fund. At the time of the next distribution under division (E)(2) of this section, any amount that had not been distributed in the prior distribution shall be added to the amount available for the next distribution prior to calculation of the amount to be distributed. As used in this division, "current taxes charged and payable" means the taxes charged and payable as most recently determined for local taxing units in the county.

After January 2011, any amount that exceeds the amount needed to be distributed from the fund under division (A) of this section

in the following month shall be transferred to the general revenue fund. 72117  
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(F) If the total amount in the local government property tax replacement fund is insufficient to make all payments under division (C) of this section at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the local government property tax replacement fund the difference between the total amount to be paid and the amount in the local government property tax replacement fund, except that no transfer shall be made by reason of a deficiency to the extent that it results from the amendment of section 5727.84 of the Revised Code by Amended Substitute House Bill 95 of the 125th general assembly. 72119  
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(G) If all or a part of the territories of two or more local taxing units are merged, or unincorporated territory of a township is annexed by a municipal corporation, the tax commissioner shall adjust the payments made under this section to each of the local taxing units in proportion to the square mileage apportioned to the merged or annexed territory, or as otherwise provided by a written agreement between the legislative authorities of the local taxing units certified to the tax commissioner not later than the first day of June of the calendar year in which the payment is to be made. 72130  
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**Sec. 5729.98.** (A) To provide a uniform procedure for calculating the amount of tax due under this chapter, a taxpayer shall claim any credits and offsets against tax liability to which it is entitled in the following order: 72140  
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(1) The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code; 72144  
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(2) The credit for eligible employee training costs under section 5729.07 of the Revised Code; 72146  
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(3) The credit for purchases of qualified low-income community investments under section 5729.16 of the Revised Code;	72148 72149
(4) The nonrefundable job retention credit under division (B) <del>(1)</del> of section 122.171 of the Revised Code;	72150 72151
(5) The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code;	72152 72153 72154
(6) The refundable credit for rehabilitating a historic building under section 5729.17 of the Revised Code.	72155 72156
(7) The refundable credit for Ohio job retention under <u>former</u> division (B)(2) or (3) of section 122.171 of the Revised Code <u>as those divisions existed before the effective date of the amendment of this section by H.B. 64 of the 131st general assembly</u> ;	72157 72158 72159 72160 72161
(8) The refundable credit for Ohio job creation under section 5729.032 of the Revised Code;	72162 72163
(9) The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.	72164 72165 72166 72167
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	72168 72169 72170 72171 72172 72173 72174 72175
<b>Sec. 5733.0610.</b> (A) A refundable corporation franchise tax credit granted by the tax credit authority under section 122.17 or	72176 72177

former division (B)(2) or (3) of section 122.171 of the Revised Code, as those divisions existed before the effective date of the amendment of this section by H.B. 64 of the 131st general assembly, may be claimed under this chapter in the order required under section 5733.98 of the Revised Code. For purposes of making tax payments under this chapter, taxes equal to the amount of the refundable credit shall be considered to be paid to this state on the first day of the tax year. The refundable credit shall not be claimed for any tax years following the calendar year in which a relocation of employment positions occurs in violation of an agreement entered into under section 122.17 or 122.171 of the Revised Code.

(B) A nonrefundable corporation franchise tax credit granted by the tax credit authority under division (B)(~~1~~) of section 122.171 of the Revised Code may be claimed under this chapter in the order required under section 5733.98 of the Revised Code.

**Sec. 5735.40.** (A) As used in this section:

(1) "Alternative fuel" has the same meaning as in section 125.831 of the Revised Code.

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

(B) Except as provided in division (B)(6) of section 5739.02 of the Revised Code when levying the tax imposed by that section in conjunction with sections 5739.021, 5739.023, 5739.024, 5739.026, 5741.021, 5741.022, ~~and~~ 5741.023, and 5741.024 of the Revised Code, or as provided in section 5739.101 of the Revised Code, no political subdivision shall levy or collect any excise, license, privilege, or occupational tax on alternative fuel or on the buying, selling, handling, or consuming of alternative fuel.

Sec. 5736.50. (A) A taxpayer granted a credit by the tax 72209  
credit authority under section 122.17 or former division (B)(2) or 72210  
(3) of section 122.171 of the Revised Code, as those divisions 72211  
existed before the effective date of the amendment of this section 72212  
by H.B. 64 of the 131st general assembly, may claim a refundable 72213  
credit against the tax imposed under this chapter. For the purpose 72214  
of making tax payments under this chapter, taxes equal to the 72215  
amount of the refundable credit shall be considered to be paid on 72216  
the first day of the tax period. 72217

(B) A ~~taxpayer granted a~~ nonrefundable credit granted by the 72218  
tax credit authority under division (B)(~~1~~) of section 122.171 of 72219  
the Revised Code may ~~claim a nonrefundable tax credit~~ be claimed 72220  
against the tax imposed under this chapter. 72221

(C) Credits authorized in division (A) or (B) of this section 72222  
shall not be claimed for any tax period beginning after the date 72223  
on which a relocation of employment positions occurs in violation 72224  
of an agreement entered into under section 122.17 or 122.171 of 72225  
the Revised Code. 72226

(D) A taxpayer may claim any unused portion of the credit 72227  
authorized under division (B) of section 5751.50 of the Revised 72228  
Code against the tax imposed under this chapter. No credit shall 72229  
be allowed under this division if the credit was available against 72230  
the tax imposed under section 5751.02 of the Revised Code except 72231  
to the extent the credit was not applied against that tax. 72232

(E) The amount of a credit claimed under division (B) or (D) 72233  
of this section shall not exceed the tax otherwise due for the tax 72234  
period. If the credit allowed under division (B) or (D) of this 72235  
section exceeds the tax otherwise due, the excess may be carried 72236  
forward to the extent authorized by section 122.171 of the Revised 72237  
Code. 72238

If a taxpayer is authorized to claim credits under division 72239



(A) and either or both of divisions (B) and (D) of this section 72240  
for the same tax period, the taxpayer shall claim the credit 72241  
allowed under division (B) or (D) before the credit allowed under 72242  
division (A) of this section. 72243

**Sec. 5736.51.** (A) As used in this section: 72244

(1) "Blend stocks" means blend stocks or additives that are 72245  
sold for blending with motor fuel. 72246

(2) "Blended motor fuel" means motor fuel incorporating one 72247  
or more blend stocks. 72248

(B) A taxpayer may claim a nonrefundable credit against the 72249  
tax imposed under section 5736.02 of the Revised Code equal to 72250  
taxes imposed under that section for which another supplier is 72251  
liable on the basis of calculated gross receipts from that 72252  
supplier's sale of blend stocks to the taxpayer on or after July 72253  
1, 2015. The credit is available only on the basis of those blend 72254  
stocks the taxpayer incorporates into blended motor fuel, the sale 72255  
of which is subject to the tax imposed under that section. 72256

**Sec. 5739.01.** As used in this chapter: 72257

(A) "Person" includes individuals, receivers, assignees, 72258  
trustees in bankruptcy, estates, firms, partnerships, 72259  
associations, joint-stock companies, joint ventures, clubs, 72260  
societies, corporations, the state and its political subdivisions, 72261  
and combinations of individuals of any form. 72262

(B) "Sale" and "selling" include all of the following 72263  
transactions for a consideration in any manner, whether absolutely 72264  
or conditionally, whether for a price or rental, in money or by 72265  
exchange, and by any means whatsoever: 72266

(1) All transactions by which title or possession, or both, 72267  
of tangible personal property, is or is to be transferred, or a 72268

license to use or consume tangible personal property is or is to	72269
be granted;	72270
(2) All transactions by which lodging by a hotel is or is to	72271
be furnished to transient guests;	72272
(3) All transactions by which:	72273
(a) An item of tangible personal property is or is to be	72274
repaired, except property, the purchase of which would not be	72275
subject to the tax imposed by section 5739.02 of the Revised Code;	72276
(b) An item of tangible personal property is or is to be	72277
installed, except property, the purchase of which would not be	72278
subject to the tax imposed by section 5739.02 of the Revised Code	72279
or property that is or is to be incorporated into and will become	72280
a part of a production, transmission, transportation, or	72281
distribution system for the delivery of a public utility service;	72282
(c) The service of washing, cleaning, waxing, polishing, or	72283
painting a motor vehicle is or is to be furnished;	72284
(d) Until August 1, 2003, industrial laundry cleaning	72285
services are or are to be provided and, on and after August 1,	72286
2003, laundry and dry cleaning services are or are to be provided;	72287
(e) Automatic data processing, computer services, or	72288
electronic information services are or are to be provided for use	72289
in business when the true object of the transaction is the receipt	72290
by the consumer of automatic data processing, computer services,	72291
or electronic information services rather than the receipt of	72292
personal or professional services to which automatic data	72293
processing, computer services, or electronic information services	72294
are incidental or supplemental. Notwithstanding any other	72295
provision of this chapter, such transactions that occur between	72296
members of an affiliated group are not sales. An "affiliated	72297
group" means two or more persons related in such a way that one	72298
person owns or controls the business operation of another member	72299

of the group. In the case of corporations with stock, one 72300  
corporation owns or controls another if it owns more than fifty 72301  
per cent of the other corporation's common stock with voting 72302  
rights. 72303

(f) Telecommunications service, including prepaid calling 72304  
service, prepaid wireless calling service, or ancillary service, 72305  
is or is to be provided, but not including coin-operated telephone 72306  
service; 72307

(g) Landscaping and lawn care service is or is to be 72308  
provided; 72309

(h) Private investigation and security service is or is to be 72310  
provided; 72311

(i) Information services or tangible personal property is 72312  
provided or ordered by means of a nine hundred telephone call; 72313

(j) Building maintenance and janitorial service is or is to 72314  
be provided; 72315

(k) Employment service is or is to be provided; 72316

(l) Employment placement service is or is to be provided; 72317

(m) Exterminating service is or is to be provided; 72318

(n) Physical fitness facility service is or is to be 72319  
provided; 72320

(o) Recreation and sports club service is or is to be 72321  
provided; 72322

(p) On and after August 1, 2003, satellite broadcasting 72323  
service is or is to be provided; 72324

(q) On and after August 1, 2003, personal care service is or 72325  
is to be provided to an individual. As used in this division, 72326  
"personal care service" includes skin care, the application of 72327  
cosmetics, manicuring, pedicuring, hair removal, tattooing, body 72328

piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.

(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;

(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.

(t) On and after August 1, 2003, snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of snow by any mechanized means, but does not include the providing of such service by a person that has less than five thousand dollars in sales of such service during the calendar year.

(u) Electronic publishing service is or is to be provided to a consumer for use in business, except that such transactions occurring between members of an affiliated group, as defined in division (B)(3)(e) of this section, are not sales.

(4) All transactions by which printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter are or are to be furnished or transferred;

(5) The production or fabrication of tangible personal

property for a consideration for consumers who furnish either 72360  
directly or indirectly the materials used in the production of 72361  
fabrication work; and include the furnishing, preparing, or 72362  
serving for a consideration of any tangible personal property 72363  
consumed on the premises of the person furnishing, preparing, or 72364  
serving such tangible personal property. Except as provided in 72365  
section 5739.03 of the Revised Code, a construction contract 72366  
pursuant to which tangible personal property is or is to be 72367  
incorporated into a structure or improvement on and becoming a 72368  
part of real property is not a sale of such tangible personal 72369  
property. The construction contractor is the consumer of such 72370  
tangible personal property, provided that the sale and 72371  
installation of carpeting, the sale and installation of 72372  
agricultural land tile, the sale and erection or installation of 72373  
portable grain bins, or the provision of landscaping and lawn care 72374  
service and the transfer of property as part of such service is 72375  
never a construction contract. 72376

As used in division (B)(5) of this section: 72377

(a) "Agricultural land tile" means fired clay or concrete 72378  
tile, or flexible or rigid perforated plastic pipe or tubing, 72379  
incorporated or to be incorporated into a subsurface drainage 72380  
system appurtenant to land used or to be used primarily in 72381  
production by farming, agriculture, horticulture, or floriculture. 72382  
The term does not include such materials when they are or are to 72383  
be incorporated into a drainage system appurtenant to a building 72384  
or structure even if the building or structure is used or to be 72385  
used in such production. 72386

(b) "Portable grain bin" means a structure that is used or to 72387  
be used by a person engaged in farming or agriculture to shelter 72388  
the person's grain and that is designed to be disassembled without 72389  
significant damage to its component parts. 72390

(6) All transactions in which all of the shares of stock of a 72391

closely held corporation are transferred, or an ownership interest 72392  
in a pass-through entity, as defined in section 5733.04 of the 72393  
Revised Code, is transferred, if the corporation or pass-through 72394  
entity is not engaging in business and its entire assets consist 72395  
of boats, planes, motor vehicles, or other tangible personal 72396  
property operated primarily for the use and enjoyment of the 72397  
shareholders or owners; 72398

(7) All transactions in which a warranty, maintenance or 72399  
service contract, or similar agreement by which the vendor of the 72400  
warranty, contract, or agreement agrees to repair or maintain the 72401  
tangible personal property of the consumer is or is to be 72402  
provided; 72403

(8) The transfer of copyrighted motion picture films used 72404  
solely for advertising purposes, except that the transfer of such 72405  
films for exhibition purposes is not a sale; 72406

(9) On and after August 1, 2003, all transactions by which 72407  
tangible personal property is or is to be stored, except such 72408  
property that the consumer of the storage holds for sale in the 72409  
regular course of business; 72410

(10) All transactions in which "guaranteed auto protection" 72411  
is provided whereby a person promises to pay to the consumer the 72412  
difference between the amount the consumer receives from motor 72413  
vehicle insurance and the amount the consumer owes to a person 72414  
holding title to or a lien on the consumer's motor vehicle in the 72415  
event the consumer's motor vehicle suffers a total loss under the 72416  
terms of the motor vehicle insurance policy or is stolen and not 72417  
recovered, if the protection and its price are included in the 72418  
purchase or lease agreement; 72419

(11)(a) Except as provided in division (B)(11)(b) of this 72420  
section, on and after October 1, 2009, all transactions by which 72421  
health care services are paid for, reimbursed, provided, 72422

delivered, arranged for, or otherwise made available by a medicaid 72423  
health insuring corporation pursuant to the corporation's contract 72424  
with the state. 72425

(b) If the centers for medicare and medicaid services of the 72426  
United States department of health and human services determines 72427  
that the taxation of transactions described in division (B)(11)(a) 72428  
of this section constitutes an impermissible health care-related 72429  
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 72430  
1396b(w), and regulations adopted thereunder, the medicaid 72431  
director shall notify the tax commissioner of that determination. 72432  
Beginning with the first day of the month following that 72433  
notification, the transactions described in division (B)(11)(a) of 72434  
this section are not sales for the purposes of this chapter or 72435  
Chapter 5741. of the Revised Code. The tax commissioner shall 72436  
order that the collection of taxes under sections 5739.02, 72437  
5739.021, 5739.023, 5739.024, 5739.026, 5741.02, 5741.021, 72438  
5741.022, ~~and~~ 5741.023, and 5741.024 of the Revised Code shall 72439  
cease for transactions occurring on or after that date. 72440

(12) All transactions by which a specified digital product is 72441  
provided for permanent use or less than permanent use, regardless 72442  
of whether continued payment is required. 72443

Except as provided in this section, "sale" and "selling" do 72444  
not include transfers of interest in leased property where the 72445  
original lessee and the terms of the original lease agreement 72446  
remain unchanged, or professional, insurance, or personal service 72447  
transactions that involve the transfer of tangible personal 72448  
property as an inconsequential element, for which no separate 72449  
charges are made. 72450

(C) "Vendor" means the person providing the service or by 72451  
whom the transfer effected or license given by a sale is or is to 72452  
be made or given and, for sales described in division (B)(3)(i) of 72453  
this section, the telecommunications service vendor that provides 72454

the nine hundred telephone service; if two or more persons are 72455  
engaged in business at the same place of business under a single 72456  
trade name in which all collections on account of sales by each 72457  
are made, such persons shall constitute a single vendor. 72458

Physicians, dentists, hospitals, and veterinarians who are 72459  
engaged in selling tangible personal property as received from 72460  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 72461  
articles, are vendors. Veterinarians who are engaged in 72462  
transferring to others for a consideration drugs, the dispensing 72463  
of which does not require an order of a licensed veterinarian or 72464  
physician under federal law, are vendors. 72465

(D)(1) "Consumer" means the person for whom the service is 72466  
provided, to whom the transfer effected or license given by a sale 72467  
is or is to be made or given, to whom the service described in 72468  
division (B)(3)(f) or (i) of this section is charged, or to whom 72469  
the admission is granted. 72470

(2) Physicians, dentists, hospitals, and blood banks operated 72471  
by nonprofit institutions and persons licensed to practice 72472  
veterinary medicine, surgery, and dentistry are consumers of all 72473  
tangible personal property and services purchased by them in 72474  
connection with the practice of medicine, dentistry, the rendition 72475  
of hospital or blood bank service, or the practice of veterinary 72476  
medicine, surgery, and dentistry. In addition to being consumers 72477  
of drugs administered by them or by their assistants according to 72478  
their direction, veterinarians also are consumers of drugs that 72479  
under federal law may be dispensed only by or upon the order of a 72480  
licensed veterinarian or physician, when transferred by them to 72481  
others for a consideration to provide treatment to animals as 72482  
directed by the veterinarian. 72483

(3) A person who performs a facility management, or similar 72484  
service contract for a contractee is a consumer of all tangible 72485  
personal property and services purchased for use in connection 72486



with the performance of such contract, regardless of whether title 72487  
to any such property vests in the contractee. The purchase of such 72488  
property and services is not subject to the exception for resale 72489  
under division (E)(1) of this section. 72490

(4)(a) In the case of a person who purchases printed matter 72491  
for the purpose of distributing it or having it distributed to the 72492  
public or to a designated segment of the public, free of charge, 72493  
that person is the consumer of that printed matter, and the 72494  
purchase of that printed matter for that purpose is a sale. 72495

(b) In the case of a person who produces, rather than 72496  
purchases, printed matter for the purpose of distributing it or 72497  
having it distributed to the public or to a designated segment of 72498  
the public, free of charge, that person is the consumer of all 72499  
tangible personal property and services purchased for use or 72500  
consumption in the production of that printed matter. That person 72501  
is not entitled to claim exemption under division (B)(42)(f) of 72502  
section 5739.02 of the Revised Code for any material incorporated 72503  
into the printed matter or any equipment, supplies, or services 72504  
primarily used to produce the printed matter. 72505

(c) The distribution of printed matter to the public or to a 72506  
designated segment of the public, free of charge, is not a sale to 72507  
the members of the public to whom the printed matter is 72508  
distributed or to any persons who purchase space in the printed 72509  
matter for advertising or other purposes. 72510

(5) A person who makes sales of any of the services listed in 72511  
division (B)(3) of this section is the consumer of any tangible 72512  
personal property used in performing the service. The purchase of 72513  
that property is not subject to the resale exception under 72514  
division (E)(1) of this section. 72515

(6) A person who engages in highway transportation for hire 72516  
is the consumer of all packaging materials purchased by that 72517

person and used in performing the service, except for packaging 72518  
materials sold by such person in a transaction separate from the 72519  
service. 72520

(7) In the case of a transaction for health care services 72521  
under division (B)(11) of this section, a medicaid health insuring 72522  
corporation is the consumer of such services. The purchase of such 72523  
services by a medicaid health insuring corporation is not subject 72524  
to the exception for resale under division (E)(1) of this section 72525  
or to the exemptions provided under divisions (B)(12), (18), (19), 72526  
and (22) of section 5739.02 of the Revised Code. 72527

(E) "Retail sale" and "sales at retail" include all sales, 72528  
except those in which the purpose of the consumer is to resell the 72529  
thing transferred or benefit of the service provided, by a person 72530  
engaging in business, in the form in which the same is, or is to 72531  
be, received by the person. 72532

(F) "Business" includes any activity engaged in by any person 72533  
with the object of gain, benefit, or advantage, either direct or 72534  
indirect. "Business" does not include the activity of a person in 72535  
managing and investing the person's own funds. 72536

(G) "Engaging in business" means commencing, conducting, or 72537  
continuing in business, and liquidating a business when the 72538  
liquidator thereof holds itself out to the public as conducting 72539  
such business. Making a casual sale is not engaging in business. 72540

(H)(1)(a) "Price," except as provided in divisions (H)(2), 72541  
(3), and (4) of this section, means the total amount of 72542  
consideration, including cash, credit, property, and services, for 72543  
which tangible personal property or services are sold, leased, or 72544  
rented, valued in money, whether received in money or otherwise, 72545  
without any deduction for any of the following: 72546

(i) The vendor's cost of the property sold; 72547

(ii) The cost of materials used, labor or service costs, 72548

interest, losses, all costs of transportation to the vendor, all 72549  
taxes imposed on the vendor, including the tax imposed under 72550  
Chapter 5751. of the Revised Code, and any other expense of the 72551  
vendor; 72552

(iii) Charges by the vendor for any services necessary to 72553  
complete the sale; 72554

(iv) On and after August 1, 2003, delivery charges. As used 72555  
in this division, "delivery charges" means charges by the vendor 72556  
for preparation and delivery to a location designated by the 72557  
consumer of tangible personal property or a service, including 72558  
transportation, shipping, postage, handling, crating, and packing. 72559

(v) Installation charges; 72560

(vi) Credit for any trade-in. 72561

(b) "Price" includes consideration received by the vendor 72562  
from a third party, if the vendor actually receives the 72563  
consideration from a party other than the consumer, and the 72564  
consideration is directly related to a price reduction or discount 72565  
on the sale; the vendor has an obligation to pass the price 72566  
reduction or discount through to the consumer; the amount of the 72567  
consideration attributable to the sale is fixed and determinable 72568  
by the vendor at the time of the sale of the item to the consumer; 72569  
and one of the following criteria is met: 72570

(i) The consumer presents a coupon, certificate, or other 72571  
document to the vendor to claim a price reduction or discount 72572  
where the coupon, certificate, or document is authorized, 72573  
distributed, or granted by a third party with the understanding 72574  
that the third party will reimburse any vendor to whom the coupon, 72575  
certificate, or document is presented; 72576

(ii) The consumer identifies the consumer's self to the 72577  
seller as a member of a group or organization entitled to a price 72578  
reduction or discount. A preferred customer card that is available 72579

to any patron does not constitute membership in such a group or organization. 72580  
72581

(iii) The price reduction or discount is identified as a 72582  
third party price reduction or discount on the invoice received by 72583  
the consumer, or on a coupon, certificate, or other document 72584  
presented by the consumer. 72585

(c) "Price" does not include any of the following: 72586

(i) Discounts, including cash, term, or coupons that are not 72587  
reimbursed by a third party that are allowed by a vendor and taken 72588  
by a consumer on a sale; 72589

(ii) Interest, financing, and carrying charges from credit 72590  
extended on the sale of tangible personal property or services, if 72591  
the amount is separately stated on the invoice, bill of sale, or 72592  
similar document given to the purchaser; 72593

(iii) Any taxes legally imposed directly on the consumer that 72594  
are separately stated on the invoice, bill of sale, or similar 72595  
document given to the consumer. For the purpose of this division, 72596  
the tax imposed under Chapter 5751. of the Revised Code is not a 72597  
tax directly on the consumer, even if the tax or a portion thereof 72598  
is separately stated. 72599

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 72600  
section, any discount allowed by an automobile manufacturer to its 72601  
employee, or to the employee of a supplier, on the purchase of a 72602  
new motor vehicle from a new motor vehicle dealer in this state. 72603

(v) The dollar value of a gift card that is not sold by a 72604  
vendor or purchased by a consumer and that is redeemed by the 72605  
consumer in purchasing tangible personal property or services if 72606  
the vendor is not reimbursed and does not receive compensation 72607  
from a third party to cover all or part of the gift card value. 72608  
For the purposes of this division, a gift card is not sold by a 72609  
vendor or purchased by a consumer if it is distributed pursuant to 72610

an awards, loyalty, or promotional program. Past and present 72611  
purchases of tangible personal property or services by the 72612  
consumer shall not be treated as consideration exchanged for a 72613  
gift card. 72614

(2) In the case of a sale of any new motor vehicle by a new 72615  
motor vehicle dealer, as defined in section 4517.01 of the Revised 72616  
Code, in which another motor vehicle is accepted by the dealer as 72617  
part of the consideration received, "price" has the same meaning 72618  
as in division (H)(1) of this section, reduced by the credit 72619  
afforded the consumer by the dealer for the motor vehicle received 72620  
in trade. 72621

(3) In the case of a sale of any watercraft or outboard motor 72622  
by a watercraft dealer licensed in accordance with section 72623  
1547.543 of the Revised Code, in which another watercraft, 72624  
watercraft and trailer, or outboard motor is accepted by the 72625  
dealer as part of the consideration received, "price" has the same 72626  
meaning as in division (H)(1) of this section, reduced by the 72627  
credit afforded the consumer by the dealer for the watercraft, 72628  
watercraft and trailer, or outboard motor received in trade. As 72629  
used in this division, "watercraft" includes an outdrive unit 72630  
attached to the watercraft. 72631

(4) In the case of transactions for health care services 72632  
under division (B)(11) of this section, "price" means the amount 72633  
of managed care premiums received each month by a medicaid health 72634  
insuring corporation. 72635

(I) "Receipts" means the total amount of the prices of the 72636  
sales of vendors, provided that the dollar value of gift cards 72637  
distributed pursuant to an awards, loyalty, or promotional 72638  
program, and cash discounts allowed and taken on sales at the time 72639  
they are consummated are not included, minus any amount deducted 72640  
as a bad debt pursuant to section 5739.121 of the Revised Code. 72641  
"Receipts" does not include the sale price of property returned or 72642

services rejected by consumers when the full sale price and tax 72643  
are refunded either in cash or by credit. 72644

(J) "Place of business" means any location at which a person 72645  
engages in business. 72646

(K) "Premises" includes any real property or portion thereof 72647  
upon which any person engages in selling tangible personal 72648  
property at retail or making retail sales and also includes any 72649  
real property or portion thereof designated for, or devoted to, 72650  
use in conjunction with the business engaged in by such person. 72651

(L) "Casual sale" means a sale of an item of tangible 72652  
personal property that was obtained by the person making the sale, 72653  
through purchase or otherwise, for the person's own use and was 72654  
previously subject to any state's taxing jurisdiction on its sale 72655  
or use, and includes such items acquired for the seller's use that 72656  
are sold by an auctioneer employed directly by the person for such 72657  
purpose, provided the location of such sales is not the 72658  
auctioneer's permanent place of business. As used in this 72659  
division, "permanent place of business" includes any location 72660  
where such auctioneer has conducted more than two auctions during 72661  
the year. 72662

(M) "Hotel" means every establishment kept, used, maintained, 72663  
advertised, or held out to the public to be a place where sleeping 72664  
accommodations are offered to guests, in which five or more rooms 72665  
are used for the accommodation of such guests, whether the rooms 72666  
are in one or several structures, except as otherwise provided in 72667  
division (G) of section 5739.09 of the Revised Code. 72668

(N) "Transient guests" means persons occupying a room or 72669  
rooms for sleeping accommodations for less than thirty consecutive 72670  
days. 72671

(O) "Making retail sales" means the effecting of transactions 72672  
wherein one party is obligated to pay the price and the other 72673

party is obligated to provide a service or to transfer title to or 72674  
possession of the item sold. "Making retail sales" does not 72675  
include the preliminary acts of promoting or soliciting the retail 72676  
sales, other than the distribution of printed matter which 72677  
displays or describes and prices the item offered for sale, nor 72678  
does it include delivery of a predetermined quantity of tangible 72679  
personal property or transportation of property or personnel to or 72680  
from a place where a service is performed. 72681

(P) "Used directly in the rendition of a public utility 72682  
service" means that property that is to be incorporated into and 72683  
will become a part of the consumer's production, transmission, 72684  
transportation, or distribution system and that retains its 72685  
classification as tangible personal property after such 72686  
incorporation; fuel or power used in the production, transmission, 72687  
transportation, or distribution system; and tangible personal 72688  
property used in the repair and maintenance of the production, 72689  
transmission, transportation, or distribution system, including 72690  
only such motor vehicles as are specially designed and equipped 72691  
for such use. Tangible personal property and services used 72692  
primarily in providing highway transportation for hire are not 72693  
used directly in the rendition of a public utility service. In 72694  
this definition, "public utility" includes a citizen of the United 72695  
States holding, and required to hold, a certificate of public 72696  
convenience and necessity issued under 49 U.S.C. 41102. 72697

(Q) "Refining" means removing or separating a desirable 72698  
product from raw or contaminated materials by distillation or 72699  
physical, mechanical, or chemical processes. 72700

(R) "Assembly" and "assembling" mean attaching or fitting 72701  
together parts to form a product, but do not include packaging a 72702  
product. 72703

(S) "Manufacturing operation" means a process in which 72704  
materials are changed, converted, or transformed into a different 72705

state or form from which they previously existed and includes 72706  
refining materials, assembling parts, and preparing raw materials 72707  
and parts by mixing, measuring, blending, or otherwise committing 72708  
such materials or parts to the manufacturing process. 72709

"Manufacturing operation" does not include packaging. 72710

(T) "Fiscal officer" means, with respect to a regional 72711  
transit authority, the secretary-treasurer thereof, and with 72712  
respect to a county that is a transit authority, the fiscal 72713  
officer of the county transit board if one is appointed pursuant 72714  
to section 306.03 of the Revised Code or the county auditor if the 72715  
board of county commissioners operates the county transit system. 72716  
"Fiscal officer," with respect to a municipal corporation or 72717  
township, has the same meaning as in section 5705.01 of the 72718  
Revised Code. 72719

(U) "Transit authority" means a regional transit authority 72720  
created pursuant to section 306.31 of the Revised Code or a county 72721  
in which a county transit system is created pursuant to section 72722  
306.01 of the Revised Code. For the purposes of this chapter, a 72723  
transit authority must extend to at least the entire area of a 72724  
single county. A transit authority that includes territory in more 72725  
than one county must include all the area of the most populous 72726  
county that is a part of such transit authority. County population 72727  
shall be measured by the most recent census taken by the United 72728  
States census bureau. 72729

(V) "Legislative authority" means, with respect to a regional 72730  
transit authority, the board of trustees thereof, ~~and~~ with respect 72731  
to a county that is a transit authority, the board of county 72732  
commissioners, with respect to a township, the board of township 72733  
trustees, and, with respect to a municipal corporation, the 72734  
legislative authority of the municipal corporation. 72735

(W) "Territory of the transit authority" means all of the 72736  
area included within the territorial boundaries of a transit 72737



authority as they from time to time exist. Such territorial 72738  
boundaries must at all times include all the area of a single 72739  
county or all the area of the most populous county that is a part 72740  
of such transit authority. County population shall be measured by 72741  
the most recent census taken by the United States census bureau. 72742

(X) "Providing a service" means providing or furnishing 72743  
anything described in division (B)(3) of this section for 72744  
consideration. 72745

(Y)(1)(a) "Automatic data processing" means processing of 72746  
others' data, including keypunching or similar data entry services 72747  
together with verification thereof, or providing access to 72748  
computer equipment for the purpose of processing data. 72749

(b) "Computer services" means providing services consisting 72750  
of specifying computer hardware configurations and evaluating 72751  
technical processing characteristics, computer programming, and 72752  
training of computer programmers and operators, provided in 72753  
conjunction with and to support the sale, lease, or operation of 72754  
taxable computer equipment or systems. 72755

(c) "Electronic information services" means providing access 72756  
to computer equipment by means of telecommunications equipment for 72757  
the purpose of either of the following: 72758

(i) Examining or acquiring data stored in or accessible to 72759  
the computer equipment; 72760

(ii) Placing data into the computer equipment to be retrieved 72761  
by designated recipients with access to the computer equipment. 72762

For transactions occurring on or after the effective date of 72763  
the amendment of this section by H.B. 157 of the 127th general 72764  
assembly, December 21, 2007, "electronic information services" 72765  
does not include electronic publishing as defined in division 72766  
(LLL) of this section. 72767

(d) "Automatic data processing, computer services, or  
electronic information services" shall not include personal or  
professional services.

(2) As used in divisions (B)(3)(e) and (Y)(1) of this  
section, "personal and professional services" means all services  
other than automatic data processing, computer services, or  
electronic information services, including but not limited to:

(a) Accounting and legal services such as advice on tax  
matters, asset management, budgetary matters, quality control,  
information security, and auditing and any other situation where  
the service provider receives data or information and studies,  
alters, analyzes, interprets, or adjusts such material;

(b) Analyzing business policies and procedures;

(c) Identifying management information needs;

(d) Feasibility studies, including economic and technical  
analysis of existing or potential computer hardware or software  
needs and alternatives;

(e) Designing policies, procedures, and custom software for  
collecting business information, and determining how data should  
be summarized, sequenced, formatted, processed, controlled, and  
reported so that it will be meaningful to management;

(f) Developing policies and procedures that document how  
business events and transactions are to be authorized, executed,  
and controlled;

(g) Testing of business procedures;

(h) Training personnel in business procedure applications;

(i) Providing credit information to users of such information  
by a consumer reporting agency, as defined in the "Fair Credit  
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or  
as hereafter amended, including but not limited to gathering,

organizing, analyzing, recording, and furnishing such information 72798  
by any oral, written, graphic, or electronic medium; 72799

(j) Providing debt collection services by any oral, written, 72800  
graphic, or electronic means. 72801

The services listed in divisions (Y)(2)(a) to (j) of this 72802  
section are not automatic data processing or computer services. 72803

(Z) "Highway transportation for hire" means the 72804  
transportation of personal property belonging to others for 72805  
consideration by any of the following: 72806

(1) The holder of a permit or certificate issued by this 72807  
state or the United States authorizing the holder to engage in 72808  
transportation of personal property belonging to others for 72809  
consideration over or on highways, roadways, streets, or any 72810  
similar public thoroughfare; 72811

(2) A person who engages in the transportation of personal 72812  
property belonging to others for consideration over or on 72813  
highways, roadways, streets, or any similar public thoroughfare 72814  
but who could not have engaged in such transportation on December 72815  
11, 1985, unless the person was the holder of a permit or 72816  
certificate of the types described in division (Z)(1) of this 72817  
section; 72818

(3) A person who leases a motor vehicle to and operates it 72819  
for a person described by division (Z)(1) or (2) of this section. 72820

(AA)(1) "Telecommunications service" means the electronic 72821  
transmission, conveyance, or routing of voice, data, audio, video, 72822  
or any other information or signals to a point, or between or 72823  
among points. "Telecommunications service" includes such 72824  
transmission, conveyance, or routing in which computer processing 72825  
applications are used to act on the form, code, or protocol of the 72826  
content for purposes of transmission, conveyance, or routing 72827  
without regard to whether the service is referred to as voice-over 72828

internet protocol service or is classified by the federal 72829  
communications commission as enhanced or value-added. 72830  
"Telecommunications service" does not include any of the 72831  
following: 72832

(a) Data processing and information services that allow data 72833  
to be generated, acquired, stored, processed, or retrieved and 72834  
delivered by an electronic transmission to a consumer where the 72835  
consumer's primary purpose for the underlying transaction is the 72836  
processed data or information; 72837

(b) Installation or maintenance of wiring or equipment on a 72838  
customer's premises; 72839

(c) Tangible personal property; 72840

(d) Advertising, including directory advertising; 72841

(e) Billing and collection services provided to third 72842  
parties; 72843

(f) Internet access service; 72844

(g) Radio and television audio and video programming 72845  
services, regardless of the medium, including the furnishing of 72846  
transmission, conveyance, and routing of such services by the 72847  
programming service provider. Radio and television audio and video 72848  
programming services include, but are not limited to, cable 72849  
service, as defined in 47 U.S.C. 522(6), and audio and video 72850  
programming services delivered by commercial mobile radio service 72851  
providers, as defined in 47 C.F.R. 20.3; 72852

(h) Ancillary service; 72853

(i) Digital products delivered electronically, including 72854  
software, music, video, reading materials, or ring tones. 72855

(2) "Ancillary service" means a service that is associated 72856  
with or incidental to the provision of telecommunications service, 72857  
including conference bridging service, detailed telecommunications 72858

billing service, directory assistance, vertical service, and voice 72859  
mail service. As used in this division: 72860

(a) "Conference bridging service" means an ancillary service 72861  
that links two or more participants of an audio or video 72862  
conference call, including providing a telephone number. 72863  
"Conference bridging service" does not include telecommunications 72864  
services used to reach the conference bridge. 72865

(b) "Detailed telecommunications billing service" means an 72866  
ancillary service of separately stating information pertaining to 72867  
individual calls on a customer's billing statement. 72868

(c) "Directory assistance" means an ancillary service of 72869  
providing telephone number or address information. 72870

(d) "Vertical service" means an ancillary service that is 72871  
offered in connection with one or more telecommunications 72872  
services, which offers advanced calling features that allow 72873  
customers to identify callers and manage multiple calls and call 72874  
connections, including conference bridging service. 72875

(e) "Voice mail service" means an ancillary service that 72876  
enables the customer to store, send, or receive recorded messages. 72877  
"Voice mail service" does not include any vertical services that 72878  
the customer may be required to have in order to utilize the voice 72879  
mail service. 72880

(3) "900 service" means an inbound toll telecommunications 72881  
service purchased by a subscriber that allows the subscriber's 72882  
customers to call in to the subscriber's prerecorded announcement 72883  
or live service, and which is typically marketed under the name 72884  
"900 service" and any subsequent numbers designated by the federal 72885  
communications commission. "900 service" does not include the 72886  
charge for collection services provided by the seller of the 72887  
telecommunications service to the subscriber, or services or 72888  
products sold by the subscriber to the subscriber's customer. 72889

(4) "Prepaid calling service" means the right to access 72890  
exclusively telecommunications services, which must be paid for in 72891  
advance and which enables the origination of calls using an access 72892  
number or authorization code, whether manually or electronically 72893  
dialed, and that is sold in predetermined units or dollars of 72894  
which the number declines with use in a known amount. 72895

(5) "Prepaid wireless calling service" means a 72896  
telecommunications service that provides the right to utilize 72897  
mobile telecommunications service as well as other 72898  
non-telecommunications services, including the download of digital 72899  
products delivered electronically, and content and ancillary 72900  
services, that must be paid for in advance and that is sold in 72901  
predetermined units or dollars of which the number declines with 72902  
use in a known amount. 72903

(6) "Value-added non-voice data service" means a 72904  
telecommunications service in which computer processing 72905  
applications are used to act on the form, content, code, or 72906  
protocol of the information or data primarily for a purpose other 72907  
than transmission, conveyance, or routing. 72908

(7) "Coin-operated telephone service" means a 72909  
telecommunications service paid for by inserting money into a 72910  
telephone accepting direct deposits of money to operate. 72911

(8) "Customer" has the same meaning as in section 5739.034 of 72912  
the Revised Code. 72913

(BB) "Laundry and dry cleaning services" means removing soil 72914  
or dirt from towels, linens, articles of clothing, or other fabric 72915  
items that belong to others and supplying towels, linens, articles 72916  
of clothing, or other fabric items. "Laundry and dry cleaning 72917  
services" does not include the provision of self-service 72918  
facilities for use by consumers to remove soil or dirt from 72919  
towels, linens, articles of clothing, or other fabric items. 72920

(CC) "Magazines distributed as controlled circulation publications" means magazines containing at least twenty-four pages, at least twenty-five per cent editorial content, issued at regular intervals four or more times a year, and circulated without charge to the recipient, provided that such magazines are not owned or controlled by individuals or business concerns which conduct such publications as an auxiliary to, and essentially for the advancement of the main business or calling of, those who own or control them.

(DD) "Landscaping and lawn care service" means the services of planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, fertilizing, and providing similar services to establish, promote, or control the growth of trees, shrubs, flowers, grass, ground cover, and other flora, or otherwise maintaining a lawn or landscape grown or maintained by the owner for ornamentation or other nonagricultural purpose. However, "landscaping and lawn care service" does not include the providing of such services by a person who has less than five thousand dollars in sales of such services during the calendar year.

(EE) "Private investigation and security service" means the performance of any activity for which the provider of such service is required to be licensed pursuant to Chapter 4749. of the Revised Code, or would be required to be so licensed in performing such services in this state, and also includes the services of conducting polygraph examinations and of monitoring or overseeing the activities on or in, or the condition of, the consumer's home, business, or other facility by means of electronic or similar monitoring devices. "Private investigation and security service" does not include special duty services provided by off-duty police officers, deputy sheriffs, and other peace officers regularly employed by the state or a political subdivision.

(FF) "Information services" means providing conversation, 72953  
giving consultation or advice, playing or making a voice or other 72954  
recording, making or keeping a record of the number of callers, 72955  
and any other service provided to a consumer by means of a nine 72956  
hundred telephone call, except when the nine hundred telephone 72957  
call is the means by which the consumer makes a contribution to a 72958  
recognized charity. 72959

(GG) "Research and development" means designing, creating, or 72960  
formulating new or enhanced products, equipment, or manufacturing 72961  
processes, and also means conducting scientific or technological 72962  
inquiry and experimentation in the physical sciences with the goal 72963  
of increasing scientific knowledge which may reveal the bases for 72964  
new or enhanced products, equipment, or manufacturing processes. 72965

(HH) "Qualified research and development equipment" means 72966  
capitalized tangible personal property, and leased personal 72967  
property that would be capitalized if purchased, used by a person 72968  
primarily to perform research and development. Tangible personal 72969  
property primarily used in testing, as defined in division (A)(4) 72970  
of section 5739.011 of the Revised Code, or used for recording or 72971  
storing test results, is not qualified research and development 72972  
equipment unless such property is primarily used by the consumer 72973  
in testing the product, equipment, or manufacturing process being 72974  
created, designed, or formulated by the consumer in the research 72975  
and development activity or in recording or storing such test 72976  
results. 72977

(II) "Building maintenance and janitorial service" means 72978  
cleaning the interior or exterior of a building and any tangible 72979  
personal property located therein or thereon, including any 72980  
services incidental to such cleaning for which no separate charge 72981  
is made. However, "building maintenance and janitorial service" 72982  
does not include the providing of such service by a person who has 72983  
less than five thousand dollars in sales of such service during 72984



the calendar year. 72985

(JJ) "Employment service" means providing or supplying 72986  
personnel, on a temporary or long-term basis, to perform work or 72987  
labor under the supervision or control of another, when the 72988  
personnel so provided or supplied receive their wages, salary, or 72989  
other compensation from the provider or supplier of the employment 72990  
service or from a third party that provided or supplied the 72991  
personnel to the provider or supplier. "Employment service" does 72992  
not include: 72993

(1) Acting as a contractor or subcontractor, where the 72994  
personnel performing the work are not under the direct control of 72995  
the purchaser. 72996

(2) Medical and health care services. 72997

(3) Supplying personnel to a purchaser pursuant to a contract 72998  
of at least one year between the service provider and the 72999  
purchaser that specifies that each employee covered under the 73000  
contract is assigned to the purchaser on a permanent basis. 73001

(4) Transactions between members of an affiliated group, as 73002  
defined in division (B)(3)(e) of this section. 73003

(5) Transactions where the personnel so provided or supplied 73004  
by a provider or supplier to a purchaser of an employment service 73005  
are then provided or supplied by that purchaser to a third party 73006  
as an employment service, except "employment service" does include 73007  
the transaction between that purchaser and the third party. 73008

(KK) "Employment placement service" means locating or finding 73009  
employment for a person or finding or locating an employee to fill 73010  
an available position. 73011

(LL) "Exterminating service" means eradicating or attempting 73012  
to eradicate vermin infestations from a building or structure, or 73013  
the area surrounding a building or structure, and includes 73014

activities to inspect, detect, or prevent vermin infestation of a building or structure.

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(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise.

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(NN) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, card club, swimming club, tennis club, golf club, country club, riding club, amateur sports club, or similar organization.

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(OO) "Livestock" means farm animals commonly raised for food, food production, or other agricultural purposes, including, but not limited to, cattle, sheep, goats, swine, poultry, and captive deer. "Livestock" does not include invertebrates, amphibians, reptiles, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.

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(PP) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of livestock, and includes feed storage or handling structures and structures for livestock waste handling.

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(QQ) "Horticulture" means the growing, cultivation, and 73046  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 73047  
and nursery stock. As used in this division, "nursery stock" has 73048  
the same meaning as in section 927.51 of the Revised Code. 73049

(RR) "Horticulture structure" means a building or structure 73050  
used exclusively for the commercial growing, raising, or 73051  
overwintering of horticultural products, and includes the area 73052  
used for stocking, storing, and packing horticultural products 73053  
when done in conjunction with the production of those products. 73054

(SS) "Newspaper" means an unbound publication bearing a title 73055  
or name that is regularly published, at least as frequently as 73056  
biweekly, and distributed from a fixed place of business to the 73057  
public in a specific geographic area, and that contains a 73058  
substantial amount of news matter of international, national, or 73059  
local events of interest to the general public. 73060

(TT) "Professional racing team" means a person that employs 73061  
at least twenty full-time employees for the purpose of conducting 73062  
a motor vehicle racing business for profit. The person must 73063  
conduct the business with the purpose of racing one or more motor 73064  
racing vehicles in at least ten competitive professional racing 73065  
events each year that comprise all or part of a motor racing 73066  
series sanctioned by one or more motor racing sanctioning 73067  
organizations. A "motor racing vehicle" means a vehicle for which 73068  
the chassis, engine, and parts are designed exclusively for motor 73069  
racing, and does not include a stock or production model vehicle 73070  
that may be modified for use in racing. For the purposes of this 73071  
division: 73072

(1) A "competitive professional racing event" is a motor 73073  
vehicle racing event sanctioned by one or more motor racing 73074  
sanctioning organizations, at which aggregate cash prizes in 73075  
excess of eight hundred thousand dollars are awarded to the 73076  
competitors. 73077

(2) "Full-time employee" means an individual who is employed 73078  
for consideration for thirty-five or more hours a week, or who 73079  
renders any other standard of service generally accepted by custom 73080  
or specified by contract as full-time employment. 73081

(UU)(1) "Lease" or "rental" means any transfer of the 73082  
possession or control of tangible personal property for a fixed or 73083  
indefinite term, for consideration. "Lease" or "rental" includes 73084  
future options to purchase or extend, and agreements described in 73085  
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 73086  
the amount of consideration may be increased or decreased by 73087  
reference to the amount realized upon the sale or disposition of 73088  
the property. "Lease" or "rental" does not include: 73089

(a) A transfer of possession or control of tangible personal 73090  
property under a security agreement or a deferred payment plan 73091  
that requires the transfer of title upon completion of the 73092  
required payments; 73093

(b) A transfer of possession or control of tangible personal 73094  
property under an agreement that requires the transfer of title 73095  
upon completion of required payments and payment of an option 73096  
price that does not exceed the greater of one hundred dollars or 73097  
one per cent of the total required payments; 73098

(c) Providing tangible personal property along with an 73099  
operator for a fixed or indefinite period of time, if the operator 73100  
is necessary for the property to perform as designed. For purposes 73101  
of this division, the operator must do more than maintain, 73102  
inspect, or set up the tangible personal property. 73103

(2) "Lease" and "rental," as defined in division (UU) of this 73104  
section, shall not apply to leases or rentals that exist before 73105  
June 26, 2003. 73106

(3) "Lease" and "rental" have the same meaning as in division 73107  
(UU)(1) of this section regardless of whether a transaction is 73108

characterized as a lease or rental under generally accepted 73109  
accounting principles, the Internal Revenue Code, Title XIII of 73110  
the Revised Code, or other federal, state, or local laws. 73111

(VV) "Mobile telecommunications service" has the same meaning 73112  
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 73113  
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 73114  
on and after August 1, 2003, includes related fees and ancillary 73115  
services, including universal service fees, detailed billing 73116  
service, directory assistance, service initiation, voice mail 73117  
service, and vertical services, such as caller ID and three-way 73118  
calling. 73119

(WW) "Certified service provider" has the same meaning as in 73120  
section 5740.01 of the Revised Code. 73121

(XX) "Satellite broadcasting service" means the distribution 73122  
or broadcasting of programming or services by satellite directly 73123  
to the subscriber's receiving equipment without the use of ground 73124  
receiving or distribution equipment, except the subscriber's 73125  
receiving equipment or equipment used in the uplink process to the 73126  
satellite, and includes all service and rental charges, premium 73127  
channels or other special services, installation and repair 73128  
service charges, and any other charges having any connection with 73129  
the provision of the satellite broadcasting service. 73130

(YY) "Tangible personal property" means personal property 73131  
that can be seen, weighed, measured, felt, or touched, or that is 73132  
in any other manner perceptible to the senses. For purposes of 73133  
this chapter and Chapter 5741. of the Revised Code, "tangible 73134  
personal property" includes motor vehicles, electricity, water, 73135  
gas, steam, and prewritten computer software. 73136

(ZZ) "Direct mail" means printed material delivered or 73137  
distributed by United States mail or other delivery service to a 73138  
mass audience or to addressees on a mailing list provided by the 73139

consumer or at the direction of the consumer when the cost of the 73140  
items are not billed directly to the recipients. "Direct mail" 73141  
includes tangible personal property supplied directly or 73142  
indirectly by the consumer to the direct mail vendor for inclusion 73143  
in the package containing the printed material. "Direct mail" does 73144  
not include multiple items of printed material delivered to a 73145  
single address. 73146

(AAA) "Computer" means an electronic device that accepts 73147  
information in digital or similar form and manipulates it for a 73148  
result based on a sequence of instructions. 73149

(BBB) "Computer software" means a set of coded instructions 73150  
designed to cause a computer or automatic data processing 73151  
equipment to perform a task. 73152

(CCC) "Delivered electronically" means delivery of computer 73153  
software from the seller to the purchaser by means other than 73154  
tangible storage media. 73155

(DDD) "Prewritten computer software" means computer software, 73156  
including prewritten upgrades, that is not designed and developed 73157  
by the author or other creator to the specifications of a specific 73158  
purchaser. The combining of two or more prewritten computer 73159  
software programs or prewritten portions thereof does not cause 73160  
the combination to be other than prewritten computer software. 73161  
"Prewritten computer software" includes software designed and 73162  
developed by the author or other creator to the specifications of 73163  
a specific purchaser when it is sold to a person other than the 73164  
purchaser. If a person modifies or enhances computer software of 73165  
which the person is not the author or creator, the person shall be 73166  
deemed to be the author or creator only of such person's 73167  
modifications or enhancements. Prewritten computer software or a 73168  
prewritten portion thereof that is modified or enhanced to any 73169  
degree, where such modification or enhancement is designed and 73170  
developed to the specifications of a specific purchaser, remains 73171

prewritten computer software; provided, however, that where there 73172  
is a reasonable, separately stated charge or an invoice or other 73173  
statement of the price given to the purchaser for the modification 73174  
or enhancement, the modification or enhancement shall not 73175  
constitute prewritten computer software. 73176

(EEE)(1) "Food" means substances, whether in liquid, 73177  
concentrated, solid, frozen, dried, or dehydrated form, that are 73178  
sold for ingestion or chewing by humans and are consumed for their 73179  
taste or nutritional value. "Food" does not include alcoholic 73180  
beverages, dietary supplements, soft drinks, or tobacco. 73181

(2) As used in division (EEE)(1) of this section: 73182

(a) "Alcoholic beverages" means beverages that are suitable 73183  
for human consumption and contain one-half of one per cent or more 73184  
of alcohol by volume. 73185

(b) "Dietary supplements" means any product, other than 73186  
tobacco, that is intended to supplement the diet and that is 73187  
intended for ingestion in tablet, capsule, powder, softgel, 73188  
gelcap, or liquid form, or, if not intended for ingestion in such 73189  
a form, is not represented as conventional food for use as a sole 73190  
item of a meal or of the diet; that is required to be labeled as a 73191  
dietary supplement, identifiable by the "supplement facts" box 73192  
found on the label, as required by 21 C.F.R. 101.36; and that 73193  
contains one or more of the following dietary ingredients: 73194

(i) A vitamin; 73195

(ii) A mineral; 73196

(iii) An herb or other botanical; 73197

(iv) An amino acid; 73198

(v) A dietary substance for use by humans to supplement the 73199  
diet by increasing the total dietary intake; 73200

(vi) A concentrate, metabolite, constituent, extract, or 73201

combination of any ingredient described in divisions 73202  
(EEE)(2)(b)(i) to (v) of this section. 73203

(c) "Soft drinks" means nonalcoholic beverages that contain 73204  
natural or artificial sweeteners. "Soft drinks" does not include 73205  
beverages that contain milk or milk products, soy, rice, or 73206  
similar milk substitutes, or that contains greater than fifty per 73207  
cent vegetable or fruit juice by volume. 73208

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 73209  
tobacco, or any other item that contains tobacco. 73210

(FFF) "Drug" means a compound, substance, or preparation, and 73211  
any component of a compound, substance, or preparation, other than 73212  
food, dietary supplements, or alcoholic beverages that is 73213  
recognized in the official United States pharmacopoeia, official 73214  
homeopathic pharmacopoeia of the United States, or official 73215  
national formulary, and supplements to them; is intended for use 73216  
in the diagnosis, cure, mitigation, treatment, or prevention of 73217  
disease; or is intended to affect the structure or any function of 73218  
the body. 73219

(GGG) "Prescription" means an order, formula, or recipe 73220  
issued in any form of oral, written, electronic, or other means of 73221  
transmission by a duly licensed practitioner authorized by the 73222  
laws of this state to issue a prescription. 73223

(HHH) "Durable medical equipment" means equipment, including 73224  
repair and replacement parts for such equipment, that can 73225  
withstand repeated use, is primarily and customarily used to serve 73226  
a medical purpose, generally is not useful to a person in the 73227  
absence of illness or injury, and is not worn in or on the body. 73228  
"Durable medical equipment" does not include mobility enhancing 73229  
equipment. 73230

(III) "Mobility enhancing equipment" means equipment, 73231  
including repair and replacement parts for such equipment, that is 73232



primarily and customarily used to provide or increase the ability 73233  
to move from one place to another and is appropriate for use 73234  
either in a home or a motor vehicle, that is not generally used by 73235  
persons with normal mobility, and that does not include any motor 73236  
vehicle or equipment on a motor vehicle normally provided by a 73237  
motor vehicle manufacturer. "Mobility enhancing equipment" does 73238  
not include durable medical equipment. 73239

(JJJ) "Prosthetic device" means a replacement, corrective, or 73240  
supportive device, including repair and replacement parts for the 73241  
device, worn on or in the human body to artificially replace a 73242  
missing portion of the body, prevent or correct physical deformity 73243  
or malfunction, or support a weak or deformed portion of the body. 73244  
As used in this division, "prosthetic device" does not include 73245  
corrective eyeglasses, contact lenses, or dental prosthesis. 73246

(KKK)(1) "Fractional aircraft ownership program" means a 73247  
program in which persons within an affiliated group sell and 73248  
manage fractional ownership program aircraft, provided that at 73249  
least one hundred airworthy aircraft are operated in the program 73250  
and the program meets all of the following criteria: 73251

(a) Management services are provided by at least one program 73252  
manager within an affiliated group on behalf of the fractional 73253  
owners. 73254

(b) Each program aircraft is owned or possessed by at least 73255  
one fractional owner. 73256

(c) Each fractional owner owns or possesses at least a 73257  
one-sixteenth interest in at least one fixed-wing program 73258  
aircraft. 73259

(d) A dry-lease aircraft interchange arrangement is in effect 73260  
among all of the fractional owners. 73261

(e) Multi-year program agreements are in effect regarding the 73262  
fractional ownership, management services, and dry-lease aircraft 73263

interchange arrangement aspects of the program. 73264

(2) As used in division (KKK)(1) of this section: 73265

(a) "Affiliated group" has the same meaning as in division 73266  
(B)(3)(e) of this section. 73267

(b) "Fractional owner" means a person that owns or possesses 73268  
at least a one-sixteenth interest in a program aircraft and has 73269  
entered into the agreements described in division (KKK)(1)(e) of 73270  
this section. 73271

(c) "Fractional ownership program aircraft" or "program 73272  
aircraft" means a turbojet aircraft that is owned or possessed by 73273  
a fractional owner and that has been included in a dry-lease 73274  
aircraft interchange arrangement and agreement under divisions 73275  
(KKK)(1)(d) and (e) of this section, or an aircraft a program 73276  
manager owns or possesses primarily for use in a fractional 73277  
aircraft ownership program. 73278

(d) "Management services" means administrative and aviation 73279  
support services furnished under a fractional aircraft ownership 73280  
program in accordance with a management services agreement under 73281  
division (KKK)(1)(e) of this section, and offered by the program 73282  
manager to the fractional owners, including, at a minimum, the 73283  
establishment and implementation of safety guidelines; the 73284  
coordination of the scheduling of the program aircraft and crews; 73285  
program aircraft maintenance; program aircraft insurance; crew 73286  
training for crews employed, furnished, or contracted by the 73287  
program manager or the fractional owner; the satisfaction of 73288  
record-keeping requirements; and the development and use of an 73289  
operations manual and a maintenance manual for the fractional 73290  
aircraft ownership program. 73291

(e) "Program manager" means the person that offers management 73292  
services to fractional owners pursuant to a management services 73293  
agreement under division (KKK)(1)(e) of this section. 73294

(LLL) "Electronic publishing" means providing access to one 73295  
or more of the following primarily for business customers, 73296  
including the federal government or a state government or a 73297  
political subdivision thereof, to conduct research: news; 73298  
business, financial, legal, consumer, or credit materials; 73299  
editorials, columns, reader commentary, or features; photos or 73300  
images; archival or research material; legal notices, identity 73301  
verification, or public records; scientific, educational, 73302  
instructional, technical, professional, trade, or other literary 73303  
materials; or other similar information which has been gathered 73304  
and made available by the provider to the consumer in an 73305  
electronic format. Providing electronic publishing includes the 73306  
functions necessary for the acquisition, formatting, editing, 73307  
storage, and dissemination of data or information that is the 73308  
subject of a sale. 73309

(MMM) "Medicaid health insuring corporation" means a health 73310  
insuring corporation that holds a certificate of authority under 73311  
Chapter 1751. of the Revised Code and is under contract with the 73312  
department of job and family services pursuant to section 5111.17 73313  
of the Revised Code. 73314

(NNN) "Managed care premium" means any premium, capitation, 73315  
or other payment a medicaid health insuring corporation receives 73316  
for providing or arranging for the provision of health care 73317  
services to its members or enrollees residing in this state. 73318

(OOO) "Captive deer" means deer and other cervidae that have 73319  
been legally acquired, or their offspring, that are privately 73320  
owned for agricultural or farming purposes. 73321

(PPP) "Gift card" means a document, card, certificate, or 73322  
other record, whether tangible or intangible, that may be redeemed 73323  
by a consumer for a dollar value when making a purchase of 73324  
tangible personal property or services. 73325

(QQQ) "Specified digital product" means an electronically transferred digital audiovisual work, digital audio work, or digital book. 73326  
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As used in division (QQQ) of this section: 73329

(1) "Digital audiovisual work" means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any. 73330  
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(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication. 73333  
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(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book. 73338  
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(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media. 73340  
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(RRR) "Territory of the tourism development district" means all of the area included within the territorial boundaries of a tourism development district. 73342  
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(SSS) "Tourism development district" means a district designated by a municipal corporation or township under section 5739.50 of the Revised Code. 73345  
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**Sec. 5739.02.** For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the 73348  
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expense of administering this chapter, an excise tax is hereby 73356  
levied on each retail sale made in this state. 73357

(A)(1) The tax shall be collected as provided in section 73358  
5739.025 of the Revised Code. The rate of the tax shall be five 73359  
and three-fourths per cent. The tax applies and is collectible 73360  
when the sale is made, regardless of the time when the price is 73361  
paid or delivered. 73362

(2) In the case of the lease or rental, with a fixed term of 73363  
more than thirty days or an indefinite term with a minimum period 73364  
of more than thirty days, of any motor vehicles designed by the 73365  
manufacturer to carry a load of not more than one ton, watercraft, 73366  
outboard motor, or aircraft, or of any tangible personal property, 73367  
other than motor vehicles designed by the manufacturer to carry a 73368  
load of more than one ton, to be used by the lessee or renter 73369  
primarily for business purposes, the tax shall be collected by the 73370  
vendor at the time the lease or rental is consummated and shall be 73371  
calculated by the vendor on the basis of the total amount to be 73372  
paid by the lessee or renter under the lease agreement. If the 73373  
total amount of the consideration for the lease or rental includes 73374  
amounts that are not calculated at the time the lease or rental is 73375  
executed, the tax shall be calculated and collected by the vendor 73376  
at the time such amounts are billed to the lessee or renter. In 73377  
the case of an open-end lease or rental, the tax shall be 73378  
calculated by the vendor on the basis of the total amount to be 73379  
paid during the initial fixed term of the lease or rental, and for 73380  
each subsequent renewal period as it comes due. As used in this 73381  
division, "motor vehicle" has the same meaning as in section 73382  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 73383  
unit attached to the watercraft. 73384

A lease with a renewal clause and a termination penalty or 73385  
similar provision that applies if the renewal clause is not 73386  
exercised is presumed to be a sham transaction. In such a case, 73387

the tax shall be calculated and paid on the basis of the entire 73388  
length of the lease period, including any renewal periods, until 73389  
the termination penalty or similar provision no longer applies. 73390  
The taxpayer shall bear the burden, by a preponderance of the 73391  
evidence, that the transaction or series of transactions is not a 73392  
sham transaction. 73393

(3) Except as provided in division (A)(2) of this section, in 73394  
the case of a sale, the price of which consists in whole or in 73395  
part of the lease or rental of tangible personal property, the tax 73396  
shall be measured by the installments of that lease or rental. 73397

(4) In the case of a sale of a physical fitness facility 73398  
service or recreation and sports club service, the price of which 73399  
consists in whole or in part of a membership for the receipt of 73400  
the benefit of the service, the tax applicable to the sale shall 73401  
be measured by the installments thereof. 73402

(B) The tax does not apply to the following: 73403

(1) Sales to the state or any of its political subdivisions, 73404  
or to any other state or its political subdivisions if the laws of 73405  
that state exempt from taxation sales made to this state and its 73406  
political subdivisions; 73407

(2) Sales of food for human consumption off the premises 73408  
where sold; 73409

(3) Sales of food sold to students only in a cafeteria, 73410  
dormitory, fraternity, or sorority maintained in a private, 73411  
public, or parochial school, college, or university; 73412

(4) Sales of newspapers and sales or transfers of magazines 73413  
distributed as controlled circulation publications; 73414

(5) The furnishing, preparing, or serving of meals without 73415  
charge by an employer to an employee provided the employer records 73416  
the meals as part compensation for services performed or work 73417

done; 73418

(6) Sales of motor fuel upon receipt, use, distribution, or 73419  
sale of which in this state a tax is imposed by the law of this 73420  
state, but this exemption shall not apply to the sale of motor 73421  
fuel on which a refund of the tax is allowable under division (A) 73422  
of section 5735.14 of the Revised Code; and the tax commissioner 73423  
may deduct the amount of tax levied by this section applicable to 73424  
the price of motor fuel when granting a refund of motor fuel tax 73425  
pursuant to division (A) of section 5735.14 of the Revised Code 73426  
and shall cause the amount deducted to be paid into the general 73427  
revenue fund of this state; 73428

(7) Sales of natural gas by a natural gas company, of water 73429  
by a water-works company, or of steam by a heating company, if in 73430  
each case the thing sold is delivered to consumers through pipes 73431  
or conduits, and all sales of communications services by a 73432  
telegraph company, all terms as defined in section 5727.01 of the 73433  
Revised Code, and sales of electricity delivered through wires; 73434

(8) Casual sales by a person, or auctioneer employed directly 73435  
by the person to conduct such sales, except as to such sales of 73436  
motor vehicles, watercraft or outboard motors required to be 73437  
titled under section 1548.06 of the Revised Code, watercraft 73438  
documented with the United States coast guard, snowmobiles, and 73439  
all-purpose vehicles as defined in section 4519.01 of the Revised 73440  
Code; 73441

(9)(a) Sales of services or tangible personal property, other 73442  
than motor vehicles, mobile homes, and manufactured homes, by 73443  
churches, organizations exempt from taxation under section 73444  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 73445  
organizations operated exclusively for charitable purposes as 73446  
defined in division (B)(12) of this section, provided that the 73447  
number of days on which such tangible personal property or 73448  
services, other than items never subject to the tax, are sold does 73449

not exceed six in any calendar year, except as otherwise provided 73450  
in division (B)(9)(b) of this section. If the number of days on 73451  
which such sales are made exceeds six in any calendar year, the 73452  
church or organization shall be considered to be engaged in 73453  
business and all subsequent sales by it shall be subject to the 73454  
tax. In counting the number of days, all sales by groups within a 73455  
church or within an organization shall be considered to be sales 73456  
of that church or organization. 73457

(b) The limitation on the number of days on which tax-exempt 73458  
sales may be made by a church or organization under division 73459  
(B)(9)(a) of this section does not apply to sales made by student 73460  
clubs and other groups of students of a primary or secondary 73461  
school, or a parent-teacher association, booster group, or similar 73462  
organization that raises money to support or fund curricular or 73463  
extracurricular activities of a primary or secondary school. 73464

(c) Divisions (B)(9)(a) and (b) of this section do not apply 73465  
to sales by a noncommercial educational radio or television 73466  
broadcasting station. 73467

(10) Sales not within the taxing power of this state under 73468  
the Constitution or laws of the United States or the Constitution 73469  
of this state; 73470

(11) Except for transactions that are sales under division 73471  
(B)(3)(r) of section 5739.01 of the Revised Code, the 73472  
transportation of persons or property, unless the transportation 73473  
is by a private investigation and security service; 73474

(12) Sales of tangible personal property or services to 73475  
churches, to organizations exempt from taxation under section 73476  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 73477  
nonprofit organizations operated exclusively for charitable 73478  
purposes in this state, no part of the net income of which inures 73479  
to the benefit of any private shareholder or individual, and no 73480



substantial part of the activities of which consists of carrying 73481  
on propaganda or otherwise attempting to influence legislation; 73482  
sales to offices administering one or more homes for the aged or 73483  
one or more hospital facilities exempt under section 140.08 of the 73484  
Revised Code; and sales to organizations described in division (D) 73485  
of section 5709.12 of the Revised Code. 73486

"Charitable purposes" means the relief of poverty; the 73487  
improvement of health through the alleviation of illness, disease, 73488  
or injury; the operation of an organization exclusively for the 73489  
provision of professional, laundry, printing, and purchasing 73490  
services to hospitals or charitable institutions; the operation of 73491  
a home for the aged, as defined in section 5701.13 of the Revised 73492  
Code; the operation of a radio or television broadcasting station 73493  
that is licensed by the federal communications commission as a 73494  
noncommercial educational radio or television station; the 73495  
operation of a nonprofit animal adoption service or a county 73496  
humane society; the promotion of education by an institution of 73497  
learning that maintains a faculty of qualified instructors, 73498  
teaches regular continuous courses of study, and confers a 73499  
recognized diploma upon completion of a specific curriculum; the 73500  
operation of a parent-teacher association, booster group, or 73501  
similar organization primarily engaged in the promotion and 73502  
support of the curricular or extracurricular activities of a 73503  
primary or secondary school; the operation of a community or area 73504  
center in which presentations in music, dramatics, the arts, and 73505  
related fields are made in order to foster public interest and 73506  
education therein; the production of performances in music, 73507  
dramatics, and the arts; or the promotion of education by an 73508  
organization engaged in carrying on research in, or the 73509  
dissemination of, scientific and technological knowledge and 73510  
information primarily for the public. 73511

Nothing in this division shall be deemed to exempt sales to 73512

any organization for use in the operation or carrying on of a 73513  
trade or business, or sales to a home for the aged for use in the 73514  
operation of independent living facilities as defined in division 73515  
(A) of section 5709.12 of the Revised Code. 73516

(13) Building and construction materials and services sold to 73517  
construction contractors for incorporation into a structure or 73518  
improvement to real property under a construction contract with 73519  
this state or a political subdivision of this state, or with the 73520  
United States government or any of its agencies; building and 73521  
construction materials and services sold to construction 73522  
contractors for incorporation into a structure or improvement to 73523  
real property that are accepted for ownership by this state or any 73524  
of its political subdivisions, or by the United States government 73525  
or any of its agencies at the time of completion of the structures 73526  
or improvements; building and construction materials sold to 73527  
construction contractors for incorporation into a horticulture 73528  
structure or livestock structure for a person engaged in the 73529  
business of horticulture or producing livestock; building 73530  
materials and services sold to a construction contractor for 73531  
incorporation into a house of public worship or religious 73532  
education, or a building used exclusively for charitable purposes 73533  
under a construction contract with an organization whose purpose 73534  
is as described in division (B)(12) of this section; building 73535  
materials and services sold to a construction contractor for 73536  
incorporation into a building under a construction contract with 73537  
an organization exempt from taxation under section 501(c)(3) of 73538  
the Internal Revenue Code of 1986 when the building is to be used 73539  
exclusively for the organization's exempt purposes; building and 73540  
construction materials sold for incorporation into the original 73541  
construction of a sports facility under section 307.696 of the 73542  
Revised Code; building and construction materials and services 73543  
sold to a construction contractor for incorporation into real 73544  
property outside this state if such materials and services, when 73545

sold to a construction contractor in the state in which the real 73546  
property is located for incorporation into real property in that 73547  
state, would be exempt from a tax on sales levied by that state; 73548  
building and construction materials for incorporation into a 73549  
transportation facility pursuant to a public-private agreement 73550  
entered into under sections 5501.70 to 5501.83 of the Revised 73551  
Code; and, until one calendar year after the construction of a 73552  
convention center that qualifies for property tax exemption under 73553  
section 5709.084 of the Revised Code is completed, building and 73554  
construction materials and services sold to a construction 73555  
contractor for incorporation into the real property comprising 73556  
that convention center; 73557

(14) Sales of ships or vessels or rail rolling stock used or 73558  
to be used principally in interstate or foreign commerce, and 73559  
repairs, alterations, fuel, and lubricants for such ships or 73560  
vessels or rail rolling stock; 73561

(15) Sales to persons primarily engaged in any of the 73562  
activities mentioned in division (B)(42)(a), (g), or (h) of this 73563  
section, to persons engaged in making retail sales, or to persons 73564  
who purchase for sale from a manufacturer tangible personal 73565  
property that was produced by the manufacturer in accordance with 73566  
specific designs provided by the purchaser, of packages, including 73567  
material, labels, and parts for packages, and of machinery, 73568  
equipment, and material for use primarily in packaging tangible 73569  
personal property produced for sale, including any machinery, 73570  
equipment, and supplies used to make labels or packages, to 73571  
prepare packages or products for labeling, or to label packages or 73572  
products, by or on the order of the person doing the packaging, or 73573  
sold at retail. "Packages" includes bags, baskets, cartons, 73574  
crates, boxes, cans, bottles, bindings, wrappings, and other 73575  
similar devices and containers, but does not include motor 73576  
vehicles or bulk tanks, trailers, or similar devices attached to 73577

motor vehicles. "Packaging" means placing in a package. Division 73578  
(B)(15) of this section does not apply to persons engaged in 73579  
highway transportation for hire. 73580

(16) Sales of food to persons using supplemental nutrition 73581  
assistance program benefits to purchase the food. As used in this 73582  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 73583  
federal regulations adopted pursuant to the Food and Nutrition Act 73584  
of 2008. 73585

(17) Sales to persons engaged in farming, agriculture, 73586  
horticulture, or floriculture, of tangible personal property for 73587  
use or consumption primarily in the production by farming, 73588  
agriculture, horticulture, or floriculture of other tangible 73589  
personal property for use or consumption primarily in the 73590  
production of tangible personal property for sale by farming, 73591  
agriculture, horticulture, or floriculture; or material and parts 73592  
for incorporation into any such tangible personal property for use 73593  
or consumption in production; and of tangible personal property 73594  
for such use or consumption in the conditioning or holding of 73595  
products produced by and for such use, consumption, or sale by 73596  
persons engaged in farming, agriculture, horticulture, or 73597  
floriculture, except where such property is incorporated into real 73598  
property; 73599

(18) Sales of drugs for a human being that may be dispensed 73600  
only pursuant to a prescription; insulin as recognized in the 73601  
official United States pharmacopoeia; urine and blood testing 73602  
materials when used by diabetics or persons with hypoglycemia to 73603  
test for glucose or acetone; hypodermic syringes and needles when 73604  
used by diabetics for insulin injections; epoetin alfa when 73605  
purchased for use in the treatment of persons with medical 73606  
disease; hospital beds when purchased by hospitals, nursing homes, 73607  
or other medical facilities; and medical oxygen and medical 73608  
oxygen-dispensing equipment when purchased by hospitals, nursing 73609

homes, or other medical facilities;	73610
(19) Sales of prosthetic devices, durable medical equipment for home use, or mobility enhancing equipment, when made pursuant to a prescription and when such devices or equipment are for use by a human being.	73611 73612 73613 73614
(20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing fire protection and emergency services, including trauma care and emergency medical services, for political subdivisions of the state;	73615 73616 73617 73618 73619
(21) Sales of tangible personal property manufactured in this state, if sold by the manufacturer in this state to a retailer for use in the retail business of the retailer outside of this state and if possession is taken from the manufacturer by the purchaser within this state for the sole purpose of immediately removing the same from this state in a vehicle owned by the purchaser;	73620 73621 73622 73623 73624 73625
(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;	73626 73627 73628 73629 73630
(23) Sales of motor vehicles to nonresidents of this state under the circumstances described in division (B) of section 5739.029 of the Revised Code;	73631 73632 73633
(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment	73634 73635 73636 73637 73638 73639 73640

and parts therefor, except motor vehicles licensed to operate on 73641  
public highways, used in intraplant or interplant transfers or 73642  
shipment of eggs in the process of preparation for sale, when the 73643  
plant or plants within or between which such transfers or 73644  
shipments occur are operated by the same person. "Packages" 73645  
includes containers, cases, baskets, flats, fillers, filler flats, 73646  
cartons, closure materials, labels, and labeling materials, and 73647  
"packaging" means placing therein. 73648

(25)(a) Sales of water to a consumer for residential use; 73649

(b) Sales of water by a nonprofit corporation engaged 73650  
exclusively in the treatment, distribution, and sale of water to 73651  
consumers, if such water is delivered to consumers through pipes 73652  
or tubing. 73653

(26) Fees charged for inspection or reinspection of motor 73654  
vehicles under section 3704.14 of the Revised Code; 73655

(27) Sales to persons licensed to conduct a food service 73656  
operation pursuant to section 3717.43 of the Revised Code, of 73657  
tangible personal property primarily used directly for the 73658  
following: 73659

(a) To prepare food for human consumption for sale; 73660

(b) To preserve food that has been or will be prepared for 73661  
human consumption for sale by the food service operator, not 73662  
including tangible personal property used to display food for 73663  
selection by the consumer; 73664

(c) To clean tangible personal property used to prepare or 73665  
serve food for human consumption for sale. 73666

(28) Sales of animals by nonprofit animal adoption services 73667  
or county humane societies; 73668

(29) Sales of services to a corporation described in division 73669  
(A) of section 5709.72 of the Revised Code, and sales of tangible 73670

personal property that qualifies for exemption from taxation under 73671  
section 5709.72 of the Revised Code; 73672

(30) Sales and installation of agricultural land tile, as 73673  
defined in division (B)(5)(a) of section 5739.01 of the Revised 73674  
Code; 73675

(31) Sales and erection or installation of portable grain 73676  
bins, as defined in division (B)(5)(b) of section 5739.01 of the 73677  
Revised Code; 73678

(32) The sale, lease, repair, and maintenance of, parts for, 73679  
or items attached to or incorporated in, motor vehicles that are 73680  
primarily used for transporting tangible personal property 73681  
belonging to others by a person engaged in highway transportation 73682  
for hire, except for packages and packaging used for the 73683  
transportation of tangible personal property; 73684

(33) Sales to the state headquarters of any veterans' 73685  
organization in this state that is either incorporated and issued 73686  
a charter by the congress of the United States or is recognized by 73687  
the United States veterans administration, for use by the 73688  
headquarters; 73689

(34) Sales to a telecommunications service vendor, mobile 73690  
telecommunications service vendor, or satellite broadcasting 73691  
service vendor of tangible personal property and services used 73692  
directly and primarily in transmitting, receiving, switching, or 73693  
recording any interactive, one- or two-way electromagnetic 73694  
communications, including voice, image, data, and information, 73695  
through the use of any medium, including, but not limited to, 73696  
poles, wires, cables, switching equipment, computers, and record 73697  
storage devices and media, and component parts for the tangible 73698  
personal property. The exemption provided in this division shall 73699  
be in lieu of all other exemptions under division (B)(42)(a) or 73700  
(n) of this section to which the vendor may otherwise be entitled, 73701

based upon the use of the thing purchased in providing the 73702  
telecommunications, mobile telecommunications, or satellite 73703  
broadcasting service. 73704

(35)(a) Sales where the purpose of the consumer is to use or 73705  
consume the things transferred in making retail sales and 73706  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 73707  
certificates, or other advertising material that prices and 73708  
describes tangible personal property offered for retail sale. 73709

(b) Sales to direct marketing vendors of preliminary 73710  
materials such as photographs, artwork, and typesetting that will 73711  
be used in printing advertising material; and of printed matter 73712  
that offers free merchandise or chances to win sweepstake prizes 73713  
and that is mailed to potential customers with advertising 73714  
material described in division (B)(35)(a) of this section; 73715

(c) Sales of equipment such as telephones, computers, 73716  
facsimile machines, and similar tangible personal property 73717  
primarily used to accept orders for direct marketing retail sales. 73718

(d) Sales of automatic food vending machines that preserve 73719  
food with a shelf life of forty-five days or less by refrigeration 73720  
and dispense it to the consumer. 73721

For purposes of division (B)(35) of this section, "direct 73722  
marketing" means the method of selling where consumers order 73723  
tangible personal property by United States mail, delivery 73724  
service, or telecommunication and the vendor delivers or ships the 73725  
tangible personal property sold to the consumer from a warehouse, 73726  
catalogue distribution center, or similar fulfillment facility by 73727  
means of the United States mail, delivery service, or common 73728  
carrier. 73729

(36) Sales to a person engaged in the business of 73730  
horticulture or producing livestock of materials to be 73731  
incorporated into a horticulture structure or livestock structure; 73732



(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;	73733 73734 73735 73736 73737
(38) Sales to a professional racing team of any of the following:	73738 73739
(a) Motor racing vehicles;	73740
(b) Repair services for motor racing vehicles;	73741
(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.	73742 73743 73744 73745 73746 73747 73748 73749
(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;	73750 73751 73752
(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or	73753 73754 73755 73756 73757 73758 73759 73760 73761 73762 73763

distribution system, including only those motor vehicles as are 73764  
specially designed and equipped for such use. The exemption 73765  
provided in this division shall be in lieu of all other exemptions 73766  
in division (B)(42)(a) or (n) of this section to which a provider 73767  
of electricity may otherwise be entitled based on the use of the 73768  
tangible personal property or service purchased in generating, 73769  
transmitting, or distributing electricity. 73770

(41) Sales to a person providing services under division 73771  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 73772  
personal property and services used directly and primarily in 73773  
providing taxable services under that section. 73774

(42) Sales where the purpose of the purchaser is to do any of 73775  
the following: 73776

(a) To incorporate the thing transferred as a material or a 73777  
part into tangible personal property to be produced for sale by 73778  
manufacturing, assembling, processing, or refining; or to use or 73779  
consume the thing transferred directly in producing tangible 73780  
personal property for sale by mining, including, without 73781  
limitation, the extraction from the earth of all substances that 73782  
are classed geologically as minerals, production of crude oil and 73783  
natural gas, or directly in the rendition of a public utility 73784  
service, except that the sales tax levied by this section shall be 73785  
collected upon all meals, drinks, and food for human consumption 73786  
sold when transporting persons. Persons engaged in rendering 73787  
services in the exploration for, and production of, crude oil and 73788  
natural gas for others are deemed engaged directly in the 73789  
exploration for, and production of, crude oil and natural gas. 73790  
This paragraph does not exempt from "retail sale" or "sales at 73791  
retail" the sale of tangible personal property that is to be 73792  
incorporated into a structure or improvement to real property. 73793

(b) To hold the thing transferred as security for the 73794  
performance of an obligation of the vendor; 73795

(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;	73796 73797
(d) To use or consume the thing directly in commercial fishing;	73798 73799
(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;	73800 73801 73802 73803
(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;	73804 73805 73806 73807 73808
(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	73809 73810 73811
(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;	73812 73813 73814 73815 73816 73817
(i) To use the thing transferred as qualified research and development equipment;	73818 73819
(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or	73820 73821 73822 73823 73824 73825 73826

by means of direct marketing. This division does not apply to 73827  
motor vehicles registered for operation on the public highways. As 73828  
used in this division, "affiliated group" has the same meaning as 73829  
in division (B)(3)(e) of section 5739.01 of the Revised Code and 73830  
"direct marketing" has the same meaning as in division (B)(35) of 73831  
this section. 73832

(k) To use or consume the thing transferred to fulfill a 73833  
contractual obligation incurred by a warrantor pursuant to a 73834  
warranty provided as a part of the price of the tangible personal 73835  
property sold or by a vendor of a warranty, maintenance or service 73836  
contract, or similar agreement the provision of which is defined 73837  
as a sale under division (B)(7) of section 5739.01 of the Revised 73838  
Code; 73839

(l) To use or consume the thing transferred in the production 73840  
of a newspaper for distribution to the public; 73841

(m) To use tangible personal property to perform a service 73842  
listed in division (B)(3) of section 5739.01 of the Revised Code, 73843  
if the property is or is to be permanently transferred to the 73844  
consumer of the service as an integral part of the performance of 73845  
the service; 73846

(n) To use or consume the thing transferred primarily in 73847  
producing tangible personal property for sale by farming, 73848  
agriculture, horticulture, or floriculture. Persons engaged in 73849  
rendering farming, agriculture, horticulture, or floriculture 73850  
services for others are deemed engaged primarily in farming, 73851  
agriculture, horticulture, or floriculture. This paragraph does 73852  
not exempt from "retail sale" or "sales at retail" the sale of 73853  
tangible personal property that is to be incorporated into a 73854  
structure or improvement to real property. 73855

(o) To use or consume the thing transferred in acquiring, 73856  
formatting, editing, storing, and disseminating data or 73857

information by electronic publishing. 73858

As used in division (B)(42) of this section, "thing" includes 73859  
all transactions included in divisions (B)(3)(a), (b), and (e) of 73860  
section 5739.01 of the Revised Code. 73861

(43) Sales conducted through a coin operated device that 73862  
activates vacuum equipment or equipment that dispenses water, 73863  
whether or not in combination with soap or other cleaning agents 73864  
or wax, to the consumer for the consumer's use on the premises in 73865  
washing, cleaning, or waxing a motor vehicle, provided no other 73866  
personal property or personal service is provided as part of the 73867  
transaction. 73868

(44) Sales of replacement and modification parts for engines, 73869  
airframes, instruments, and interiors in, and paint for, aircraft 73870  
used primarily in a fractional aircraft ownership program, and 73871  
sales of services for the repair, modification, and maintenance of 73872  
such aircraft, and machinery, equipment, and supplies primarily 73873  
used to provide those services. 73874

(45) Sales of telecommunications service that is used 73875  
directly and primarily to perform the functions of a call center. 73876  
As used in this division, "call center" means any physical 73877  
location where telephone calls are placed or received in high 73878  
volume for the purpose of making sales, marketing, customer 73879  
service, technical support, or other specialized business 73880  
activity, and that employs at least fifty individuals that engage 73881  
in call center activities on a full-time basis, or sufficient 73882  
individuals to fill fifty full-time equivalent positions. 73883

(46) Sales by a telecommunications service vendor of 900 73884  
service to a subscriber. This division does not apply to 73885  
information services, as defined in division (FF) of section 73886  
5739.01 of the Revised Code. 73887

(47) Sales of value-added non-voice data service. This 73888

division does not apply to any similar service that is not 73889  
otherwise a telecommunications service. 73890

(48)(a) Sales of machinery, equipment, and software to a 73891  
qualified direct selling entity for use in a warehouse or 73892  
distribution center primarily for storing, transporting, or 73893  
otherwise handling inventory that is held for sale to independent 73894  
salespersons who operate as direct sellers and that is held 73895  
primarily for distribution outside this state; 73896

(b) As used in division (B)(48)(a) of this section: 73897

(i) "Direct seller" means a person selling consumer products 73898  
to individuals for personal or household use and not from a fixed 73899  
retail location, including selling such product at in-home product 73900  
demonstrations, parties, and other one-on-one selling. 73901

(ii) "Qualified direct selling entity" means an entity 73902  
selling to direct sellers at the time the entity enters into a tax 73903  
credit agreement with the tax credit authority pursuant to section 73904  
122.17 of the Revised Code, provided that the agreement was 73905  
entered into on or after January 1, 2007. Neither contingencies 73906  
relevant to the granting of, nor later developments with respect 73907  
to, the tax credit shall impair the status of the qualified direct 73908  
selling entity under division (B)(48) of this section after 73909  
execution of the tax credit agreement by the tax credit authority. 73910

(c) Division (B)(48) of this section is limited to machinery, 73911  
equipment, and software first stored, used, or consumed in this 73912  
state within the period commencing June 24, 2008, and ending on 73913  
the date that is five years after that date. 73914

(49) Sales of materials, parts, equipment, or engines used in 73915  
the repair or maintenance of aircraft or avionics systems of such 73916  
aircraft, and sales of repair, remodeling, replacement, or 73917  
maintenance services in this state performed on aircraft or on an 73918  
aircraft's avionics, engine, or component materials or parts. As 73919

used in division (B)(49) of this section, "aircraft" means 73920  
aircraft of more than six thousand pounds maximum certified 73921  
takeoff weight or used exclusively in general aviation. 73922

(50) Sales of full flight simulators that are used for pilot 73923  
or flight-crew training, sales of repair or replacement parts or 73924  
components, and sales of repair or maintenance services for such 73925  
full flight simulators. "Full flight simulator" means a replica of 73926  
a specific type, or make, model, and series of aircraft cockpit. 73927  
It includes the assemblage of equipment and computer programs 73928  
necessary to represent aircraft operations in ground and flight 73929  
conditions, a visual system providing an out-of-the-cockpit view, 73930  
and a system that provides cues at least equivalent to those of a 73931  
three-degree-of-freedom motion system, and has the full range of 73932  
capabilities of the systems installed in the device as described 73933  
in appendices A and B of part 60 of chapter 1 of title 14 of the 73934  
Code of Federal Regulations. 73935

(51) Any transfer or lease of tangible personal property 73936  
between the state and JobsOhio in accordance with section 4313.02 73937  
of the Revised Code. 73938

(52)(a) Sales to a qualifying corporation. 73939

(b) As used in division (B)(52) of this section: 73940

(i) "Qualifying corporation" means a nonprofit corporation 73941  
organized in this state that leases from an eligible county land, 73942  
buildings, structures, fixtures, and improvements to the land that 73943  
are part of or used in a public recreational facility used by a 73944  
major league professional athletic team or a class A to class AAA 73945  
minor league affiliate of a major league professional athletic 73946  
team for a significant portion of the team's home schedule, 73947  
provided the following apply: 73948

(I) The facility is leased from the eligible county pursuant 73949  
to a lease that requires substantially all of the revenue from the 73950

operation of the business or activity conducted by the nonprofit 73951  
corporation at the facility in excess of operating costs, capital 73952  
expenditures, and reserves to be paid to the eligible county at 73953  
least once per calendar year. 73954

(II) Upon dissolution and liquidation of the nonprofit 73955  
corporation, all of its net assets are distributable to the board 73956  
of commissioners of the eligible county from which the corporation 73957  
leases the facility. 73958

(ii) "Eligible county" has the same meaning as in section 73959  
307.695 of the Revised Code. 73960

(53) Sales to or by a cable service provider, video service 73961  
provider, or radio or television broadcast station regulated by 73962  
the federal government of cable service or programming, video 73963  
service or programming, audio service or programming, or 73964  
electronically transferred digital audiovisual or audio work. As 73965  
used in division (B)(53) of this section, "cable service" and 73966  
"cable service provider" have the same meanings as in section 73967  
1332.01 of the Revised Code, and "video service," "video service 73968  
provider," and "video programming" have the same meanings as in 73969  
section 1332.21 of the Revised Code. 73970

(C) For the purpose of the proper administration of this 73971  
chapter, and to prevent the evasion of the tax, it is presumed 73972  
that all sales made in this state are subject to the tax until the 73973  
contrary is established. 73974

(D) The levy of this tax on retail sales of recreation and 73975  
sports club service shall not prevent a municipal corporation from 73976  
levying any tax on recreation and sports club dues or on any 73977  
income generated by recreation and sports club dues. 73978

(E) The tax collected by the vendor from the consumer under 73979  
this chapter is not part of the price, but is a tax collection for 73980  
the benefit of the state, and of counties levying an additional 73981



sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and, of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code, and of municipal corporations and townships levying an additional sales tax pursuant to section 5739.024 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code.

**Sec. 5739.021.** (A) For the purpose of providing additional general revenues for the county or supporting criminal and administrative justice services in the county, or both, and to pay the expenses of administering such levy, any county may levy a tax at the rate of not more than one per cent at any multiple of one-fourth of one per cent upon every retail sale made in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, and may increase the rate of an existing tax to not more than one per cent at any multiple of one-fourth of one per cent.

The tax shall be levied and the rate increased pursuant to a resolution of the board of county commissioners. The resolution shall state the purpose for which the tax is to be levied and the number of years for which the tax is to be levied, or that it is for a continuing period of time. If the tax is to be levied for the purpose of providing additional general revenues and for the purpose of supporting criminal and administrative justice services, the resolution shall state the rate or amount of the tax to be apportioned to each such purpose. The rate or amount may be different for each year the tax is to be levied, but the rates or

amounts actually apportioned each year shall not be different from 74014  
that stated in the resolution for that year. If the resolution is 74015  
adopted as an emergency measure necessary for the immediate 74016  
preservation of the public peace, health, or safety, it must 74017  
receive an affirmative vote of all of the members of the board of 74018  
county commissioners and shall state the reasons for such 74019  
necessity. The board shall deliver a certified copy of the 74020  
resolution to the tax commissioner, not later than the sixty-fifth 74021  
day prior to the date on which the tax is to become effective, 74022  
which shall be the first day of the calendar quarter. 74023

Prior to the adoption of any resolution under this section, 74024  
the board of county commissioners shall conduct two public 74025  
hearings on the resolution, the second hearing to be not less than 74026  
three nor more than ten days after the first. Notice of the date, 74027  
time, and place of the hearings shall be given by publication in a 74028  
newspaper of general circulation in the county, or as provided in 74029  
section 7.16 of the Revised Code, once a week on the same day of 74030  
the week for two consecutive weeks, the second publication being 74031  
not less than ten nor more than thirty days prior to the first 74032  
hearing. 74033

Except as provided in division (B)(3) of this section, the 74034  
resolution shall be subject to a referendum as provided in 74035  
sections 305.31 to 305.41 of the Revised Code. 74036

If a petition for a referendum is filed, the county auditor 74037  
with whom the petition was filed shall, within five days, notify 74038  
the board of county commissioners and the tax commissioner of the 74039  
filing of the petition by certified mail. If the board of 74040  
elections with which the petition was filed declares the petition 74041  
invalid, the board of elections, within five days, shall notify 74042  
the board of county commissioners and the tax commissioner of that 74043  
declaration by certified mail. If the petition is declared to be 74044  
invalid, the effective date of the tax or increased rate of tax 74045

levied by this section shall be the first day of a calendar 74046  
quarter following the expiration of sixty-five days from the date 74047  
the commissioner receives notice from the board of elections that 74048  
the petition is invalid. 74049

(B)(1) A resolution that is not adopted as an emergency 74050  
measure may direct the board of elections to submit the question 74051  
of levying the tax or increasing the rate of tax to the electors 74052  
of the county at a special election held on the date specified by 74053  
the board of county commissioners in the resolution, provided that 74054  
the election occurs not less than ninety days after a certified 74055  
copy of such resolution is transmitted to the board of elections 74056  
and the election is not held in February or August of any year. 74057  
Upon transmission of the resolution to the board of elections, the 74058  
board of county commissioners shall notify the tax commissioner in 74059  
writing of the levy question to be submitted to the electors. No 74060  
resolution adopted under this division shall go into effect unless 74061  
approved by a majority of those voting upon it, and, except as 74062  
provided in division (B)(3) of this section, shall become 74063  
effective on the first day of a calendar quarter following the 74064  
expiration of sixty-five days from the date the tax commissioner 74065  
receives notice from the board of elections of the affirmative 74066  
vote. 74067

(2) A resolution that is adopted as an emergency measure 74068  
shall go into effect as provided in division (A) of this section, 74069  
but may direct the board of elections to submit the question of 74070  
repealing the tax or increase in the rate of the tax to the 74071  
electors of the county at the next general election in the county 74072  
occurring not less than ninety days after a certified copy of the 74073  
resolution is transmitted to the board of elections. Upon 74074  
transmission of the resolution to the board of elections, the 74075  
board of county commissioners shall notify the tax commissioner in 74076  
writing of the levy question to be submitted to the electors. The 74077

ballot question shall be the same as that prescribed in section 74078  
5739.022 of the Revised Code. The board of elections shall notify 74079  
the board of county commissioners and the tax commissioner of the 74080  
result of the election immediately after the result has been 74081  
declared. If a majority of the qualified electors voting on the 74082  
question of repealing the tax or increase in the rate of the tax 74083  
vote for repeal of the tax or repeal of the increase, the board of 74084  
county commissioners, on the first day of a calendar quarter 74085  
following the expiration of sixty-five days after the date the 74086  
board and tax commissioner receive notice of the result of the 74087  
election, shall, in the case of a repeal of the tax, cease to levy 74088  
the tax, or, in the case of a repeal of an increase in the rate of 74089  
the tax, cease to levy the increased rate and levy the tax at the 74090  
rate at which it was imposed immediately prior to the increase in 74091  
rate. 74092

(3) If a vendor makes a sale in this state by printed catalog 74093  
and the consumer computed the tax on the sale based on local rates 74094  
published in the catalog, any tax levied or repealed or rate 74095  
changed under this section shall not apply to such a sale until 74096  
the first day of a calendar quarter following the expiration of 74097  
one hundred twenty days from the date of notice by the tax 74098  
commissioner pursuant to division (H) of this section. 74099

(C) If a resolution is rejected at a referendum or if a 74100  
resolution adopted after January 1, 1982, as an emergency measure 74101  
is repealed by the electors pursuant to division (B)(2) of this 74102  
section or section 5739.022 of the Revised Code, then for one year 74103  
after the date of the election at which the resolution was 74104  
rejected or repealed the board of county commissioners may not 74105  
adopt any resolution authorized by this section as an emergency 74106  
measure. 74107

(D) The board of county commissioners, at any time while a 74108  
tax levied under this section is in effect, may by resolution 74109

reduce the rate at which the tax is levied to a lower rate 74110  
authorized by this section. Any reduction in the rate at which the 74111  
tax is levied shall be made effective on the first day of a 74112  
calendar quarter next following the sixty-fifth day after a 74113  
certified copy of the resolution is delivered to the tax 74114  
commissioner. 74115

(E) The tax on every retail sale subject to a tax levied 74116  
pursuant to this section shall be in addition to the tax levied by 74117  
section 5739.02 of the Revised Code and any tax levied pursuant to 74118  
section 5739.023, 5739.024, or 5739.026 of the Revised Code. 74119

A county that levies a tax pursuant to this section shall 74120  
levy a tax at the same rate pursuant to section 5741.021 of the 74121  
Revised Code. 74122

The additional tax levied by the county shall be collected 74123  
pursuant to section 5739.025 of the Revised Code. If the 74124  
additional tax or some portion thereof is levied for the purpose 74125  
of criminal and administrative justice services, the revenue from 74126  
the tax, or the amount or rate apportioned to that purpose, shall 74127  
be credited to a special fund created in the county treasury for 74128  
receipt of that revenue. 74129

Any tax levied pursuant to this section is subject to the 74130  
exemptions provided in section 5739.02 of the Revised Code and in 74131  
addition shall not be applicable to sales not within the taxing 74132  
power of a county under the Constitution of the United States or 74133  
the Ohio Constitution. 74134

(F) For purposes of this section, a copy of a resolution is 74135  
"certified" when it contains a written statement attesting that 74136  
the copy is a true and exact reproduction of the original 74137  
resolution. 74138

(G) If a board of commissioners intends to adopt a resolution 74139  
to levy a tax in whole or in part for the purpose of criminal and 74140

administrative justice services, the board shall prepare and make 74141  
available at the first public hearing at which the resolution is 74142  
considered a statement containing the following information: 74143

(1) For each of the two preceding fiscal years, the amount of 74144  
expenditures made by the county from the county general fund for 74145  
the purpose of criminal and administrative justice services; 74146

(2) For the fiscal year in which the resolution is adopted, 74147  
the board's estimate of the amount of expenditures to be made by 74148  
the county from the county general fund for the purpose of 74149  
criminal and administrative justice services; 74150

(3) For each of the two fiscal years after the fiscal year in 74151  
which the resolution is adopted, the board's preliminary plan for 74152  
expenditures to be made from the county general fund for the 74153  
purpose of criminal and administrative justice services, both 74154  
under the assumption that the tax will be imposed for that purpose 74155  
and under the assumption that the tax would not be imposed for 74156  
that purpose, and for expenditures to be made from the special 74157  
fund created under division (E) of this section under the 74158  
assumption that the tax will be imposed for that purpose. 74159

The board shall prepare the statement and the preliminary 74160  
plan using the best information available to the board at the time 74161  
the statement is prepared. Neither the statement nor the 74162  
preliminary plan shall be used as a basis to challenge the 74163  
validity of the tax in any court of competent jurisdiction, nor 74164  
shall the statement or preliminary plan limit the authority of the 74165  
board to appropriate, pursuant to section 5705.38 of the Revised 74166  
Code, an amount different from that specified in the preliminary 74167  
plan. 74168

(H) Upon receipt from a board of county commissioners of a 74169  
certified copy of a resolution required by division (A) or (D) of 74170  
this section, or from the board of elections of a notice of the 74171

results of an election required by division (A) or (B)(1) or (2) 74172  
of this section, the tax commissioner shall provide notice of a 74173  
tax rate change in a manner that is reasonably accessible to all 74174  
affected vendors. The commissioner shall provide this notice at 74175  
least sixty days prior to the effective date of the rate change. 74176  
The commissioner, by rule, may establish the method by which 74177  
notice will be provided. 74178

(I) As used in this section, "criminal and administrative 74179  
justice services" means the exercise by the county sheriff of all 74180  
powers and duties vested in that office by law; the exercise by 74181  
the county prosecuting attorney of all powers and duties vested in 74182  
that office by law; the exercise by any court in the county of all 74183  
powers and duties vested in that court; the exercise by the clerk 74184  
of the court of common pleas, any clerk of a municipal court 74185  
having jurisdiction throughout the county, or the clerk of any 74186  
county court of all powers and duties vested in the clerk by law 74187  
except, in the case of the clerk of the court of common pleas, the 74188  
titling of motor vehicles or watercraft pursuant to Chapter 1548. 74189  
or 4505. of the Revised Code; the exercise by the county coroner 74190  
of all powers and duties vested in that office by law; making 74191  
payments to any other public agency or a private, nonprofit 74192  
agency, the purposes of which in the county include the diversion, 74193  
adjudication, detention, or rehabilitation of criminals or 74194  
juvenile offenders; the operation and maintenance of any detention 74195  
facility, as defined in section 2921.01 of the Revised Code; and 74196  
the construction, acquisition, equipping, or repair of such a 74197  
detention facility, including the payment of any debt charges 74198  
incurred in the issuance of securities pursuant to Chapter 133. of 74199  
the Revised Code for the purpose of constructing, acquiring, 74200  
equipping, or repairing such a facility. 74201

**Sec. 5739.023.** (A)(1) For the purpose of providing additional 74202  
general revenues for a transit authority and paying the expenses 74203

of administering such levy, any transit authority as defined in 74204  
division (U) of section 5739.01 of the Revised Code may levy a tax 74205  
upon every retail sale made in the territory of the transit 74206  
authority, except sales of watercraft and outboard motors required 74207  
to be titled pursuant to Chapter 1548. of the Revised Code and 74208  
sales of motor vehicles, at a rate of not more than one and 74209  
one-half per cent at any multiple of one-fourth of one per cent 74210  
and may increase the existing rate of tax to not more than one and 74211  
one-half per cent at any multiple of one-fourth of one per cent. 74212  
The tax shall be levied and the rate increased pursuant to a 74213  
resolution of the legislative authority of the transit authority 74214  
and a certified copy of the resolution shall be delivered by the 74215  
fiscal officer to the board of elections as provided in section 74216  
3505.071 of the Revised Code and to the tax commissioner. The 74217  
resolution shall specify the number of years for which the tax is 74218  
to be in effect or that the tax is for a continuing period of 74219  
time, and the date of the election on the question of the tax 74220  
pursuant to section 306.70 of the Revised Code. The board of 74221  
elections shall certify the results of the election to the transit 74222  
authority and tax commissioner. 74223

(2) Except as provided in division (C) of this section, the 74224  
tax levied by the resolution shall become effective on the first 74225  
day of a calendar quarter next following the sixty-fifth day 74226  
following the date the tax commissioner receives from the board of 74227  
elections the certification of the results of the election on the 74228  
question of the tax. 74229

(B) The legislative authority may, at any time while the tax 74230  
is in effect, by resolution fix the rate of the tax at any rate 74231  
authorized by this section and not in excess of that approved by 74232  
the voters pursuant to section 306.70 of the Revised Code. Except 74233  
as provided in division (C) of this section, any change in the 74234  
rate of the tax shall be made effective on the first day of a 74235



calendar quarter next following the sixty-fifth day following the 74236  
date the tax commissioner receives the certification of the 74237  
resolution; provided, that in any case where bonds, or notes in 74238  
anticipation of bonds, of a regional transit authority have been 74239  
issued under section 306.40 of the Revised Code without a vote of 74240  
the electors while the tax proposed to be reduced was in effect, 74241  
the board of trustees of the regional transit authority shall 74242  
continue to levy and collect under authority of the original 74243  
election authorizing the tax a rate of tax that the board of 74244  
trustees reasonably estimates will produce an amount in that year 74245  
equal to the amount of principal of and interest on those bonds as 74246  
is payable in that year. 74247

(C) Upon receipt from the board of elections of the 74248  
certification of the results of the election required by division 74249  
(A) of this section, or from the legislative authority of the 74250  
certification of a resolution under division (B) of this section, 74251  
the tax commissioner shall provide notice of a tax rate change in 74252  
a manner that is reasonably accessible to all affected vendors. 74253  
The commissioner shall provide this notice at least sixty days 74254  
prior to the effective date of the rate change. The commissioner, 74255  
by rule, may establish the method by which notice will be 74256  
provided. 74257

(D) If a vendor makes a sale in this state by printed catalog 74258  
and the consumer computed the tax on the sale based on local rates 74259  
published in the catalog, any tax levied or rate changed under 74260  
this section shall not apply to such a sale until the first day of 74261  
a calendar quarter following the expiration of one hundred twenty 74262  
days from the date of notice by the tax commissioner pursuant to 74263  
division (C) of this section. 74264

(E) The tax on every retail sale subject to a tax levied 74265  
pursuant to this section is in addition to the tax levied by 74266  
section 5739.02 of the Revised Code and any tax levied pursuant to 74267

section 5739.021, 5739.024, or 5739.026 of the Revised Code. 74268

(F) The additional tax levied by the transit authority shall 74269  
be collected pursuant to section 5739.025 of the Revised Code. 74270

(G) Any tax levied pursuant to this section is subject to the 74271  
exemptions provided in section 5739.02 of the Revised Code and in 74272  
addition shall not be applicable to sales not within the taxing 74273  
power of a transit authority under the constitution of the United 74274  
States or the constitution of this state. 74275

(H) The rate of a tax levied under this section is subject to 74276  
reduction under section 5739.028 of the Revised Code, if a ballot 74277  
question is approved by voters pursuant to that section. 74278

**Sec. 5739.024.** (A) For the purpose of fostering and 74279  
developing tourism within a tourism development district and 74280  
paying the expenses of administering the levy, the legislative 74281  
authority of a municipal corporation or township may levy a tax 74282  
upon every retail sale made in the territory of a tourism 74283  
development district created by the municipal corporation or 74284  
township, except sales of watercraft and outboard motors required 74285  
to be titled pursuant to Chapter 1548. of the Revised Code and 74286  
sales of motor vehicles, at a rate of not more than one and 74287  
one-half per cent at any multiple of one-fourth of one per cent, 74288  
and may increase the existing rate of tax to not more than one and 74289  
one-half per cent at any multiple of one-fourth of one per cent. 74290

The tax shall be levied and the rate increased pursuant to an 74291  
ordinance or resolution of the legislative authority, and a 74292  
certified copy of the ordinance or resolution shall be delivered 74293  
by the applicable fiscal officer to the tax commissioner and the 74294  
legislative authority of the county in which the tourism 74295  
development district is located. The ordinance or resolution shall 74296  
specify the number of years for which the tax is to be in effect 74297  
or that the tax is for a continuing period of time. Within thirty 74298

days after receiving that certification, the legislative authority 74299  
of a county may adopt a resolution expressing the legislative 74300  
authority's approval of the tax levied or the rate increased by 74301  
the municipal corporation or township and send a certified copy of 74302  
that resolution to the tax commissioner. 74303

A tax levied by a resolution or ordinance pursuant to this 74304  
section shall become effective on the first day of a calendar 74305  
quarter next following the sixty-fifth day following the date the 74306  
tax commissioner receives the certification of the resolution from 74307  
the legislative authority of the county. Any change in the rate of 74308  
the tax shall be made effective on the first day of a calendar 74309  
quarter next following the sixty-fifth day following the date the 74310  
tax commissioner receives the certification of that resolution. 74311

(B) Upon receipt from the legislative authority of a county 74312  
of the certification of a resolution under division (A) of this 74313  
section, the tax commissioner shall provide notice of a tax rate 74314  
change in a manner that is reasonably accessible to all affected 74315  
vendors. The commissioner shall provide this notice at least sixty 74316  
days before the effective date of the rate change. The 74317  
commissioner, by rule, may establish the method by which notice 74318  
will be provided. 74319

(C) If a vendor makes a sale in this state by printed catalog 74320  
and the consumer computed the tax on the sale based on local rates 74321  
published in the catalog, any tax levied or rate changed under 74322  
this section shall not apply to such a sale until the first day of 74323  
a calendar quarter following the expiration of one hundred twenty 74324  
days from the date of notice by the tax commissioner pursuant to 74325  
division (B) of this section. 74326

(D) The tax on every retail sale subject to a tax levied 74327  
pursuant to this section is in addition to the tax levied by 74328  
section 5739.02 of the Revised Code and any tax levied pursuant to 74329  
section 5739.021, 5739.023, or 5739.026 of the Revised Code. 74330

(E) A tax levied pursuant to this section shall be collected 74331  
pursuant to section 5739.025 of the Revised Code. 74332

(F) Any tax levied pursuant to this section is subject to the 74333  
exemptions provided in section 5739.02 of the Revised Code. 74334

**Sec. 5739.025.** As used in this section, "local tax" means a 74335  
tax imposed pursuant to section 5739.021, 5739.023, 5739.024, 74336  
5739.026, 5741.021, 5741.022, ~~or 5741.023,~~ or 5741.024 of the 74337  
Revised Code. 74338

(A) The taxes levied by sections 5739.02 and 5741.02 of the 74339  
Revised Code shall be collected as follows: 74340

(1) On and after July 1, 2003, and on or before June 30, 74341  
2005, in accordance with the following schedule: 74342

If the price		The amount of	
is at least	But not more than	the tax is	
\$ .01	\$ .15	No tax	74343
.16	.16	1¢	74344
.17	.33	2¢	74345
.34	.50	3¢	74346
.51	.66	4¢	74347
.67	.83	5¢	74348
.84	1.00	6¢	74349

If the price exceeds one dollar, the tax is six cents on each 74350  
one dollar. If the price exceeds one dollar or a multiple thereof 74351  
by not more than seventeen cents, the amount of tax is six cents 74352  
for each one dollar plus one cent. If the price exceeds one dollar 74353  
or a multiple thereof by more than seventeen cents, the amount of 74354  
tax is six cents for each one dollar plus the amount of tax for 74355  
prices eighteen cents through ninety-nine cents in accordance with 74356  
the schedule above. 74357

(2) On and after July 1, 2005, and on and before December 31, 74358  
74359

2005, in accordance with the following schedule:			74361
If the price	But not	The amount	74362
is at least	more than	of the tax is	74363
\$ .01	\$ .15	No tax	74364
.16	.18	1¢	74365
.19	.36	2¢	74366
.37	.54	3¢	74367
.55	.72	4¢	74368
.73	.90	5¢	74369
.91	1.09	6¢	74370
1.10	1.27	7¢	74371
1.28	1.46	8¢	74372
1.47	1.64	9¢	74373
1.65	1.82	10¢	74374
1.83	2.00	11¢	74375

    If the price exceeds two dollars, the tax is eleven cents on 74376  
each two dollars. If the price exceeds two dollars or a multiple 74377  
thereof by not more than eighteen cents, the amount of tax is 74378  
eleven cents for each two dollars plus one cent. If the price 74379  
exceeds two dollars or a multiple thereof by more than eighteen 74380  
cents, the amount of tax is eleven cents for each two dollars plus 74381  
the amount of tax for prices nineteen cents through one dollar and 74382  
ninety-nine cents in accordance with the schedule above. 74383

    (B) On and after July 1, 2003, and on and before June 30, 74384  
2005, the combined taxes levied by sections 5739.02 and 5741.02 74385  
and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 74386  
5741.022, and 5741.023 of the Revised Code shall be collected in 74387  
accordance with the following schedules: 74388

    (1) When the combined rate of state and local tax is six and 74389  
one-fourth per cent: 74390

If the price		The amount of	74391
is at least	But not more than	the tax is	74392

\$ .01	\$ .15	No tax	74393
.16	.16	1¢	74394
.17	.32	2¢	74395
.33	.48	3¢	74396
.49	.64	4¢	74397
.65	.80	5¢	74398
.81	.96	6¢	74399
.97	1.12	7¢	74400
1.13	1.28	8¢	74401
1.29	1.44	9¢	74402
1.45	1.60	10¢	74403
1.61	1.76	11¢	74404
1.77	1.92	12¢	74405
1.93	2.08	13¢	74406
2.09	2.24	14¢	74407
2.25	2.40	15¢	74408
2.41	2.56	16¢	74409
2.57	2.72	17¢	74410
2.73	2.88	18¢	74411
2.89	3.04	19¢	74412
3.05	3.20	20¢	74413
3.21	3.36	21¢	74414
3.37	3.52	22¢	74415
3.53	3.68	23¢	74416
3.69	3.84	24¢	74417
3.85	4.00	25¢	74418

If the price exceeds four dollars, the tax is twenty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus the amount of tax for prices seventeen cents

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through three dollars and ninety-nine cents in accordance with the schedule above.

(2) When the combined rate of state and local tax is six and one-half per cent:

If the price is at least	But not more than	The amount of the tax is	
\$ .01	\$ .15	No tax	74432
.16	.30	2¢	74433
.31	.46	3¢	74434
.47	.61	4¢	74435
.62	.76	5¢	74436
.77	.92	6¢	74437
.93	1.07	7¢	74438
1.08	1.23	8¢	74439
1.24	1.38	9¢	74440
1.39	1.53	10¢	74441
1.54	1.69	11¢	74442
1.70	1.84	12¢	74443
1.85	2.00	13¢	74444

If the price exceeds two dollars, the tax is thirteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety-nine cents in accordance with the schedule above.

(3) When the combined rate of state and local tax is six and three-fourths per cent:

If the price is at least	But not more than	The amount of the tax is	
\$ .01	\$ .15	No tax	74457

.16	.29	2¢	74458
.30	.44	3¢	74459
.45	.59	4¢	74460
.60	.74	5¢	74461
.75	.88	6¢	74462
.89	1.03	7¢	74463
1.04	1.18	8¢	74464
1.19	1.33	9¢	74465
1.34	1.48	10¢	74466
1.49	1.62	11¢	74467
1.63	1.77	12¢	74468
1.78	1.92	13¢	74469
1.93	2.07	14¢	74470
2.08	2.22	15¢	74471
2.23	2.37	16¢	74472
2.38	2.51	17¢	74473
2.52	2.66	18¢	74474
2.67	2.81	19¢	74475
2.82	2.96	20¢	74476
2.97	3.11	21¢	74477
3.12	3.25	22¢	74478
3.26	3.40	23¢	74479
3.41	3.55	24¢	74480
3.56	3.70	25¢	74481
3.71	3.85	26¢	74482
3.86	4.00	27¢	74483

If the price exceeds four dollars, the tax is twenty-seven 74484  
cents on each four dollars. If the price exceeds four dollars or a 74485  
multiple thereof by not more than fourteen cents, the amount of 74486  
tax is twenty-seven cents for each four dollars plus one cent. If 74487  
the price exceeds four dollars or a multiple thereof by more than 74488  
fourteen but by not more than twenty-nine cents, the amount of tax 74489  
is twenty-seven cents for each four dollars plus two cents. If the 74490



price exceeds four dollars or a multiple thereof by more than 74491  
twenty-nine cents the amount of tax is twenty-seven cents for each 74492  
four dollars plus the amount of tax for prices thirty cents 74493  
through three dollars and ninety-nine cents in accordance with the 74494  
schedule above. 74495

(4) When the combined rate of state and local tax is seven 74496  
per cent: 74497

If the price		The amount of	
is at least	But not more than	the tax is	
\$ .01	\$ .15	No tax	74500
.16	.28	2¢	74501
.29	.42	3¢	74502
.43	.57	4¢	74503
.58	.71	5¢	74504
.72	.85	6¢	74505
.86	1.00	7¢	74506

If the price exceeds one dollar, the tax is seven cents on 74507  
each one dollar. If the price exceeds one dollar or a multiple 74508  
thereof by not more than fifteen cents, the amount of tax is seven 74509  
cents for each one dollar plus one cent. If the price exceeds one 74510  
dollar or a multiple thereof by more than fifteen cents, the 74511  
amount of tax is seven cents for each one dollar plus the amount 74512  
of tax for prices sixteen cents through ninety-nine cents in 74513  
accordance with the schedule above. 74514

(5) When the combined rate of state and local tax is seven 74515  
and one-fourth per cent: 74516

If the price		The amount of	
is at least	But not more than	the tax is	
\$ .01	\$ .15	No tax	74519
.16	.27	2¢	74520
.28	.41	3¢	74521
.42	.55	4¢	74522

.56	.68	5¢	74523
.69	.82	6¢	74524
.83	.96	7¢	74525
.97	1.10	8¢	74526
1.11	1.24	9¢	74527
1.25	1.37	10¢	74528
1.38	1.51	11¢	74529
1.52	1.65	12¢	74530
1.66	1.79	13¢	74531
1.80	1.93	14¢	74532
1.94	2.06	15¢	74533
2.07	2.20	16¢	74534
2.21	2.34	17¢	74535
2.35	2.48	18¢	74536
2.49	2.62	19¢	74537
2.63	2.75	20¢	74538
2.76	2.89	21¢	74539
2.90	3.03	22¢	74540
3.04	3.17	23¢	74541
3.18	3.31	24¢	74542
3.32	3.44	25¢	74543
3.45	3.58	26¢	74544
3.59	3.72	27¢	74545
3.73	3.86	28¢	74546
3.87	4.00	29¢	74547

If the price exceeds four dollars, the tax is twenty-nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty-nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more

than twenty-seven cents, the amount of tax is twenty-nine cents 74556  
for each four dollars plus the amount of tax for prices 74557  
twenty-eight cents through three dollars and ninety-nine cents in 74558  
accordance with the schedule above. 74559

(6) When the combined rate of state and local tax is seven 74560  
and one-half per cent: 74561

If the price		The amount of	
is at least	But not more than	the tax is	
\$ .01	\$ .15	No tax	74562
.16	.26	2¢	74563
.27	.40	3¢	74564
.41	.53	4¢	74565
.54	.65	5¢	74566
.66	.80	6¢	74567
.81	.93	7¢	74568
.94	1.06	8¢	74569
1.07	1.20	9¢	74570
1.21	1.33	10¢	74571
1.34	1.46	11¢	74572
1.47	1.60	12¢	74573
1.61	1.73	13¢	74574
1.74	1.86	14¢	74575
1.87	2.00	15¢	74576

If the price exceeds two dollars, the tax is fifteen cents on 74577  
each two dollars. If the price exceeds two dollars or a multiple 74578  
thereof by not more than fifteen cents, the amount of tax is 74579  
fifteen cents for each two dollars plus one cent. If the price 74580  
exceeds two dollars or a multiple thereof by more than fifteen 74581  
cents, the amount of tax is fifteen cents for each two dollars 74582  
plus the amount of tax for prices sixteen cents through one dollar 74583  
and ninety-nine cents in accordance with the schedule above. 74584  
74585  
74586

(7) When the combined rate of state and local tax is seven 74587

and three-fourths per cent:			74588
If the price		The amount of	74589
is at least	But not more than	the tax is	74590
\$ .01	\$ .15	No tax	74591
.16	.25	2¢	74592
.26	.38	3¢	74593
.39	.51	4¢	74594
.52	.64	5¢	74595
.65	.77	6¢	74596
.78	.90	7¢	74597
.91	1.03	8¢	74598
1.04	1.16	9¢	74599
1.17	1.29	10¢	74600
1.30	1.41	11¢	74601
1.42	1.54	12¢	74602
1.55	1.67	13¢	74603
1.68	1.80	14¢	74604
1.81	1.93	15¢	74605
1.94	2.06	16¢	74606
2.07	2.19	17¢	74607
2.20	2.32	18¢	74608
2.33	2.45	19¢	74609
2.46	2.58	20¢	74610
2.59	2.70	21¢	74611
2.71	2.83	22¢	74612
2.84	2.96	23¢	74613
2.97	3.09	24¢	74614
3.10	3.22	25¢	74615
3.23	3.35	26¢	74616
3.36	3.48	27¢	74617
3.49	3.61	28¢	74618
3.62	3.74	29¢	74619
3.75	3.87	30¢	74620

3.88 4.00 31¢ 74621

If the price exceeds four dollars, the tax is thirty-one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty-one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than twelve cents but by not more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(8) When the combined rate of state and local tax is eight per cent:

If the price		The amount of	
is at least	But not more than	the tax is	
\$ .01	\$ .15	No tax	74638
.16	.25	2¢	74639
.26	.37	3¢	74640
.38	.50	4¢	74641
.51	.62	5¢	74642
.63	.75	6¢	74643
.76	.87	7¢	74644
.88	1.00	8¢	74645

If the price exceeds one dollar, the tax is eight cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than twelve cents, the amount of tax is eight cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than twelve cents but not more than twenty-five cents, the amount of tax is eight cents for each one dollar plus two cents. If the price exceeds one dollar or

a multiple thereof by more than twenty-five cents, the amount of 74653  
tax is eight cents for each one dollar plus the amount of tax for 74654  
prices twenty-six cents through ninety-nine cents in accordance 74655  
with the schedule above. 74656

(9) When the combined rate of state and local tax is eight 74657  
and one-fourth per cent: 74658

If the price		The amount of	
is at least	But not more than	the tax is	
\$ .01	\$ .15	No tax	74661
.16	.24	2¢	74662
.25	.36	3¢	74663
.37	.48	4¢	74664
.49	.60	5¢	74665
.61	.72	6¢	74666
.73	.84	7¢	74667
.85	.96	8¢	74668
.97	1.09	9¢	74669
1.10	1.21	10¢	74670
1.22	1.33	11¢	74671
1.34	1.45	12¢	74672
1.46	1.57	13¢	74673
1.58	1.69	14¢	74674
1.70	1.81	15¢	74675
1.82	1.93	16¢	74676
1.94	2.06	17¢	74677
2.07	2.18	18¢	74678
2.19	2.30	19¢	74679
2.31	2.42	20¢	74680
2.43	2.54	21¢	74681
2.55	2.66	22¢	74682
2.67	2.78	23¢	74683
2.79	2.90	24¢	74684

2.91	3.03	25¢	74685
3.04	3.15	26¢	74686
3.16	3.27	27¢	74687
3.28	3.39	28¢	74688
3.40	3.51	29¢	74689
3.52	3.63	30¢	74690
3.64	3.75	31¢	74691
3.76	3.87	32¢	74692
3.88	4.00	33¢	74693

If the price exceeds four dollars, the tax is thirty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(10) When the combined rate of state and local tax is eight and one-half per cent:

If the price		The amount of	74708
is at least	But not more than	the tax is	74709
\$ .01	\$ .15	No tax	74710
.16	.23	2¢	74711
.24	.35	3¢	74712
.36	.47	4¢	74713
.48	.58	5¢	74714
.59	.70	6¢	74715
.71	.82	7¢	74716

.83	.94	8¢	74717
.95	1.05	9¢	74718
1.06	1.17	10¢	74719
1.18	1.29	11¢	74720
1.30	1.41	12¢	74721
1.42	1.52	13¢	74722
1.53	1.64	14¢	74723
1.65	1.76	15¢	74724
1.77	1.88	16¢	74725
1.89	2.00	17¢	74726

If the price exceeds two dollars, the tax is seventeen cents 74727  
on each two dollars. If the price exceeds two dollars or a 74728  
multiple thereof by not more than eleven cents, the amount of tax 74729  
is seventeen cents for each two dollars plus one cent. If the 74730  
price exceeds two dollars or a multiple thereof by more than 74731  
eleven cents but by not more than twenty-three cents, the amount 74732  
of tax is seventeen cents for each two dollars plus two cents. If 74733  
the price exceeds two dollars or a multiple thereof by more than 74734  
twenty-three cents, the amount of tax is seventeen cents for each 74735  
two dollars plus the amount of tax for prices twenty-four cents 74736  
through one dollar and ninety-nine cents in accordance with the 74737  
schedule above. 74738

(11) When the combined rate of state and local tax is eight 74739  
and three-fourths per cent: 74740

If the price		The amount of	74741
is at least	But not more than	the tax is	74742
\$ .01	\$ .15	No tax	74743
.16	.22	2¢	74744
.23	.34	3¢	74745
.35	.45	4¢	74746
.46	.57	5¢	74747
.58	.68	6¢	74748



.69	.80	7¢	74749
.81	.91	8¢	74750
.92	1.02	9¢	74751
1.03	1.14	10¢	74752
1.15	1.25	11¢	74753
1.26	1.37	12¢	74754
1.38	1.48	13¢	74755
1.49	1.60	14¢	74756
1.61	1.71	15¢	74757
1.72	1.82	16¢	74758
1.83	1.94	17¢	74759
1.95	2.05	18¢	74760
2.06	2.17	19¢	74761
2.18	2.28	20¢	74762
2.29	2.40	21¢	74763
2.41	2.51	22¢	74764
2.52	2.62	23¢	74765
2.63	2.74	24¢	74766
2.75	2.85	25¢	74767
2.86	2.97	26¢	74768
2.98	3.08	27¢	74769
3.09	3.20	28¢	74770
3.21	3.31	29¢	74771
3.32	3.42	30¢	74772
3.43	3.54	31¢	74773
3.55	3.65	32¢	74774
3.66	3.77	33¢	74775
3.78	3.88	34¢	74776
3.89	4.00	35¢	74777

If the price exceeds four dollars, the tax is thirty-five 74778  
cents on each four dollars. If the price exceeds four dollars or a 74779  
multiple thereof by not more than eleven cents, the amount of tax 74780  
is thirty-five cents for each four dollars plus one cent. If the 74781

price exceeds four dollars or a multiple thereof by more than 74782  
eleven cents but by not more than twenty-two cents, the amount of 74783  
tax is thirty-five cents for each four dollars plus two cents. If 74784  
the price exceeds four dollars or a multiple thereof by more than 74785  
twenty-two cents, the amount of tax is thirty-five cents for each 74786  
four dollars plus the amount of tax for prices twenty-three cents 74787  
through three dollars and ninety-nine cents in accordance with the 74788  
schedule above. 74789

(12) When the combined rate of state and local tax is nine 74790  
per cent: 74791

If the price		The amount of	
is at least	But not more than	the tax is	
\$ .01	\$ .15	No tax	74794
.16	.22	2¢	74795
.23	.33	3¢	74796
.34	.44	4¢	74797
.45	.55	5¢	74798
.56	.66	6¢	74799
.67	.77	7¢	74800
.78	.88	8¢	74801
.89	1.00	9¢	74802

If the price exceeds one dollar, the tax is nine cents on 74803  
each one dollar. If the price exceeds one dollar or a multiple 74804  
thereof by not more than eleven cents, the amount of tax is nine 74805  
cents for each one dollar plus one cent. If the price exceeds one 74806  
dollar or a multiple thereof by more than eleven cents but by not 74807  
more than twenty-two cents, the amount of tax is nine cents for 74808  
each one dollar plus two cents. If the price exceeds one dollar or 74809  
a multiple thereof by more than twenty-two cents, the amount of 74810  
tax is nine cents for each one dollar plus the amount of tax for 74811  
prices twenty-three cents through ninety-nine cents in accordance 74812  
with the schedule above. 74813

(C) On and after July 1, 2005, and on and before December 31, 74814  
2005, the combined taxes levied by sections 5739.02 and 5741.02 74815  
and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 74816  
5741.022, and 5741.023 of the Revised Code shall be collected in 74817  
accordance with the following schedules: 74818

(1) When the total rate of local tax is one-fourth per cent: 74819

If the price	But not	The amount	
is at least	more than	of the tax is	
\$ .01	\$ .15	No tax	74822
.16	.17	1¢	74823
.18	.34	2¢	74824
.35	.52	3¢	74825
.53	.69	4¢	74826
.70	.86	5¢	74827
.87	1.04	6¢	74828
1.05	1.21	7¢	74829
1.22	1.39	8¢	74830
1.40	1.56	9¢	74831
1.57	1.73	10¢	74832
1.74	1.91	11¢	74833
1.92	2.08	12¢	74834
2.09	2.26	13¢	74835
2.27	2.43	14¢	74836
2.44	2.60	15¢	74837
2.61	2.78	16¢	74838
2.79	2.95	17¢	74839
2.96	3.13	18¢	74840
3.14	3.30	19¢	74841
3.31	3.47	20¢	74842
3.48	3.65	21¢	74843
3.66	3.82	22¢	74844
3.83	4.00	23¢	74845

If the price exceeds four dollars, the tax is twenty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than seventeen cents, the amount of tax is twenty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than seventeen cents, the amount of tax is twenty-three cents for each four dollars plus the amount of tax for prices eighteen cents through three dollars and ninety-nine cents in accordance with the schedule above.

(2) When the combined rate of local tax is one-half per cent:

If the price is at least	But not more than	The amount of the tax is	
\$ .01	\$ .15	No tax	74858
.16	.17	1¢	74859
.18	.34	2¢	74860
.35	.50	3¢	74861
.51	.67	4¢	74862
.68	.83	5¢	74863
.84	1.00	6¢	74864

If the price exceeds one dollar, the tax is six cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than seventeen cents, the amount of tax is six cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than seventeen cents, the amount of tax is six cents for each one dollar plus the amount of tax for prices eighteen cents through ninety-nine cents in accordance with the schedule above.

(3) When the combined rate of local tax is three-fourths per cent:

If the price is at least	But not more than	The amount of the tax is	
\$ .01	\$ .15	No tax	74877

.16	.16	1¢	74878
.17	.32	2¢	74879
.33	.48	3¢	74880
.49	.64	4¢	74881
.65	.80	5¢	74882
.81	.96	6¢	74883
.97	1.12	7¢	74884
1.13	1.28	8¢	74885
1.29	1.44	9¢	74886
1.45	1.60	10¢	74887
1.61	1.76	11¢	74888
1.77	1.92	12¢	74889
1.93	2.08	13¢	74890
2.09	2.24	14¢	74891
2.25	2.40	15¢	74892
2.41	2.56	16¢	74893
2.57	2.72	17¢	74894
2.73	2.88	18¢	74895
2.89	3.04	19¢	74896
3.05	3.20	20¢	74897
3.21	3.36	21¢	74898
3.37	3.52	22¢	74899
3.53	3.68	23¢	74900
3.69	3.84	24¢	74901
3.85	4.00	25¢	74902

If the price exceeds four dollars, the tax is twenty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety-nine cents in accordance with the

74903  
74904  
74905  
74906  
74907  
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74910

schedule above. 74911

(4) When the combined rate of local tax is one per cent: 74912

If the price	But not	The amount	
is at least	more than	of the tax is	
\$ .01	\$ .15	No tax	74915
.16	.30	2¢	74916
.31	.46	3¢	74917
.47	.61	4¢	74918
.62	.76	5¢	74919
.77	.92	6¢	74920
.93	1.07	7¢	74921
1.08	1.23	8¢	74922
1.24	1.38	9¢	74923
1.39	1.53	10¢	74924
1.54	1.69	11¢	74925
1.70	1.84	12¢	74926
1.85	2.00	13¢	74927

If the price exceeds two dollars, the tax is thirteen cents 74928  
on each two dollars. If the price exceeds two dollars or a 74929  
multiple thereof by not more than fifteen cents, the amount of tax 74930  
is thirteen cents for each two dollars plus one cent. If the price 74931  
exceeds two dollars or a multiple thereof by more than fifteen 74932  
cents, the amount of tax is thirteen cents for each two dollars 74933  
plus the amount of tax for prices sixteen cents through one dollar 74934  
and ninety-nine cents in accordance with the schedule above. 74935

(5) When the combined rate of local tax is one and one-fourth 74936  
per cent: 74937

If the price	But not	The amount	
is at least	more than	of the tax is	
\$ .01	\$ .15	No tax	74940
.16	.29	2¢	74941
.30	.44	3¢	74942

.45	.59	4¢	74943
.60	.74	5¢	74944
.75	.88	6¢	74945
.89	1.03	7¢	74946
1.04	1.18	8¢	74947
1.19	1.33	9¢	74948
1.34	1.48	10¢	74949
1.49	1.62	11¢	74950
1.63	1.77	12¢	74951
1.78	1.92	13¢	74952
1.93	2.07	14¢	74953
2.08	2.22	15¢	74954
2.23	2.37	16¢	74955
2.38	2.51	17¢	74956
2.52	2.66	18¢	74957
2.67	2.81	19¢	74958
2.82	2.96	20¢	74959
2.97	3.11	21¢	74960
3.12	3.25	22¢	74961
3.26	3.40	23¢	74962
3.41	3.55	24¢	74963
3.56	3.70	25¢	74964
3.71	3.85	26¢	74965
3.86	4.00	27¢	74966

If the price exceeds four dollars, the tax is twenty-seven 74967  
cents on each four dollars. If the price exceeds four dollars or a 74968  
multiple thereof by not more than fourteen cents, the amount of 74969  
tax is twenty-seven cents for each four dollars plus one cent. If 74970  
the price exceeds four dollars or a multiple thereof by more than 74971  
fourteen but by not more than twenty-nine cents, the amount of tax 74972  
is twenty-seven cents for each four dollars plus two cents. If the 74973  
price exceeds four dollars or a multiple thereof by more than 74974  
twenty-nine cents the amount of tax is twenty-seven cents for each 74975

four dollars plus the amount of tax for prices thirty cents 74976  
 through three dollars and ninety-nine cents in accordance with the 74977  
 schedule above. 74978

(6) When the combined rate of local tax is one and one-half 74979  
 per cent: 74980

If the price	But not	The amount	
is at least	more than	of the tax is	
\$ .01	\$ .15	No tax	74981
.16	.28	2¢	74982
.29	.42	3¢	74983
.43	.57	4¢	74984
.58	.71	5¢	74985
.72	.85	6¢	74986
.86	1.00	7¢	74987

If the price exceeds one dollar, the tax is seven cents on 74990  
 each one dollar. If the price exceeds one dollar or a multiple 74991  
 thereof by not more than fifteen cents, the amount of tax is seven 74992  
 cents for each one dollar plus one cent. If the price exceeds one 74993  
 dollar or a multiple thereof by more than fifteen cents, the 74994  
 amount of tax is seven cents for each one dollar plus the amount 74995  
 of tax for prices sixteen cents through ninety-nine cents in 74996  
 accordance with the schedule above. 74997

(7) When the combined rate of local tax is one and 74998  
 three-fourths per cent: 74999

If the price	But not	The amount	
is at least	more than	of the tax is	
\$ .01	\$ .15	No tax	75000
.16	.27	2¢	75001
.28	.41	3¢	75002
.42	.55	4¢	75003
.56	.68	5¢	75004
.69	.82	6¢	75005



.83	.96	7¢	75008
.97	1.10	8¢	75009
1.11	1.24	9¢	75010
1.25	1.37	10¢	75011
1.38	1.51	11¢	75012
1.52	1.65	12¢	75013
1.66	1.79	13¢	75014
1.80	1.93	14¢	75015
1.94	2.06	15¢	75016
2.07	2.20	16¢	75017
2.21	2.34	17¢	75018
2.35	2.48	18¢	75019
2.49	2.62	19¢	75020
2.63	2.75	20¢	75021
2.76	2.89	21¢	75022
2.90	3.03	22¢	75023
3.04	3.17	23¢	75024
3.18	3.31	24¢	75025
3.32	3.44	25¢	75026
3.45	3.58	26¢	75027
3.59	3.72	27¢	75028
3.73	3.86	28¢	75029
3.87	4.00	29¢	75030

If the price exceeds four dollars, the tax is twenty-nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty-nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus the amount of tax for prices

twenty-eight cents through three dollars and ninety-nine cents in 75041  
accordance with the schedule above. 75042

(8) When the combined rate of local tax is two per cent: 75043

If the price	But not	The amount	
			75044

is at least	more than	of the tax is	75045
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\$ .01	\$ .15	No tax	75046
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.16	.26	2¢	75047
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.27	.40	3¢	75048
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.41	.53	4¢	75049
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.54	.65	5¢	75050
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.66	.80	6¢	75051
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.81	.93	7¢	75052
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.94	1.06	8¢	75053
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1.07	1.20	9¢	75054
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1.21	1.33	10¢	75055
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1.34	1.46	11¢	75056
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1.47	1.60	12¢	75057
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1.61	1.73	13¢	75058
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1.74	1.86	14¢	75059
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1.87	2.00	15¢	75060
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If the price exceeds two dollars, the tax is fifteen cents on 75061

each two dollars. If the price exceeds two dollars or a multiple 75062

thereof by not more than fifteen cents, the amount of tax is 75063

fifteen cents for each two dollars plus one cent. If the price 75064

exceeds two dollars or a multiple thereof by more than fifteen 75065

cents, the amount of tax is fifteen cents for each two dollars 75066

plus the amount of tax for prices sixteen cents through one dollar 75067

and ninety-nine cents in accordance with the schedule above. 75068

(9) When the combined rate of local tax is two and one-fourth 75069

per cent: 75070

If the price	But not	The amount	75071
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is at least	more than	of the tax is	75072
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\$ .01	\$ .15	No tax	75073
.16	.25	2¢	75074
.26	.38	3¢	75075
.39	.51	4¢	75076
.52	.64	5¢	75077
.65	.77	6¢	75078
.78	.90	7¢	75079
.91	1.03	8¢	75080
1.04	1.16	9¢	75081
1.17	1.29	10¢	75082
1.30	1.41	11¢	75083
1.42	1.54	12¢	75084
1.55	1.67	13¢	75085
1.68	1.80	14¢	75086
1.81	1.93	15¢	75087
1.94	2.06	16¢	75088
2.07	2.19	17¢	75089
2.20	2.32	18¢	75090
2.33	2.45	19¢	75091
2.46	2.58	20¢	75092
2.59	2.70	21¢	75093
2.71	2.83	22¢	75094
2.84	2.96	23¢	75095
2.97	3.09	24¢	75096
3.10	3.22	25¢	75097
3.23	3.35	26¢	75098
3.36	3.48	27¢	75099
3.49	3.61	28¢	75100
3.62	3.74	29¢	75101
3.75	3.87	30¢	75102
3.88	4.00	31¢	75103

If the price exceeds four dollars, the tax is thirty-one cents on each four dollars. If the price exceeds four dollars or a

75104

75105

multiple thereof by not more than twelve cents, the amount of tax 75106  
 is thirty-one cents for each four dollars plus one cent. If the 75107  
 price exceeds four dollars or a multiple thereof by more than 75108  
 twelve cents but not more than twenty-five cents, the amount of 75109  
 tax is thirty-one cents for each four dollars plus two cents. If 75110  
 the price exceeds four dollars or a multiple thereof by more than 75111  
 twenty-five cents, the amount of tax is thirty-one cents for each 75112  
 four dollars plus the amount of tax for prices twenty-six cents 75113  
 through three dollars and ninety-nine cents in accordance with the 75114  
 schedule above. 75115

(10) When the combined rate of local tax is two and one-half 75116  
 per cent: 75117

If the price	But not	The amount	
is at least	more than	of the tax is	
\$ .01	\$ .15	No tax	75118
.16	.25	2¢	75119
.26	.37	3¢	75120
.38	.50	4¢	75121
.51	.62	5¢	75122
.63	.75	6¢	75123
.76	.87	7¢	75124
.88	1.00	8¢	75125

If the price exceeds one dollar, the tax is eight cents on 75126  
 each one dollar. If the price exceeds one dollar or a multiple 75127  
 thereof by not more than twelve cents, the amount of tax is eight 75128  
 cents for each one dollar plus one cent. If the price exceeds one 75129  
 dollar or a multiple thereof by more than twelve cents but not 75130  
 more than twenty-five cents, the amount of tax is eight cents for 75131  
 each one dollar plus two cents. If the price exceeds one dollar or 75132  
 a multiple thereof by more than twenty-five cents, the amount of 75133  
 tax is eight cents for each one dollar plus the amount of tax for 75134  
 prices twenty-six cents through ninety-nine cents in accordance 75135  
 with the schedule above. 75136  
 75137

with the schedule above. 75138

(11) When the combined rate of local tax is two and 75139  
three-fourths per cent: 75140

If the price	But not	The amount	
is at least	more than	of the tax is	
\$ .01	\$ .15	No tax	75143
.16	.24	2¢	75144
.25	.36	3¢	75145
.37	.48	4¢	75146
.49	.60	5¢	75147
.61	.72	6¢	75148
.73	.84	7¢	75149
.85	.96	8¢	75150
.97	1.09	9¢	75151
1.10	1.21	10¢	75152
1.22	1.33	11¢	75153
1.34	1.45	12¢	75154
1.46	1.57	13¢	75155
1.58	1.69	14¢	75156
1.70	1.81	15¢	75157
1.82	1.93	16¢	75158
1.94	2.06	17¢	75159
2.07	2.18	18¢	75160
2.19	2.30	19¢	75161
2.31	2.42	20¢	75162
2.43	2.54	21¢	75163
2.55	2.66	22¢	75164
2.67	2.78	23¢	75165
2.79	2.90	24¢	75166
2.91	3.03	25¢	75167
3.04	3.15	26¢	75168
3.16	3.27	27¢	75169

3.28	3.39	28¢	75170
3.40	3.51	29¢	75171
3.52	3.63	30¢	75172
3.64	3.75	31¢	75173
3.76	3.87	32¢	75174
3.88	4.00	33¢	75175

If the price exceeds four dollars, the tax is thirty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but not more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(12) When the combined rate of local tax is three per cent: 75188

If the price	But not	The amount	
is at least	more than	of the tax is	
\$ .01	\$ .15	No tax	75191
.16	.23	2¢	75192
.24	.35	3¢	75193
.36	.47	4¢	75194
.48	.58	5¢	75195
.59	.70	6¢	75196
.71	.82	7¢	75197
.83	.94	8¢	75198
.95	1.05	9¢	75199
1.06	1.17	10¢	75200
1.18	1.29	11¢	75201

1.30	1.41	12¢	75202
1.42	1.52	13¢	75203
1.53	1.64	14¢	75204
1.65	1.76	15¢	75205
1.77	1.88	16¢	75206
1.89	2.00	17¢	75207

If the price exceeds two dollars, the tax is seventeen cents 75208  
on each two dollars. If the price exceeds two dollars or a 75209  
multiple thereof by not more than eleven cents, the amount of tax 75210  
is seventeen cents for each two dollars plus one cent. If the 75211  
price exceeds two dollars or a multiple thereof by more than 75212  
eleven cents but not more than twenty-three cents, the amount of 75213  
tax is seventeen cents for each two dollars plus two cents. If the 75214  
price exceeds two dollars or a multiple thereof by more than 75215  
twenty-three cents, the amount of tax is seventeen cents for each 75216  
two dollars plus the amount of tax for prices twenty-four cents 75217  
through one dollar and ninety-nine cents in accordance with the 75218  
schedule above. 75219

(D) In lieu of collecting the tax pursuant to the schedules 75220  
set forth in divisions (A), (B), and (C) of this section, a vendor 75221  
may compute the tax on each sale as follows: 75222

(1) On sales of fifteen cents or less, no tax shall apply. 75223

(2) On sales in excess of fifteen cents, multiply the price 75224  
by the aggregate rate of taxes in effect under sections 5739.02 75225  
and 5741.02 and sections 5739.021, 5739.023, 5739.026, 5741.021, 75226  
5741.022, and 5741.023 of the Revised Code. The computation shall 75227  
be carried out to six decimal places. If the result is a 75228  
fractional amount of a cent, the calculated tax shall be increased 75229  
to the next highest cent and that amount shall be collected by the 75230  
vendor. 75231

(E) On and after January 1, 2006, a vendor shall compute the 75232  
tax on each sale by multiplying the price by the aggregate rate of 75233

taxes in effect under sections 5739.02 and 5741.02, and sections 75234  
5739.021, 5739.023, 5739.024, 5739.026, 5741.021, 5741.022, ~~and~~ 75235  
5741.023, and 5741.024 of the Revised Code. The computation shall 75236  
be carried out to three decimal places. If the result is a 75237  
fractional amount of a cent, the calculated tax shall be rounded 75238  
to a whole cent using a method that rounds up to the next cent 75239  
whenever the third decimal place is greater than four. A vendor 75240  
may elect to compute the tax due on a transaction on an item or an 75241  
invoice basis. 75242

(F) In auditing a vendor, the tax commissioner shall consider 75243  
the method prescribed by this section that was used by the vendor 75244  
in determining and collecting the tax due under this chapter on 75245  
taxable transactions. If the vendor correctly collects and remits 75246  
the tax due under this chapter in accordance with the schedules in 75247  
divisions (A), (B), and (C) of this section or in accordance with 75248  
the computation prescribed in division (D) or (E) of this section, 75249  
the commissioner shall not assess any additional tax on those 75250  
transactions. 75251

(G)(1) With respect to a sale of a fractional ownership 75252  
program aircraft used primarily in a fractional aircraft ownership 75253  
program, including all accessories attached to such aircraft, the 75254  
tax shall be calculated pursuant to divisions (A) to (E) of this 75255  
section, provided that the tax commissioner shall modify those 75256  
calculations so that the maximum tax on each program aircraft is 75257  
eight hundred dollars. In the case of a sale of a fractional 75258  
interest that is less than one hundred per cent of the program 75259  
aircraft, the tax charged on the transaction shall be eight 75260  
hundred dollars multiplied by a fraction, the numerator of which 75261  
is the percentage of ownership or possession in the aircraft being 75262  
purchased in the transaction, and the denominator of which is one 75263  
hundred per cent. 75264

(2) Notwithstanding any other provision of law to the 75265



contrary, the tax calculated under division (G)(1) of this section 75266  
and paid with respect to the sale of a fractional ownership 75267  
program aircraft used primarily in a fractional aircraft ownership 75268  
program shall be credited to the general revenue fund. 75269

**Sec. 5739.026.** (A) A board of county commissioners may levy a 75270  
tax of one-fourth or one-half of one per cent on every retail sale 75271  
in the county, except sales of watercraft and outboard motors 75272  
required to be titled pursuant to Chapter 1548. of the Revised 75273  
Code and sales of motor vehicles, and may increase an existing 75274  
rate of one-fourth of one per cent to one-half of one per cent, to 75275  
pay the expenses of administering the tax and, except as provided 75276  
in division (A)(6) of this section, for any one or more of the 75277  
following purposes provided that the aggregate levy for all such 75278  
purposes does not exceed one-half of one per cent: 75279

(1) To provide additional revenues for the payment of bonds 75280  
or notes issued in anticipation of bonds issued by a convention 75281  
facilities authority established by the board of county 75282  
commissioners under Chapter 351. of the Revised Code and to 75283  
provide additional operating revenues for the convention 75284  
facilities authority; 75285

(2) To provide additional revenues for a transit authority 75286  
operating in the county; 75287

(3) To provide additional revenue for the county's general 75288  
fund; 75289

(4) To provide additional revenue for permanent improvements 75290  
within the county to be distributed by the community improvements 75291  
board in accordance with section 307.283 and to pay principal, 75292  
interest, and premium on bonds issued under section 307.284 of the 75293  
Revised Code; 75294

(5) To provide additional revenue for the acquisition, 75295

construction, equipping, or repair of any specific permanent 75296  
improvement or any class or group of permanent improvements, which 75297  
improvement or class or group of improvements shall be enumerated 75298  
in the resolution required by division (D) of this section, and to 75299  
pay principal, interest, premium, and other costs associated with 75300  
the issuance of bonds or notes in anticipation of bonds issued 75301  
pursuant to Chapter 133. of the Revised Code for the acquisition, 75302  
construction, equipping, or repair of the specific permanent 75303  
improvement or class or group of permanent improvements; 75304

(6) To provide revenue for the implementation and operation 75305  
of a 9-1-1 system in the county. If the tax is levied or the rate 75306  
increased exclusively for such purpose, the tax shall not be 75307  
levied or the rate increased for more than five years. At the end 75308  
of the last year the tax is levied or the rate increased, any 75309  
balance remaining in the special fund established for such purpose 75310  
shall remain in that fund and be used exclusively for such purpose 75311  
until the fund is completely expended, and, notwithstanding 75312  
section 5705.16 of the Revised Code, the board of county 75313  
commissioners shall not petition for the transfer of money from 75314  
such special fund, and the tax commissioner shall not approve such 75315  
a petition. 75316

If the tax is levied or the rate increased for such purpose 75317  
for more than five years, the board of county commissioners also 75318  
shall levy the tax or increase the rate of the tax for one or more 75319  
of the purposes described in divisions (A)(1) to (5) of this 75320  
section and shall prescribe the method for allocating the revenues 75321  
from the tax each year in the manner required by division (C) of 75322  
this section. 75323

(7) To provide additional revenue for the operation or 75324  
maintenance of a detention facility, as that term is defined under 75325  
division (F) of section 2921.01 of the Revised Code; 75326

(8) To provide revenue to finance the construction or 75327

renovation of a sports facility, but only if the tax is levied for 75328  
that purpose in the manner prescribed by section 5739.028 of the 75329  
Revised Code. 75330

As used in division (A)(8) of this section: 75331

(a) "Sports facility" means a facility intended to house 75332  
major league professional athletic teams. 75333

(b) "Constructing" or "construction" includes providing 75334  
fixtures, furnishings, and equipment. 75335

(9) To provide additional revenue for the acquisition of 75336  
agricultural easements, as defined in section 5301.67 of the 75337  
Revised Code; to pay principal, interest, and premium on bonds 75338  
issued under section 133.60 of the Revised Code; and for the 75339  
supervision and enforcement of agricultural easements held by the 75340  
county; 75341

(10) To provide revenue for the provision of ambulance, 75342  
paramedic, or other emergency medical services; 75343

(11) To provide revenue for the operation of a lake 75344  
facilities authority and the remediation of an impacted watershed 75345  
by a lake facilities authority, as provided in Chapter 353. of the 75346  
Revised Code. 75347

Pursuant to section 755.171 of the Revised Code, a board of 75348  
county commissioners may pledge and contribute revenue from a tax 75349  
levied for the purpose of division (A)(5) of this section to the 75350  
payment of debt charges on bonds issued under section 755.17 of 75351  
the Revised Code. 75352

The rate of tax shall be a multiple of one-fourth of one per 75353  
cent, unless a portion of the rate of an existing tax levied under 75354  
section 5739.023 of the Revised Code has been reduced, and the 75355  
rate of tax levied under this section has been increased, pursuant 75356  
to section 5739.028 of the Revised Code, in which case the 75357

aggregate of the rates of tax levied under this section and 75358  
section 5739.023 of the Revised Code shall be a multiple of 75359  
one-fourth of one per cent. The tax shall be levied and the rate 75360  
increased pursuant to a resolution adopted by a majority of the 75361  
members of the board. The board shall deliver a certified copy of 75362  
the resolution to the tax commissioner, not later than the 75363  
sixty-fifth day prior to the date on which the tax is to become 75364  
effective, which shall be the first day of a calendar quarter. 75365

Prior to the adoption of any resolution to levy the tax or to 75366  
increase the rate of tax exclusively for the purpose set forth in 75367  
division (A)(3) of this section, the board of county commissioners 75368  
shall conduct two public hearings on the resolution, the second 75369  
hearing to be no fewer than three nor more than ten days after the 75370  
first. Notice of the date, time, and place of the hearings shall 75371  
be given by publication in a newspaper of general circulation in 75372  
the county, or as provided in section 7.16 of the Revised Code, 75373  
once a week on the same day of the week for two consecutive weeks. 75374  
The second publication shall be no fewer than ten nor more than 75375  
thirty days prior to the first hearing. Except as provided in 75376  
division (E) of this section, the resolution shall be subject to a 75377  
referendum as provided in sections 305.31 to 305.41 of the Revised 75378  
Code. If the resolution is adopted as an emergency measure 75379  
necessary for the immediate preservation of the public peace, 75380  
health, or safety, it must receive an affirmative vote of all of 75381  
the members of the board of county commissioners and shall state 75382  
the reasons for the necessity. 75383

If the tax is for more than one of the purposes set forth in 75384  
divisions (A)(1) to (7), (9), and (10) of this section, or is 75385  
exclusively for one of the purposes set forth in division (A)(1), 75386  
(2), (4), (5), (6), (7), (9), or (10) of this section, the 75387  
resolution shall not go into effect unless it is approved by a 75388  
majority of the electors voting on the question of the tax. 75389

(B) The board of county commissioners shall adopt a resolution under section 351.02 of the Revised Code creating the convention facilities authority, or under section 307.283 of the Revised Code creating the community improvements board, before adopting a resolution levying a tax for the purpose of a convention facilities authority under division (A)(1) of this section or for the purpose of a community improvements board under division (A)(4) of this section.

(C)(1) If the tax is to be used for more than one of the purposes set forth in divisions (A)(1) to (7), (9), and (10) of this section, the board of county commissioners shall establish the method that will be used to determine the amount or proportion of the tax revenue received by the county during each year that will be distributed for each of those purposes, including, if applicable, provisions governing the reallocation of a convention facilities authority's allocation if the authority is dissolved while the tax is in effect. The allocation method may provide that different proportions or amounts of the tax shall be distributed among the purposes in different years, but it shall clearly describe the method that will be used for each year. Except as otherwise provided in division (C)(2) of this section, the allocation method established by the board is not subject to amendment during the life of the tax.

(2) Subsequent to holding a public hearing on the proposed amendment, the board of county commissioners may amend the allocation method established under division (C)(1) of this section for any year, if the amendment is approved by the governing board of each entity whose allocation for the year would be reduced by the proposed amendment. In the case of a tax that is levied for a continuing period of time, the board may not so amend the allocation method for any year before the sixth year that the tax is in effect.

(a) If the additional revenues provided to the convention facilities authority are pledged by the authority for the payment of convention facilities authority revenue bonds for as long as such bonds are outstanding, no reduction of the authority's allocation of the tax shall be made for any year except to the extent that the reduced authority allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds.

(b) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes described in division (A)(4) or (5) of this section, for as long as such bonds or notes are outstanding, no reduction of the county's or the community improvements board's allocation of the tax shall be made for any year, except to the extent that the reduced county or community improvements board allocation is sufficient to meet the debt service requirements for that year on such bonds or notes.

(c) If the additional revenues provided to the transit authority are pledged by the authority for the payment of revenue bonds issued under section 306.37 of the Revised Code, for as long as such bonds are outstanding, no reduction of the authority's allocation of tax shall be made for any year, except to the extent that the authority's reduced allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds.

(d) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes issued under section 133.60 of the Revised Code, for so long as the bonds or notes are outstanding, no reduction of the county's allocation of the tax shall be made for any year, except to the extent that the reduced county allocation is sufficient to meet the debt service requirements for that year on the bonds or notes.

(D)(1) The resolution levying the tax or increasing the rate 75454  
of tax shall state the rate of the tax or the rate of the 75455  
increase; the purpose or purposes for which it is to be levied; 75456  
the number of years for which it is to be levied or that it is for 75457  
a continuing period of time; the allocation method required by 75458  
division (C) of this section; and if required to be submitted to 75459  
the electors of the county under division (A) of this section, the 75460  
date of the election at which the proposal shall be submitted to 75461  
the electors of the county, which shall be not less than ninety 75462  
days after the certification of a copy of the resolution to the 75463  
board of elections and, if the tax is to be levied exclusively for 75464  
the purpose set forth in division (A)(3) of this section, shall 75465  
not occur in February or August of any year. Upon certification of 75466  
the resolution to the board of elections, the board of county 75467  
commissioners shall notify the tax commissioner in writing of the 75468  
levy question to be submitted to the electors. If approved by a 75469  
majority of the electors, the tax shall become effective on the 75470  
first day of a calendar quarter next following the sixty-fifth day 75471  
following the date the board of county commissioners and tax 75472  
commissioner receive from the board of elections the certification 75473  
of the results of the election, except as provided in division (E) 75474  
of this section. 75475

(2)(a) A resolution specifying that the tax is to be used 75476  
exclusively for the purpose set forth in division (A)(3) of this 75477  
section that is not adopted as an emergency measure may direct the 75478  
board of elections to submit the question of levying the tax or 75479  
increasing the rate of the tax to the electors of the county at a 75480  
special election held on the date specified by the board of county 75481  
commissioners in the resolution, provided that the election occurs 75482  
not less than ninety days after the resolution is certified to the 75483  
board of elections and the election is not held in February or 75484  
August of any year. Upon certification of the resolution to the 75485  
board of elections, the board of county commissioners shall notify 75486

the tax commissioner in writing of the levy question to be 75487  
submitted to the electors. No resolution adopted under division 75488  
(D)(2)(a) of this section shall go into effect unless approved by 75489  
a majority of those voting upon it and, except as provided in 75490  
division (E) of this section, not until the first day of a 75491  
calendar quarter following the expiration of sixty-five days from 75492  
the date the tax commissioner receives notice from the board of 75493  
elections of the affirmative vote. 75494

(b) A resolution specifying that the tax is to be used 75495  
exclusively for the purpose set forth in division (A)(3) of this 75496  
section that is adopted as an emergency measure shall become 75497  
effective as provided in division (A) of this section, but may 75498  
direct the board of elections to submit the question of repealing 75499  
the tax or increase in the rate of the tax to the electors of the 75500  
county at the next general election in the county occurring not 75501  
less than ninety days after the resolution is certified to the 75502  
board of elections. Upon certification of the resolution to the 75503  
board of elections, the board of county commissioners shall notify 75504  
the tax commissioner in writing of the levy question to be 75505  
submitted to the electors. The ballot question shall be the same 75506  
as that prescribed in section 5739.022 of the Revised Code. The 75507  
board of elections shall notify the board of county commissioners 75508  
and the tax commissioner of the result of the election immediately 75509  
after the result has been declared. If a majority of the qualified 75510  
electors voting on the question of repealing the tax or increase 75511  
in the rate of the tax vote for repeal of the tax or repeal of the 75512  
increase, the board of county commissioners, on the first day of a 75513  
calendar quarter following the expiration of sixty-five days after 75514  
the date the board and tax commissioner received notice of the 75515  
result of the election, shall, in the case of a repeal of the tax, 75516  
cease to levy the tax, or, in the case of a repeal of an increase 75517  
in the rate of the tax, cease to levy the increased rate and levy 75518  
the tax at the rate at which it was imposed immediately prior to 75519



the increase in rate. 75520

(c) A board of county commissioners, by resolution, may 75521  
reduce the rate of a tax levied exclusively for the purpose set 75522  
forth in division (A)(3) of this section to a lower rate 75523  
authorized by this section. Any such reduction shall be made 75524  
effective on the first day of the calendar quarter next following 75525  
the sixty-fifth day after the tax commissioner receives a 75526  
certified copy of the resolution from the board. 75527

(E) If a vendor makes a sale in this state by printed catalog 75528  
and the consumer computed the tax on the sale based on local rates 75529  
published in the catalog, any tax levied or repealed or rate 75530  
changed under this section shall not apply to such a sale until 75531  
the first day of a calendar quarter following the expiration of 75532  
one hundred twenty days from the date of notice by the tax 75533  
commissioner pursuant to division (G) of this section. 75534

(F) The tax levied pursuant to this section shall be in 75535  
addition to the tax levied by section 5739.02 of the Revised Code 75536  
and any tax levied pursuant to section 5739.021 ~~or~~, 5739.023, or 75537  
5739.024 of the Revised Code. 75538

A county that levies a tax pursuant to this section shall 75539  
levy a tax at the same rate pursuant to section 5741.023 of the 75540  
Revised Code. 75541

The additional tax levied by the county shall be collected 75542  
pursuant to section 5739.025 of the Revised Code. 75543

Any tax levied pursuant to this section is subject to the 75544  
exemptions provided in section 5739.02 of the Revised Code and in 75545  
addition shall not be applicable to sales not within the taxing 75546  
power of a county under the Constitution of the United States or 75547  
the Ohio Constitution. 75548

(G) Upon receipt from a board of county commissioners of a 75549  
certified copy of a resolution required by division (A) of this 75550

section, or from the board of elections a notice of the results of 75551  
an election required by division (D)(1), (2)(a), (b), or (c) of 75552  
this section, the tax commissioner shall provide notice of a tax 75553  
rate change in a manner that is reasonably accessible to all 75554  
affected vendors. The commissioner shall provide this notice at 75555  
least sixty days prior to the effective date of the rate change. 75556  
The commissioner, by rule, may establish the method by which 75557  
notice will be provided. 75558

**Sec. 5739.027.** (A) Notwithstanding sections 5739.02, 75559  
5739.021, 5739.023, 5739.024, 5739.026, 5741.02, 5741.021, 75560  
5741.022, ~~and~~ 5741.023, and 5741.024 of the Revised Code, the tax 75561  
due on the sale to a consumer who is a nonresident of this state 75562  
of a watercraft or outboard motor required to be titled pursuant 75563  
to Chapter 1548. of the Revised Code, or on the sale of a 75564  
watercraft documented or to be documented with the United States 75565  
coast guard, shall be the lesser of the combined tax rate in 75566  
effect at the location of the vendor or the sales, use, or similar 75567  
excise tax that the consumer would owe in the state of the 75568  
consumer's intended titling, registration, or use of the 75569  
watercraft or outboard motor, if all of the following apply: 75570

(1) The consumer immediately will remove the watercraft or 75571  
outboard motor from this state for use outside this state; 75572

(2) The consumer will title or register the watercraft or 75573  
outboard motor in another state, if such titling or registration 75574  
is required; 75575

(3) The consumer will pay all applicable sales, use, or 75576  
similar excise taxes due in the state of titling, registration, or 75577  
use; 75578

(4) The state of titling, registration, or use grants a 75579  
credit against its sales, use, or similar excise tax for tax paid 75580  
to this state; 75581

(5) The consumer executes the affidavit specified in division 75582  
(C) of this section. 75583

The vendor shall collect the tax and remit it to the state in 75584  
the manner specified by the tax commissioner. 75585

(B) If all of the conditions specified in division (A) of 75586  
this section exist, except that the state of titling, 75587  
registration, or use does not grant a credit for sales or use tax 75588  
paid to this state, or that the consumer's ownership or use of the 75589  
watercraft or outboard motor is exempt or otherwise not taxable in 75590  
such other state, the consumer may take title to and possession of 75591  
the watercraft or outboard motor without payment of any sales or 75592  
use tax to this state. 75593

(C) Every nonresident consumer who purchases a watercraft or 75594  
outboard motor, as described in division (A) of this section, for 75595  
immediate removal from this state shall execute an affidavit in 75596  
triplicate, in such form as the tax commissioner specifies, 75597  
affirming such facts and specifying the consumer's tax liability 75598  
in the intended state of titling, registration, or use. The 75599  
affidavit shall be given to the vendor. The vendor shall retain a 75600  
copy of the affidavit and file another copy with the clerk of the 75601  
court of common pleas if the vendor is procuring an Ohio title on 75602  
behalf of the consumer. The original copy of the affidavit shall 75603  
be filed with the tax commissioner in the manner prescribed by the 75604  
tax commissioner. 75605

(D) If the vendor procures a title on behalf of the 75606  
nonresident consumer from the clerk of the court of common pleas 75607  
of the county where the vendor is located on the sale of a 75608  
watercraft or outboard motor, the vendor shall file the affidavit 75609  
specified in division (C) of this section with the clerk. The 75610  
clerk shall issue the title without requiring payment of a sales 75611  
or use tax. 75612

(E) If the watercraft or outboard motor is purchased by a corporation described in division (B)(6) of section 5739.01 of the Revised Code, for purposes of this section the state of residence of the consumer shall be the state of residence of the principal shareholder.

(F) For purposes of this section, the consideration received for watercraft trailers not required to be titled pursuant to Chapter 4505. of the Revised Code and other accessories, which are transferred to a nonresident consumer with the watercraft or outboard motor, is part of the price of the watercraft or outboard motor, provided that such consideration is included in the price of the watercraft or outboard motor as reported by the vendor. Tangible personal property sold separately to the nonresident consumer shall be taxed as otherwise provided in this chapter and Chapter 5741. of the Revised Code.

(G) A vendor who in good faith accepts an affidavit provided by a nonresident consumer pursuant to division (C) of this section may rely upon the representations made in the affidavit.

(H) All provisions of this chapter and of Chapter 5741. of the Revised Code that are not inconsistent with this section apply to transactions described in this section.

(I) Any vendor who makes sales described in this section shall file with the tax commissioner any supplemental report or return the tax commissioner considers necessary for the efficient administration and enforcement of this section.

**Sec. 5739.029.** (A) Notwithstanding sections 5739.02, 5739.021, 5739.023, ~~5739.024~~, 5739.026, 5741.02, 5741.021, 5741.022, ~~and 5741.023~~, and 5741.024 of the Revised Code, and except as otherwise provided in division (B) of this section, the tax due under this chapter on the sale of a motor vehicle required to be titled under Chapter 4505. of the Revised Code by a motor

vehicle dealer to a consumer that is a nonresident of this state 75644  
shall be the lesser of the amount of tax that would be due under 75645  
this chapter and Chapter 5741. of the Revised Code if the total 75646  
combined rate were six per cent, or the amount of tax that would 75647  
be due to the state in which the consumer titles or registers the 75648  
motor vehicle or to which the consumer removes the vehicle for 75649  
use. 75650

(B) No tax is due under this section, any other section of 75651  
this chapter, or Chapter 5741. of the Revised Code under any of 75652  
the following circumstances: 75653

(1)(a) The consumer intends to immediately remove the motor 75654  
vehicle from this state for use outside this state; 75655

(b) Upon removal of the motor vehicle from this state, the 75656  
consumer intends to title or register the vehicle in another state 75657  
if such titling or registration is required; 75658

(c) The consumer executes an affidavit as required under 75659  
division (C) of this section affirming the consumer's intentions 75660  
under divisions (B)(1)(a) and (b) of this section; and 75661

(d) The state in which the consumer titles or registers the 75662  
motor vehicle or to which the consumer removes the vehicle for use 75663  
provides an exemption under circumstances substantially similar to 75664  
those described in division (B)(1) of this section. 75665

(2) The state in which the consumer titles or registers the 75666  
motor vehicle or to which the consumer removes the vehicle for use 75667  
does not provide a credit against its sales or use tax or similar 75668  
excise tax for sales or use tax paid to this state. 75669

(3) The state in which the consumer titles or registers the 75670  
motor vehicle or to which the consumer removes the vehicle for use 75671  
does not impose a sales or use tax or similar excise tax on the 75672  
ownership or use of motor vehicles. 75673

(C) Any nonresident consumer that purchases a motor vehicle 75674  
from a motor vehicle dealer in this state under the circumstances 75675  
described in divisions (B)(1)(a) and (b) of this section shall 75676  
execute an affidavit affirming the intentions described in those 75677  
divisions. The affidavit shall be executed in triplicate and in 75678  
the form specified by the tax commissioner. The affidavit shall be 75679  
given to the motor vehicle dealer. 75680

A motor vehicle dealer that accepts in good faith an 75681  
affidavit presented under this division by a nonresident consumer 75682  
may rely upon the representations made in the affidavit. 75683

(D) A motor vehicle dealer making a sale subject to the tax 75684  
under division (A) of this section shall collect the tax due 75685  
unless the sale is subject to the exception under division (B) of 75686  
this section or unless the sale is not otherwise subject to taxes 75687  
levied under sections 5739.02, 5739.021, 5739.023, 5739.024, 75688  
5739.026, 5741.02, 5741.021, 5741.022, ~~and~~ 5741.023, and 5741.024 75689  
of the Revised Code. In the case of a sale under the circumstances 75690  
described in division (B)(1) of this section, the dealer shall 75691  
retain one copy of the affidavit and file the original and the 75692  
other copy with the clerk of the court of common pleas. If tax is 75693  
due under division (A) of this section, the dealer shall remit the 75694  
tax collected to the clerk at the time the dealer obtains the Ohio 75695  
certificate of title in the name of the consumer as required under 75696  
section 4505.06 of the Revised Code. The clerk shall forward the 75697  
original affidavit to the tax commissioner in the manner 75698  
prescribed by the commissioner. 75699

Unless a sale is excepted from taxation under division (B) of 75700  
this section, upon receipt of an application for certificate of 75701  
title a clerk of the court of common pleas shall collect the sales 75702  
tax due under division (A) of this section. The clerk shall remit 75703  
the tax collected to the tax commissioner in the manner prescribed 75704  
by the commissioner. 75705

(E) If a motor vehicle is purchased by a corporation 75706  
described in division (B)(6) of section 5739.01 of the Revised 75707  
Code, the state of residence of the consumer for the purposes of 75708  
this section is the state of residence of the corporation's 75709  
principal shareholder. 75710

(F) Any provision of this chapter or of Chapter 5741. of the 75711  
Revised Code that is not inconsistent with this section applies to 75712  
sales described in division (A) of this section. 75713

(G) As used in this section: 75714

(1) For the purposes of this section only, the sale or 75715  
purchase of a motor vehicle does not include a lease or rental of 75716  
a motor vehicle subject to division (A)(2) or (3) of section 75717  
5739.02 or division (A)(2) or (3) of section 5741.02 of the 75718  
Revised Code; 75719

(2) "State," except in reference to "this state," means any 75720  
state, district, commonwealth, or territory of the United States 75721  
and any province of Canada. 75722

**Sec. 5739.03.** (A) Except as provided in section 5739.05 or 75723  
section 5739.051 of the Revised Code, the tax imposed by or 75724  
pursuant to section 5739.02, 5739.021, 5739.023, 5739.024, or 75725  
5739.026 of the Revised Code shall be paid by the consumer to the 75726  
vendor, and each vendor shall collect from the consumer, as a 75727  
trustee for the state of Ohio, the full and exact amount of the 75728  
tax payable on each taxable sale, in the manner and at the times 75729  
provided as follows: 75730

(1) If the price is, at or prior to the provision of the 75731  
service or the delivery of possession of the thing sold to the 75732  
consumer, paid in currency passed from hand to hand by the 75733  
consumer or the consumer's agent to the vendor or the vendor's 75734  
agent, the vendor or the vendor's agent shall collect the tax with 75735

and at the same time as the price; 75736

(2) If the price is otherwise paid or to be paid, the vendor 75737  
or the vendor's agent shall, at or prior to the provision of the 75738  
service or the delivery of possession of the thing sold to the 75739  
consumer, charge the tax imposed by or pursuant to section 75740  
5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 of the Revised 75741  
Code to the account of the consumer, which amount shall be 75742  
collected by the vendor from the consumer in addition to the 75743  
price. Such sale shall be reported on and the amount of the tax 75744  
applicable thereto shall be remitted with the return for the 75745  
period in which the sale is made, and the amount of the tax shall 75746  
become a legal charge in favor of the vendor and against the 75747  
consumer. 75748

(B)(1)(a) If any sale is claimed to be exempt under division 75749  
(E) of section 5739.01 of the Revised Code or under section 75750  
5739.02 of the Revised Code, with the exception of divisions 75751  
(B)(1) to (11) or (28) of section 5739.02 of the Revised Code, the 75752  
consumer must provide to the vendor, and the vendor must obtain 75753  
from the consumer, a certificate specifying the reason that the 75754  
sale is not legally subject to the tax. The certificate shall be 75755  
in such form, and shall be provided either in a hard copy form or 75756  
electronic form, as the tax commissioner prescribes. 75757

(b) A vendor that obtains a fully completed exemption 75758  
certificate from a consumer is relieved of liability for 75759  
collecting and remitting tax on any sale covered by that 75760  
certificate. If it is determined the exemption was improperly 75761  
claimed, the consumer shall be liable for any tax due on that sale 75762  
under section 5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 75763  
or Chapter 5741. of the Revised Code. Relief under this division 75764  
from liability does not apply to any of the following: 75765

(i) A vendor that fraudulently fails to collect tax; 75766



(ii) A vendor that solicits consumers to participate in the unlawful claim of an exemption; 75767  
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(iii) A vendor that accepts an exemption certificate from a consumer that claims an exemption based on who purchases or who sells property or a service, when the subject of the transaction sought to be covered by the exemption certificate is actually received by the consumer at a location operated by the vendor in this state, and this state has posted to its web site an exemption certificate form that clearly and affirmatively indicates that the claimed exemption is not available in this state; 75769  
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(iv) A vendor that accepts an exemption certificate from a consumer who claims a multiple points of use exemption under division (D) of section 5739.033 of the Revised Code, if the item purchased is tangible personal property, other than prewritten computer software. 75777  
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(2) The vendor shall maintain records, including exemption certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request. 75782  
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(3) The tax commissioner may establish an identification system whereby the commissioner issues an identification number to a consumer that is exempt from payment of the tax. The consumer must present the number to the vendor, if any sale is claimed to be exempt as provided in this section. 75785  
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(4) If no certificate is provided or obtained within ninety days after the date on which such sale is consummated, it shall be presumed that the tax applies. Failure to have so provided or obtained a certificate shall not preclude a vendor, within one hundred twenty days after the tax commissioner gives written notice of intent to levy an assessment, from either establishing that the sale is not subject to the tax, or obtaining, in good faith, a fully completed exemption certificate. 75790  
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(5) Certificates need not be obtained nor provided where the identity of the consumer is such that the transaction is never subject to the tax imposed or where the item of tangible personal property sold or the service provided is never subject to the tax imposed, regardless of use, or when the sale is in interstate commerce.

(6) If a transaction is claimed to be exempt under division (B)(13) of section 5739.02 of the Revised Code, the contractor shall obtain certification of the claimed exemption from the contractee. This certification shall be in addition to an exemption certificate provided by the contractor to the vendor. A contractee that provides a certification under this division shall be deemed to be the consumer of all items purchased by the contractor under the claim of exemption, if it is subsequently determined that the exemption is not properly claimed. The certification shall be in such form as the tax commissioner prescribes.

(C) As used in this division, "contractee" means a person who seeks to enter or enters into a contract or agreement with a contractor or vendor for the construction of real property or for the sale and installation onto real property of tangible personal property.

Any contractor or vendor may request from any contractee a certification of what portion of the property to be transferred under such contract or agreement is to be incorporated into the realty and what portion will retain its status as tangible personal property after installation is completed. The contractor or vendor shall request the certification by certified mail delivered to the contractee, return receipt requested. Upon receipt of such request and prior to entering into the contract or agreement, the contractee shall provide to the contractor or vendor a certification sufficiently detailed to enable the

contractor or vendor to ascertain the resulting classification of 75830  
all materials purchased or fabricated by the contractor or vendor 75831  
and transferred to the contractee. This requirement applies to a 75832  
contractee regardless of whether the contractee holds a direct 75833  
payment permit under section 5739.031 of the Revised Code or 75834  
provides to the contractor or vendor an exemption certificate as 75835  
provided under this section. 75836

For the purposes of the taxes levied by this chapter and 75837  
Chapter 5741. of the Revised Code, the contractor or vendor may in 75838  
good faith rely on the contractee's certification. Notwithstanding 75839  
division (B) of section 5739.01 of the Revised Code, if the tax 75840  
commissioner determines that certain property certified by the 75841  
contractee as tangible personal property pursuant to this division 75842  
is, in fact, real property, the contractee shall be considered to 75843  
be the consumer of all materials so incorporated into that real 75844  
property and shall be liable for the applicable tax, and the 75845  
contractor or vendor shall be excused from any liability on those 75846  
materials. 75847

If a contractee fails to provide such certification upon the 75848  
request of the contractor or vendor, the contractor or vendor 75849  
shall comply with the provisions of this chapter and Chapter 5741. 75850  
of the Revised Code without the certification. If the tax 75851  
commissioner determines that such compliance has been performed in 75852  
good faith and that certain property treated as tangible personal 75853  
property by the contractor or vendor is, in fact, real property, 75854  
the contractee shall be considered to be the consumer of all 75855  
materials so incorporated into that real property and shall be 75856  
liable for the applicable tax, and the construction contractor or 75857  
vendor shall be excused from any liability on those materials. 75858

This division does not apply to any contract or agreement 75859  
where the tax commissioner determines as a fact that a 75860  
certification under this division was made solely on the decision 75861

or advice of the contractor or vendor. 75862

(D) Notwithstanding division (B) of section 5739.01 of the 75863  
Revised Code, whenever the total rate of tax imposed under this 75864  
chapter is increased after the date after a construction contract 75865  
is entered into, the contractee shall reimburse the construction 75866  
contractor for any additional tax paid on tangible property 75867  
consumed or services received pursuant to the contract. 75868

(E) A vendor who files a petition for reassessment contesting 75869  
the assessment of tax on sales for which the vendor obtained no 75870  
valid exemption certificates and for which the vendor failed to 75871  
establish that the sales were properly not subject to the tax 75872  
during the one-hundred-twenty-day period allowed under division 75873  
(B) of this section, may present to the tax commissioner 75874  
additional evidence to prove that the sales were properly subject 75875  
to a claim of exception or exemption. The vendor shall file such 75876  
evidence within ninety days of the receipt by the vendor of the 75877  
notice of assessment, except that, upon application and for 75878  
reasonable cause, the period for submitting such evidence shall be 75879  
extended thirty days. 75880

The commissioner shall consider such additional evidence in 75881  
reaching the final determination on the assessment and petition 75882  
for reassessment. 75883

(F) Whenever a vendor refunds the price, minus any separately 75884  
stated delivery charge, of an item of tangible personal property 75885  
on which the tax imposed under this chapter has been paid, the 75886  
vendor shall also refund the amount of tax paid, minus the amount 75887  
of tax attributable to the delivery charge. 75888

**Sec. 5739.031.** (A) Upon application, the tax commissioner may 75889  
issue a direct payment permit that authorizes a consumer to pay 75890  
the sales tax levied by or pursuant to section 5739.02, 5739.021, 75891  
5739.023, 5739.024, or 5739.026 of the Revised Code or the use tax 75892

levied by or pursuant to section 5741.02, 5741.021, 5741.022, ~~or~~ 75893  
5741.023, or 5741.024 of the Revised Code directly to the state 75894  
and waives the collection of the tax by the vendor or seller if 75895  
payment directly to the state would improve compliance and 75896  
increase the efficiency of the administration of the tax. The 75897  
commissioner may adopt rules establishing the criteria for the 75898  
issuance of such permits. 75899

(B) Each permit holder, on or before the twenty-third day of 75900  
each month, shall make and file with the treasurer of state a 75901  
return for the preceding month in such form as is prescribed by 75902  
the tax commissioner and shall pay the tax shown on the return to 75903  
be due. The return shall show the sum of the prices of taxable 75904  
merchandise used and taxable services received, the amount of tax 75905  
due from the permit holder, and such other information as the 75906  
commissioner deems necessary. The commissioner, upon written 75907  
request by the permit holder, may extend the time for making and 75908  
filing returns and paying the tax. If the commissioner determines 75909  
that a permit holder's tax liability is not such as to merit 75910  
monthly filing, the commissioner may authorize the permit holder 75911  
to file returns and pay the tax at less frequent intervals. The 75912  
treasurer of state shall show on the return the date it was filed 75913  
and the amount of the payment remitted to the treasurer. 75914  
Thereafter, the treasurer immediately shall transmit all returns 75915  
filed under this section to the tax commissioner. 75916

Any permit holder required to file a return and pay the tax 75917  
under this section whose total payment for any calendar year 75918  
equals or exceeds the amount shown in section 5739.032 of the 75919  
Revised Code shall make each payment required by this section in 75920  
the second ensuing and each succeeding year by electronic funds 75921  
transfer as prescribed by, and on or before the dates specified 75922  
in, section 5739.032 of the Revised Code, except as otherwise 75923  
prescribed by that section. 75924

(C) For purposes of reporting and remitting the tax, the price of tangible personal property or services purchased by, or of tangible personal property produced by, the permit holder shall be determined under division (G) of section 5741.01 of the Revised Code. Except as otherwise provided in division (E) of section 5739.033 of the Revised Code, the situs of any purchase transaction made by the permit holder is the location where the tangible personal property or service is received by the permit holder.

(D) It shall be the duty of every permit holder required to make a return and pay its tax under this section to keep and preserve suitable records of purchases together with invoices of purchases, bills of lading, asset ledgers, depreciation schedules, transfer journals, and such other primary and secondary records and documents in such form as the commissioner requires. All such records and other documents shall be open during business hours to the inspection of the tax commissioner, and shall be preserved for a period of four years, unless the commissioner, in writing, has authorized their destruction or disposal at an earlier date, or by order or by reason of a waiver of the four-year time limitation pursuant to section 5739.16 of the Revised Code requires that they be kept longer.

(E) A permit granted pursuant to this section shall continue to be valid until surrendered by the holder or canceled for cause by the tax commissioner.

(F) Persons who hold a direct payment permit that has not been canceled shall not be required to issue exemption certificates and shall not be required to pay the tax as prescribed in sections 5739.03, 5739.033, and 5741.12 of the Revised Code. Such persons shall notify vendors and sellers from whom purchases of tangible personal property or services are made, of their direct payment permit number and that the tax is being

paid directly to the state. Upon receipt of such notice, such 75957  
vendor or seller shall be absolved from all duties and liabilities 75958  
imposed by section 5739.03 or 5741.04 of the Revised Code with 75959  
respect to sales of tangible personal property or services to such 75960  
permit holder. 75961

Vendors and sellers who make sales upon which the tax is not 75962  
collected by reason of the provisions of this section shall 75963  
maintain records in such manner that the amount involved and 75964  
identity of the purchaser may be ascertained. The receipts from 75965  
such sales shall not be subject to the tax levied in section 75966  
5739.10 of the Revised Code. 75967

Upon the cancellation or surrender of a direct payment 75968  
permit, the provisions of sections 5739.03, 5741.04, and 5741.12 75969  
of the Revised Code shall immediately apply to all purchases made 75970  
subsequent to such cancellation or surrender by the person who 75971  
previously held such permit, and such person shall so notify 75972  
vendors and sellers from whom purchases of tangible personal 75973  
property or services are made, in writing, prior to or at the time 75974  
of the first purchase after such cancellation or surrender. Upon 75975  
receipt of such notice, the vendor shall be subject to the 75976  
provisions of sections 5739.03 and 5739.10 of the Revised Code and 75977  
the seller shall be subject to the provisions of section 5741.04 75978  
of the Revised Code, with respect to all sales subsequently made 75979  
to such person. Failure of any such person to notify vendors or 75980  
sellers from whom purchases of tangible personal property or 75981  
services are made of the cancellation or surrender of a direct 75982  
payment permit shall be considered as a refusal to pay the tax by 75983  
the person required to issue such notice. 75984

**Sec. 5739.033.** (A) The amount of tax due pursuant to sections 75985  
5739.02, 5739.021, 5739.023, 5739.024, and 5739.026 of the Revised 75986  
Code is the sum of the taxes imposed pursuant to those sections at 75987

the sourcing location of the sale as determined under this section 75988  
or, if applicable, under division (C) of section 5739.031 or 75989  
section 5739.034 of the Revised Code. This section applies only to 75990  
a vendor's or seller's obligation to collect and remit sales taxes 75991  
under section 5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 75992  
of the Revised Code or use taxes under section 5741.02, 5741.021, 75993  
5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code. Division 75994  
(A) of this section does not apply in determining the jurisdiction 75995  
for which sellers are required to collect the use tax under 75996  
section 5741.05 of the Revised Code. This section does not affect 75997  
the obligation of a consumer to remit use taxes on the storage, 75998  
use, or other consumption of tangible personal property or on the 75999  
benefit realized of any service provided, to the jurisdiction of 76000  
that storage, use, or consumption, or benefit realized. 76001

76002

(B)(1) Beginning January 1, 2010, retail sales, excluding the 76003  
lease or rental, of tangible personal property or digital goods 76004  
shall be sourced to the location where the vendor receives an 76005  
order for the sale of such property or goods if: 76006

(a) The vendor receives the order in this state and the 76007  
consumer receives the property or goods in this state; 76008

(b) The location where the consumer receives the property or 76009  
goods is determined under division (C)(2), (3), or (4) of this 76010  
section; and 76011

(c) The record-keeping system used by the vendor to calculate 76012  
the tax imposed captures the location where the order is received 76013  
at the time the order is received. 76014

(2) A consumer has no additional liability to this state 76015  
under this chapter or Chapter 5741. of the Revised Code for tax, 76016  
penalty, or interest on a sale for which the consumer remits tax 76017  
to the vendor in the amount invoiced by the vendor if the invoice 76018



amount is calculated at either the rate applicable to the location 76019  
where the consumer receives the property or digital good or at the 76020  
rate applicable to the location where the order is received by the 76021  
vendor. A consumer may rely on a written representation by the 76022  
vendor as to the location where the order for the sale was 76023  
received by the vendor. If the consumer does not have a written 76024  
representation by the vendor as to the location where the order 76025  
was received by the vendor, the consumer may use a location 76026  
indicated by a business address for the vendor that is available 76027  
from records that are maintained in the ordinary course of the 76028  
consumer's business to determine the rate applicable to the 76029  
location where the order was received. 76030

(3) For the purposes of division (B) of this section, the 76031  
location where an order is received by or on behalf of a vendor 76032  
means the physical location of the vendor or a third party such as 76033  
an established outlet, office location, or automated order receipt 76034  
system operated by or on behalf of the vendor, where an order is 76035  
initially received by or on behalf of the vendor, and not where 76036  
the order may be subsequently accepted, completed, or fulfilled. 76037  
An order is received when all necessary information to determine 76038  
whether the order can be accepted has been received by or on 76039  
behalf of the vendor. The location from which the property or 76040  
digital good is shipped shall not be used to determine the 76041  
location where the order is received by the vendor. 76042

(4) For the purposes of division (B) of this section, if 76043  
services subject to taxation under this chapter or Chapter 5741. 76044  
of the Revised Code are sold with tangible personal property or 76045  
digital goods pursuant to a single contract or in the same 76046  
transaction, the services are billed on the same billing statement 76047  
or invoice, and, because of the application of division (B) of 76048  
this section, the transaction would be sourced to more than one 76049  
jurisdiction, the situs of the transaction shall be the location 76050

where the order is received by or on behalf of the vendor. 76051

(C) Except for sales, other than leases, of titled motor 76052  
vehicles, titled watercraft, or titled outboard motors as provided 76053  
in section 5741.05 of the Revised Code, or as otherwise provided 76054  
in this section and section 5739.034 of the Revised Code, all 76055  
sales shall be sourced as follows: 76056

(1) If the consumer or a donee designated by the consumer 76057  
receives tangible personal property or a service at a vendor's 76058  
place of business, the sale shall be sourced to that place of 76059  
business. 76060

(2) When the tangible personal property or service is not 76061  
received at a vendor's place of business, the sale shall be 76062  
sourced to the location known to the vendor where the consumer or 76063  
the donee designated by the consumer receives the tangible 76064  
personal property or service, including the location indicated by 76065  
instructions for delivery to the consumer or the consumer's donee. 76066

(3) If divisions (C)(1) and (2) of this section do not apply, 76067  
the sale shall be sourced to the location indicated by an address 76068  
for the consumer that is available from the vendor's business 76069  
records that are maintained in the ordinary course of the vendor's 76070  
business, when use of that address does not constitute bad faith. 76071

(4) If divisions (C)(1), (2), and (3) of this section do not 76072  
apply, the sale shall be sourced to the location indicated by an 76073  
address for the consumer obtained during the consummation of the 76074  
sale, including the address associated with the consumer's payment 76075  
instrument, if no other address is available, when use of that 76076  
address does not constitute bad faith. 76077

(5) If divisions (C)(1), (2), (3), and (4) of this section do 76078  
not apply, including in the circumstance where the vendor is 76079  
without sufficient information to apply any of those divisions, 76080  
the sale shall be sourced to the address from which tangible 76081

personal property was shipped, or from which the service was 76082  
provided, disregarding any location that merely provided the 76083  
electronic transfer of the property sold or service provided. 76084

(6) As used in division (C) of this section, "receive" means 76085  
taking possession of tangible personal property or making first 76086  
use of a service. "Receive" does not include possession by a 76087  
shipping company on behalf of a consumer. 76088

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 76089  
section, a business consumer that is not a holder of a direct 76090  
payment permit granted under section 5739.031 of the Revised Code, 76091  
that purchases a digital good, computer software, except computer 76092  
software received in person by a business consumer at a vendor's 76093  
place of business, or a service, and that knows at the time of 76094  
purchase that such digital good, software, or service will be 76095  
concurrently available for use in more than one taxing 76096  
jurisdiction shall deliver to the vendor in conjunction with its 76097  
purchase an exemption certificate claiming multiple points of use, 76098  
or shall meet the requirements of division (D)(2) of this section. 76099  
On receipt of the exemption certificate claiming multiple points 76100  
of use, the vendor is relieved of its obligation to collect, pay, 76101  
or remit the tax due, and the business consumer must pay the tax 76102  
directly to the state. 76103

(b) A business consumer that delivers the exemption 76104  
certificate claiming multiple points of use to a vendor may use 76105  
any reasonable, consistent, and uniform method of apportioning the 76106  
tax due on the digital good, computer software, or service that is 76107  
supported by the consumer's business records as they existed at 76108  
the time of the sale. The business consumer shall report and pay 76109  
the appropriate tax to each jurisdiction where concurrent use 76110  
occurs. The tax due shall be calculated as if the apportioned 76111  
amount of the digital good, computer software, or service had been 76112  
delivered to each jurisdiction to which the sale is apportioned 76113

under this division. 76114

(c) The exemption certificate claiming multiple points of use 76115  
shall remain in effect for all future sales by the vendor to the 76116  
business consumer until it is revoked in writing by the business 76117  
consumer, except as to the business consumer's specific 76118  
apportionment of a subsequent sale under division (D)(1)(b) of 76119  
this section and the facts existing at the time of the sale. 76120

(2) When the vendor knows that a digital good, computer 76121  
software, or service sold will be concurrently available for use 76122  
by the business consumer in more than one jurisdiction, but the 76123  
business consumer does not provide an exemption certificate 76124  
claiming multiple points of use as required by division (D)(1) of 76125  
this section, the vendor may work with the business consumer to 76126  
produce the correct apportionment. Governed by the principles of 76127  
division (D)(1)(b) of this section, the vendor and business 76128  
consumer may use any reasonable, but consistent and uniform, 76129  
method of apportionment that is supported by the vendor's and 76130  
business consumer's books and records as they exist at the time 76131  
the sale is reported for purposes of the taxes levied under this 76132  
chapter. If the business consumer certifies to the accuracy of the 76133  
apportionment and the vendor accepts the certification, the vendor 76134  
shall collect and remit the tax accordingly. In the absence of bad 76135  
faith, the vendor is relieved of any further obligation to collect 76136  
tax on any transaction where the vendor has collected tax pursuant 76137  
to the information certified by the business consumer. 76138

(3) When the vendor knows that the digital good, computer 76139  
software, or service will be concurrently available for use in 76140  
more than one jurisdiction, and the business consumer does not 76141  
have a direct pay permit and does not provide to the vendor an 76142  
exemption certificate claiming multiple points of use as required 76143  
in division (D)(1) of this section, or certification pursuant to 76144  
division (D)(2) of this section, the vendor shall collect and 76145

remit the tax based on division (C) of this section. 76146

(4) Nothing in this section shall limit a person's obligation 76147  
for sales or use tax to any state in which a digital good, 76148  
computer software, or service is concurrently available for use, 76149  
nor limit a person's ability under local, state, or federal law, 76150  
to claim a credit for sales or use taxes legally due and paid to 76151  
other jurisdictions. 76152

(E) A person who holds a direct payment permit issued under 76153  
section 5739.031 of the Revised Code is not required to deliver an 76154  
exemption certificate claiming multiple points of use to a vendor. 76155  
But such permit holder shall comply with division (D)(2) of this 76156  
section in apportioning the tax due on a digital good, computer 76157  
software, or a service for use in business that will be 76158  
concurrently available for use in more than one taxing 76159  
jurisdiction. 76160

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 76161  
section, the consumer of direct mail that is not a holder of a 76162  
direct payment permit shall provide to the vendor in conjunction 76163  
with the sale either an exemption certificate claiming direct mail 76164  
prescribed by the tax commissioner, or information to show the 76165  
jurisdictions to which the direct mail is delivered to recipients. 76166

(2) Upon receipt of such exemption certificate, the vendor is 76167  
relieved of all obligations to collect, pay, or remit the 76168  
applicable tax and the consumer is obligated to pay that tax on a 76169  
direct pay basis. An exemption certificate claiming direct mail 76170  
shall remain in effect for all future sales of direct mail by the 76171  
vendor to the consumer until it is revoked in writing. 76172

(3) Upon receipt of information from the consumer showing the 76173  
jurisdictions to which the direct mail is delivered to recipients, 76174  
the vendor shall collect the tax according to the delivery 76175  
information provided by the consumer. In the absence of bad faith, 76176

the vendor is relieved of any further obligation to collect tax on 76177  
any transaction where the vendor has collected tax pursuant to the 76178  
delivery information provided by the consumer. 76179

(4) If the consumer of direct mail does not have a direct 76180  
payment permit and does not provide the vendor with either an 76181  
exemption certificate claiming direct mail or delivery information 76182  
as required by division (F)(1) of this section, the vendor shall 76183  
collect the tax according to division (C)(5) of this section. 76184  
Nothing in division (F)(4) of this section shall limit a 76185  
consumer's obligation to pay sales or use tax to any state to 76186  
which the direct mail is delivered. 76187

(5) If a consumer of direct mail provides the vendor with 76188  
documentation of direct payment authority, the consumer shall not 76189  
be required to provide an exemption certificate claiming direct 76190  
mail or delivery information to the vendor. 76191

(G) If the vendor provides lodging to transient guests as 76192  
specified in division (B)(2) of section 5739.01 of the Revised 76193  
Code, the sale shall be sourced to the location where the lodging 76194  
is located. 76195

(H)(1) As used in this division and division (I) of this 76196  
section, "transportation equipment" means any of the following: 76197

(a) Locomotives and railcars that are utilized for the 76198  
carriage of persons or property in interstate commerce. 76199

(b) Trucks and truck-tractors with a gross vehicle weight 76200  
rating of greater than ten thousand pounds, trailers, 76201  
semi-trailers, or passenger buses that are registered through the 76202  
international registration plan and are operated under authority 76203  
of a carrier authorized and certificated by the United States 76204  
department of transportation or another federal authority to 76205  
engage in the carriage of persons or property in interstate 76206  
commerce. 76207

(c) Aircraft that are operated by air carriers authorized and certified by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate or foreign commerce.

(d) Containers designed for use on and component parts attached to or secured on the items set forth in division (H)(1)(a), (b), or (c) of this section.

(2) A sale, lease, or rental of transportation equipment shall be sourced pursuant to division (C) of this section.

(I)(1) A lease or rental of tangible personal property that does not require recurring periodic payments shall be sourced pursuant to division (C) of this section.

(2) A lease or rental of tangible personal property that requires recurring periodic payments shall be sourced as follows:

(a) In the case of a motor vehicle, other than a motor vehicle that is transportation equipment, or an aircraft, other than an aircraft that is transportation equipment, such lease or rental shall be sourced as follows:

(i) An accelerated tax payment on a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced to the primary property location at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property location for the period in which the charges are incurred.

(ii) For a lease or rental taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, each lease or rental installment shall be sourced to the primary property location for the period covered by the installment.

(b) In the case of a lease or rental of all other tangible personal property, other than transportation equipment, such lease

or rental shall be sourced as follows: 76238

(i) An accelerated tax payment on a lease or rental that is 76239  
taxed pursuant to division (A)(2) of section 5739.02 of the 76240  
Revised Code shall be sourced pursuant to division (C) of this 76241  
section at the time the lease or rental is consummated. Any 76242  
subsequent taxable charges on the lease or rental shall be sourced 76243  
to the primary property location for the period in which the 76244  
charges are incurred. 76245

(ii) For a lease or rental that is taxed pursuant to division 76246  
(A)(3) of section 5739.02 of the Revised Code, the initial lease 76247  
or rental installment shall be sourced pursuant to division (C) of 76248  
this section. Each subsequent installment shall be sourced to the 76249  
primary property location for the period covered by the 76250  
installment. 76251

(3) As used in division (I) of this section, "primary 76252  
property location" means an address for tangible personal property 76253  
provided by the lessee or renter that is available to the lessor 76254  
or owner from its records maintained in the ordinary course of 76255  
business, when use of that address does not constitute bad faith. 76256

(J) If the vendor provides a service specified in division 76257  
(B)(11) of section 5739.01 of the Revised Code, the situs of the 76258  
sale is the location of the enrollee for whom a medicaid health 76259  
insurance corporation receives managed care premiums. Such sales 76260  
shall be sourced to the locations of the enrollees in the same 76261  
proportion as the managed care premiums received by the medicaid 76262  
health insuring corporation on behalf of enrollees located in a 76263  
particular taxing jurisdiction in Ohio as compared to all managed 76264  
care premiums received by the medicaid health insuring 76265  
corporation. 76266

**Sec. 5739.034.** (A) As used in this section: 76267



(1) "Air-to-ground radiotelephone service" means a radio service, as defined in 47 C.F.R. 22.99, in which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft.

(2) "Call-by-call basis" means any method of charging for telecommunications services where the price is measured by individual calls.

(3) "Customer" means the person or entity that contracts with a seller of telecommunications service. If the end user of telecommunications service is not the contracting party, the end user of the telecommunications service is the customer of the telecommunications service. "Customer" does not include a reseller of telecommunications service or of mobile telecommunications service of a serving carrier under an agreement to serve the customer outside the home service provider's licensed service area.

(4) "End user" means the person who utilizes the telecommunications service. In the case of a person other than an individual, "end user" means the individual who utilizes the service on behalf of the person.

(5) "Home service provider" has the same meaning as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C. 124(5), as amended.

(6) "Place of primary use" means the street address representative of where the customer's use of the telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer. In the case of mobile telecommunications services, "place of primary use" must be within the licensed service area of the home service provider.

(7) "Post-paid calling service" means the telecommunications

service obtained by making a payment on a call-by-call basis 76299  
either through the use of a credit card or payment mechanism such 76300  
as a bank card, travel card, credit card, or debit card, or by 76301  
charge made to a telephone number that is not associated with the 76302  
origination or termination of the telecommunications service. 76303  
"Post-paid calling service" includes a telecommunications service, 76304  
except a prepaid wireless calling service, that would be a prepaid 76305  
calling service, but for the fact that it is not exclusively a 76306  
telecommunications service. 76307

(8) "Prepaid calling service" and "prepaid wireless calling 76308  
service" have the same meanings as in section 5739.01 of the 76309  
Revised Code. 76310

(9) "Service address" means: 76311

(a) The location of the telecommunications equipment to which 76312  
a customer's call is charged and from which the call originates or 76313  
terminates, regardless of where the call is billed or paid. 76314

(b) If the location in division (A)(9)(a) of this section is 76315  
not known, "service address" means the origination point of the 76316  
signal of the telecommunications service first identified by 76317  
either the seller's telecommunications system or in information 76318  
received by the seller from its service provider, where the system 76319  
used to transport such signals is not that of the seller. 76320

(c) If the locations in divisions (A)(9)(a) and (b) of this 76321  
section are not known, "service address" means the location of the 76322  
customer's place of primary use. 76323

(10) "Private communication service" means a 76324  
telecommunications service that entitles a customer to exclusive 76325  
or priority use of a communications channel or group of channels 76326  
between or among termination points, regardless of the manner in 76327  
which the channel or channels are connected, and includes 76328  
switching capacity, extension lines, stations, and any other 76329

associated services that are provided in connection with the use of such channel or channels.

(B) The amount of tax due pursuant to sections 5739.02, 5739.021, 5739.023, 5739.024, and 5739.026 of the Revised Code on sales of telecommunications service, information service, or mobile telecommunications service, is the sum of the taxes imposed pursuant to those sections at the sourcing location of the sale as determined under this section.

(C) Except for the telecommunications services described in division (E) of this section, the sale of telecommunications service sold on a call-by-call basis shall be sourced to each level of taxing jurisdiction where the call originates and terminates in that jurisdiction, or each level of taxing jurisdiction where the call either originates or terminates and in which the service address also is located.

(D) Except for the telecommunications services described in division (E) of this section, a sale of telecommunications services sold on a basis other than a call-by-call basis shall be sourced to the customer's place of primary use.

(E) The sale of the following telecommunications services shall be sourced to each level of taxing jurisdiction, as follows:

(1) A sale of mobile telecommunications service, other than air-to-ground radiotelephone service and prepaid calling service, shall be sourced to the customer's place of primary use as required by the Mobile Telecommunications Sourcing Act.

(2) A sale of post-paid calling service shall be sourced to the origination point of the telecommunications signal as first identified by the service provider's telecommunications system, or information received by the seller from its service provider, where the system used to transport such signals is not that of the seller.

(3) A sale of prepaid calling service or prepaid wireless calling service shall be sourced under division (C) of section 5739.033 of the Revised Code. But in the case of prepaid wireless calling service, in lieu of sourcing the sale of the service under division (C)(5) of section 5739.033 of the Revised Code, the service provider may elect to source the sale to the location associated with the mobile telephone number.

(4) A sale of a private communication service shall be sourced as follows:

(a) Service for a separate charge related to a customer channel termination point shall be sourced to each level of jurisdiction in which the customer channel termination point is located;

(b) Service where all customer channel termination points are located entirely within one jurisdiction or level of jurisdiction shall be sourced in the jurisdiction in which the customer channel termination points are located;

(c) Service for segments of a channel between two customer channel termination points located in different jurisdictions and which segments of a channel are separately charged shall be sourced fifty per cent in each level of jurisdiction in which the customer channel termination points are located;

(d) Service for segments of a channel located in more than one jurisdiction or level of jurisdiction and which segments are not separately billed shall be sourced in each jurisdiction based on the percentage determined by dividing the number of customer channel termination points in the jurisdiction by the total number of customer channel termination points.

**Sec. 5739.04.** If modification of a county's jurisdictional boundaries ~~or~~, a transit authority's territory, or a tourism

development district's territory results in a change in the tax 76391  
rate levied under section 5739.021, 5739.023, 5739.024, or 76392  
5739.026 of the Revised Code, the tax commissioner, within thirty 76393  
days of such change, shall notify any vendor or the vendor's 76394  
certified service provider, if the vendor has selected one, of 76395  
such change. The rate change shall not apply to sales made by such 76396  
vendor until the first day of a calendar quarter following the 76397  
expiration of sixty days from the date of notice by the 76398  
commissioner. 76399

**Sec. 5739.05.** (A) The tax commissioner shall enforce and 76400  
administer sections 5739.01 to 5739.31 of the Revised Code, which 76401  
are hereby declared to be sections which the commissioner is 76402  
required to administer within the meaning of sections 5703.17 to 76403  
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 76404  
commissioner may adopt and promulgate, in accordance with sections 76405  
119.01 to 119.13 of the Revised Code, such rules as the 76406  
commissioner deems necessary to administer sections 5739.01 to 76407  
5739.31 of the Revised Code. 76408

(B) Upon application, the commissioner may authorize a vendor 76409  
to pay on a predetermined basis the tax levied by or pursuant to 76410  
section 5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 of the 76411  
Revised Code upon sales of things produced or distributed or 76412  
services provided by such vendor, and the commissioner may waive 76413  
the collection of the tax from the consumer. The commissioner 76414  
shall not grant such authority unless the commissioner finds that 76415  
the granting of the authority would improve compliance and 76416  
increase the efficiency of the administration of the tax. The 76417  
person to whom such authority is granted shall post a notice, if 76418  
required by the commissioner, at the location where the product is 76419  
offered for sale that the tax is included in the selling price. 76420  
The commissioner may adopt rules to administer this division. 76421

(C) Upon application, the commissioner may authorize a vendor 76422  
to remit, on the basis of a prearranged agreement under this 76423  
division, the tax levied by section 5739.02 or pursuant to section 76424  
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code. The 76425  
proportions and ratios in a prearranged agreement shall be 76426  
determined either by a test check conducted by the commissioner 76427  
under terms and conditions agreed to by the commissioner and the 76428  
vendor or by any other method agreed upon by the vendor and the 76429  
commissioner. If the parties are unable to agree to the terms and 76430  
conditions of the test check or other method, the application 76431  
shall be denied. 76432

If used, the test check shall determine the proportion that 76433  
taxable retail sales bear to all of the vendor's retail sales and 76434  
the ratio which the tax required to be collected under sections 76435  
5739.02, 5739.021, 5739.023, 5739.024, and 5739.026 of the Revised 76436  
Code bears to the receipts from the vendor's taxable retail sales. 76437

The vendor's liability for remitting the tax shall be based 76438  
solely upon the proportions and ratios established in the 76439  
agreement until such time that the vendor or the commissioner 76440  
believes that the nature of the vendor's business has so changed 76441  
as to make the agreement no longer representative. The 76442  
commissioner may give notice to the vendor at any time that the 76443  
authorization is revoked or the vendor may notify the commissioner 76444  
that the vendor no longer elects to report under the 76445  
authorization. Such notice shall be delivered to the other party 76446  
personally or by registered mail. The revocation or cancellation 76447  
is effective the last day of the month in which the vendor or the 76448  
commissioner receives the notice. 76449

**Sec. 5739.051.** (A) The tax commissioner shall issue a direct 76450  
payment permit to a medicaid health insuring corporation that 76451  
authorizes the medicaid health insuring corporation to pay all 76452

taxes due on sales described in division (B)(11) of section 76453  
5739.01 of the Revised Code directly to the state. Each medicaid 76454  
health insuring corporation shall pay pursuant to such direct 76455  
payment authority all sales tax levied on such sales by sections 76456  
5739.02, 5739.021, 5739.023, 5739.024, and 5739.026 of the Revised 76457  
Code and all use tax levied on such sales pursuant to sections 76458  
5741.02, 5741.021, 5741.022, ~~and 5741.023~~, and 5741.024 of the 76459  
Revised Code, unless division (B)(11)(b) of section 5739.01 of the 76460  
Revised Code applies. 76461

(B) Each medicaid health insuring corporation shall, on or 76462  
before the twenty-third day of each month, file a return for the 76463  
preceding month on a form prescribed by the tax commissioner and 76464  
shall pay the tax shown on the return to be due, unless division 76465  
(B)(11)(b) of section 5739.01 of the Revised Code applies. The 76466  
return shall show the amount of tax due from the medicaid health 76467  
care insuring corporation for the period covered by the return and 76468  
other such information as the commissioner deems necessary. Upon 76469  
written request, the commissioner may extend the time for filing 76470  
the return and paying the tax. The commissioner may require each 76471  
medicaid health insuring corporation to file returns and remit 76472  
payment by electronic means as provided in section 5739.032 of the 76473  
Revised Code. 76474

**Sec. 5739.061.** (A) As used in this section, "origin-based 76475  
sourcing requirements" means the manner in which intrastate sales 76476  
are to be sourced under division (B)(1) of section 5739.033 of the 76477  
Revised Code. 76478

(B) On and after July 1, 2009, a vendor that received 76479  
temporary compensation under section 5739.123 of the Revised Code 76480  
as that section existed before its repeal by H.B. 429 of the 127th 76481  
general assembly may apply for compensation to assist the vendor 76482  
in complying with the origin-based sourcing requirements. The 76483

vendor shall file an application in accordance with division (C) 76484  
of this section. The compensation shall be a one-time payment 76485  
equal to the actual total costs the vendor incurred in complying 76486  
with the origin-based sourcing requirements, not to exceed one 76487  
thousand dollars for vendors that were required to comply with 76488  
divisions (C) to (I) of section 5739.033 of the Revised Code 76489  
before the effective date of this section, and six hundred dollars 76490  
for vendors that irrevocably elected to comply with divisions (C) 76491  
to (I) of that section before the effective date of this section. 76492  
In no event shall a vendor receive compensation that exceeds its 76493  
total cost of complying with the origin-based sourcing 76494  
requirements. 76495

(C) To be considered for compensation under this section, a 76496  
vendor shall file an application with the tax commissioner on a 76497  
form prescribed by the commissioner. The commissioner shall 76498  
determine the amount of compensation to which the vendor is 76499  
entitled, and if that amount is equal to or greater than the 76500  
amount claimed on the application, the commissioner shall certify 76501  
that amount to the director of budget and management and the 76502  
treasurer of state for payment from the general revenue fund. If 76503  
the commissioner determines that the amount of compensation to 76504  
which the vendor is entitled is less than the amount claimed on 76505  
the vendor's application, the commissioner shall proceed in 76506  
accordance with section 5703.70 of the Revised Code. 76507

(D) The compensation provided under this section shall not 76508  
reduce the amount required to be returned to counties, municipal 76509  
corporations, townships, and transit authorities under section 76510  
5739.21 of the Revised Code. 76511

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by 76512  
resolution adopted by a majority of the members of the board, levy 76513  
an excise tax not to exceed three per cent on transactions by 76514



which lodging by a hotel is or is to be furnished to transient 76515  
guests. The board shall establish all regulations necessary to 76516  
provide for the administration and allocation of the tax. The 76517  
regulations may prescribe the time for payment of the tax, and may 76518  
provide for the imposition of a penalty or interest, or both, for 76519  
late payments, provided that the penalty does not exceed ten per 76520  
cent of the amount of tax due, and the rate at which interest 76521  
accrues does not exceed the rate per annum prescribed pursuant to 76522  
section 5703.47 of the Revised Code. Except as provided in 76523  
divisions (A)(2), (3), (4), (5), (6), ~~and (7)~~, and (8) of this 76524  
section, the regulations shall provide, after deducting the real 76525  
and actual costs of administering the tax, for the return to each 76526  
municipal corporation or township that does not levy an excise tax 76527  
on the transactions, a uniform percentage of the tax collected in 76528  
the municipal corporation or in the unincorporated portion of the 76529  
township from each transaction, not to exceed thirty-three and 76530  
one-third per cent. The remainder of the revenue arising from the 76531  
tax shall be deposited in a separate fund and shall be spent 76532  
solely to make contributions to the convention and visitors' 76533  
bureau operating within the county, including a pledge and 76534  
contribution of any portion of the remainder pursuant to an 76535  
agreement authorized by section 307.678 or 307.695 of the Revised 76536  
Code, provided that if the board of county commissioners of an 76537  
eligible county as defined in section 307.678 or 307.695 of the 76538  
Revised Code adopts a resolution amending a resolution levying a 76539  
tax under this division to provide that revenue from the tax shall 76540  
be used by the board as described in either division (D) of 76541  
section 307.678 or division (H) of section 307.695 of the Revised 76542  
Code, the remainder of the revenue shall be used as described in 76543  
the resolution making that amendment. Except as provided in 76544  
division (A)(2), (3), (4), (5), (6), ~~or (7)~~, or (8) or (H) of this 76545  
section, on and after May 10, 1994, a board of county 76546  
commissioners may not levy an excise tax pursuant to this division 76547

in any municipal corporation or township located wholly or partly 76548  
within the county that has in effect an ordinance or resolution 76549  
levying an excise tax pursuant to division (B) of this section. 76550  
The board of a county that has levied a tax under division (C) of 76551  
this section may, by resolution adopted within ninety days after 76552  
July 15, 1985, by a majority of the members of the board, amend 76553  
the resolution levying a tax under this division to provide for a 76554  
portion of that tax to be pledged and contributed in accordance 76555  
with an agreement entered into under section 307.695 of the 76556  
Revised Code. A tax, any revenue from which is pledged pursuant to 76557  
such an agreement, shall remain in effect at the rate at which it 76558  
is imposed for the duration of the period for which the revenue 76559  
from the tax has been so pledged. 76560

The board of county commissioners of an eligible county as 76561  
defined in section 307.695 of the Revised Code may, by resolution 76562  
adopted by a majority of the members of the board, amend a 76563  
resolution levying a tax under this division to provide that the 76564  
revenue from the tax shall be used by the board as described in 76565  
division (H) of section 307.695 of the Revised Code, in which case 76566  
the tax shall remain in effect at the rate at which it was imposed 76567  
for the duration of any agreement entered into by the board under 76568  
section 307.695 of the Revised Code, the duration during which any 76569  
securities issued by the board under that section are outstanding, 76570  
or the duration of the period during which the board owns a 76571  
project as defined in section 307.695 of the Revised Code, 76572  
whichever duration is longest. 76573

The board of county commissioners of an eligible county as 76574  
defined in section 307.678 of the Revised Code may, by resolution, 76575  
amend a resolution levying a tax under this division to provide 76576  
that revenue from the tax, not to exceed five hundred thousand 76577  
dollars each year, may be used as described in division (D) of 76578  
section 307.678 of the Revised Code. 76579

(2) A board of county commissioners that levies an excise tax under division (A)(1) of this section on June 30, 1997, at a rate of three per cent, and that has pledged revenue from the tax to an agreement entered into under section 307.695 of the Revised Code or, in the case of the board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code, has amended a resolution levying a tax under division (C) of this section to provide that proceeds from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, may, at any time by a resolution adopted by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax up to seven per cent on each transaction; to provide that revenue from the increase in the rate shall be used as described in division (H) of section 307.695 of the Revised Code or be spent solely to make contributions to the convention and visitors' bureau operating within the county to be used specifically for promotion, advertising, and marketing of the region in which the county is located; and to provide that the rate in excess of the three per cent levied under division (A)(1) of this section shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A)(1) of this section, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest. The amendment also shall provide that no portion of that revenue need be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

(3) A board of county commissioners that levies a tax under 76613  
division (A)(1) of this section on March 18, 1999, at a rate of 76614  
three per cent may, by resolution adopted not later than 76615  
forty-five days after March 18, 1999, amend the resolution levying 76616  
the tax to provide for all of the following: 76617

(a) That the rate of the tax shall be increased by not more 76618  
than an additional four per cent on each transaction; 76619

(b) That all of the revenue from the increase in the rate 76620  
shall be pledged and contributed to a convention facilities 76621  
authority established by the board of county commissioners under 76622  
Chapter 351. of the Revised Code on or before November 15, 1998, 76623  
and used to pay costs of constructing, maintaining, operating, and 76624  
promoting a facility in the county, including paying bonds, or 76625  
notes issued in anticipation of bonds, as provided by that 76626  
chapter; 76627

(c) That no portion of the revenue arising from the increase 76628  
in rate need be returned to municipal corporations or townships as 76629  
otherwise required under division (A)(1) of this section; 76630

(d) That the increase in rate shall not be subject to 76631  
diminution by initiative or referendum or by law while any bonds, 76632  
or notes in anticipation of bonds, issued by the authority under 76633  
Chapter 351. of the Revised Code to which the revenue is pledged, 76634  
remain outstanding in accordance with their terms, unless 76635  
provision is made by law or by the board of county commissioners 76636  
for an adequate substitute therefor that is satisfactory to the 76637  
trustee if a trust agreement secures the bonds. 76638

Division (A)(3) of this section does not apply to the board 76639  
of county commissioners of any county in which a convention center 76640  
or facility exists or is being constructed on November 15, 1998, 76641  
or of any county in which a convention facilities authority levies 76642  
a tax pursuant to section 351.021 of the Revised Code on that 76643

date. 76644

As used in division (A)(3) of this section, "cost" and 76645  
"facility" have the same meanings as in section 351.01 of the 76646  
Revised Code, and "convention center" has the same meaning as in 76647  
section 307.695 of the Revised Code. 76648

(4)(a) A board of county commissioners that levies a tax 76649  
under division (A)(1) of this section on June 30, 2002, at a rate 76650  
of three per cent may, by resolution adopted not later than 76651  
September 30, 2002, amend the resolution levying the tax to 76652  
provide for all of the following: 76653

(i) That the rate of the tax shall be increased by not more 76654  
than an additional three and one-half per cent on each 76655  
transaction; 76656

(ii) That all of the revenue from the increase in rate shall 76657  
be pledged and contributed to a convention facilities authority 76658  
established by the board of county commissioners under Chapter 76659  
351. of the Revised Code on or before May 15, 2002, and be used to 76660  
pay costs of constructing, expanding, maintaining, operating, or 76661  
promoting a convention center in the county, including paying 76662  
bonds, or notes issued in anticipation of bonds, as provided by 76663  
that chapter; 76664

(iii) That no portion of the revenue arising from the 76665  
increase in rate need be returned to municipal corporations or 76666  
townships as otherwise required under division (A)(1) of this 76667  
section; 76668

(iv) That the increase in rate shall not be subject to 76669  
diminution by initiative or referendum or by law while any bonds, 76670  
or notes in anticipation of bonds, issued by the authority under 76671  
Chapter 351. of the Revised Code to which the revenue is pledged, 76672  
remain outstanding in accordance with their terms, unless 76673  
provision is made by law or by the board of county commissioners 76674

for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

(b) Any board of county commissioners that, pursuant to division (A)(4)(a) of this section, has amended a resolution levying the tax authorized by division (A)(1) of this section may further amend the resolution to provide that the revenue referred to in division (A)(4)(a)(ii) of this section shall be pledged and contributed both to a convention facilities authority to pay the costs of constructing, expanding, maintaining, or operating one or more convention centers in the county, including paying bonds, or notes issued in anticipation of bonds, as provided in Chapter 351. of the Revised Code, and to a convention and visitors' bureau to pay the costs of promoting one or more convention centers in the county.

As used in division (A)(4) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(5)(a) As used in division (A)(5) of this section:

(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.

(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.

(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a

county that created, participated in the creation of, or has 76706  
joined such a port authority may do one or both of the following: 76707

(i) Amend a resolution previously adopted under division 76708  
(A)(1) of this section to designate some or all of the revenue 76709  
from the tax levied under the resolution to be used for that 76710  
purpose, notwithstanding that division; 76711

(ii) Amend a resolution previously adopted under division 76712  
(A)(1) of this section to increase the rate of the tax by not more 76713  
than an additional two per cent and use the revenue from the 76714  
increase exclusively for that purpose. 76715

(c) If a board of county commissioners amends a resolution to 76716  
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 76717  
of this section, the board also may amend the resolution to 76718  
specify that the increase in rate of the tax does not apply to 76719  
"hotels," as otherwise defined in section 5739.01 of the Revised 76720  
Code, having fewer rooms used for the accommodation of guests than 76721  
a number of rooms specified by the board. 76722

(6) A board of county commissioners of a county organized 76723  
under a county charter adopted pursuant to Article X, Section 3, 76724  
Ohio Constitution, and that levies an excise tax under division 76725  
(A)(1) of this section at a rate of three per cent and levies an 76726  
additional excise tax under division (E) of this section at a rate 76727  
of one and one-half per cent may, by resolution adopted not later 76728  
than January 1, 2008, by a majority of the members of the board, 76729  
amend the resolution levying a tax under division (A)(1) of this 76730  
section to provide for an increase in the rate of that tax by not 76731  
more than an additional one per cent on transactions by which 76732  
lodging by a hotel is or is to be furnished to transient guests. 76733  
Notwithstanding divisions (A)(1) and (E) of this section, the 76734  
resolution shall provide that all of the revenue from the increase 76735  
in rate, after deducting the real and actual costs of 76736  
administering the tax, shall be used to pay the costs of 76737

improving, expanding, equipping, financing, or operating a 76738  
convention center by a convention and visitors' bureau in the 76739  
county. The increase in rate shall remain in effect for the period 76740  
specified in the resolution, not to exceed ten years. The increase 76741  
in rate shall be subject to the regulations adopted under division 76742  
(A)(1) of this section, except that the resolution may provide 76743  
that no portion of the revenue from the increase in the rate shall 76744  
be returned to townships or municipal corporations as would 76745  
otherwise be required under that division. 76746

(7) Division (A)(7) of this section applies only to a county 76747  
with a population greater than sixty-five thousand and less than 76748  
seventy thousand according to the most recent federal decennial 76749  
census and in which, on December 31, 2006, an excise tax is levied 76750  
under division (A)(1) of this section at a rate not less than and 76751  
not greater than three per cent, and in which the most recent 76752  
increase in the rate of that tax was enacted or took effect in 76753  
November 1984. 76754

The board of county commissioners of a county to which this 76755  
division applies, by resolution adopted by a majority of the 76756  
members of the board, may increase the rate of the tax by not more 76757  
than one per cent on transactions by which lodging by a hotel is 76758  
or is to be furnished to transient guests. The increase in rate 76759  
shall be for the purpose of paying expenses deemed necessary by 76760  
the convention and visitors' bureau operating in the county to 76761  
promote travel and tourism. The increase in rate shall remain in 76762  
effect for the period specified in the resolution, not to exceed 76763  
twenty years, provided that the increase in rate may not continue 76764  
beyond the time when the purpose for which the increase is levied 76765  
ceases to exist. If revenue from the increase in rate is pledged 76766  
to the payment of debt charges on securities, the increase in rate 76767  
is not subject to diminution by initiative or referendum or by law 76768  
for so long as the securities are outstanding, unless provision is 76769



made by law or by the board of county commissioners for an 76770  
adequate substitute for that revenue that is satisfactory to the 76771  
trustee if a trust agreement secures payment of the debt charges. 76772  
The increase in rate shall be subject to the regulations adopted 76773  
under division (A)(1) of this section, except that the resolution 76774  
may provide that no portion of the revenue from the increase in 76775  
the rate shall be returned to townships or municipal corporations 76776  
as would otherwise be required under division (A)(1) of this 76777  
section. A resolution adopted under division (A)(7) of this 76778  
section is subject to referendum under sections 305.31 to 305.99 76779  
of the Revised Code. 76780

(8)(a) Division (A)(8) of this section applies only to a 76781  
county satisfying all of the following: 76782

(i) The population of the county is greater than one hundred 76783  
seventy-five thousand and less than two hundred twenty-five 76784  
thousand according to the most recent federal decennial census. 76785

(ii) An amusement park with an average yearly attendance in 76786  
excess of two million guests is located in the county. 76787

(iii) On December 31, 2014, an excise tax was levied in the 76788  
county under division (A)(1) of this section at a rate of three 76789  
per cent. 76790

(b) The board of county commissioners of a county to which 76791  
this division applies, by resolution adopted by a majority of the 76792  
members of the board, may increase the rate of the tax by not more 76793  
than one per cent on transactions by which lodging by a hotel is 76794  
or is to be furnished to transient guests. The increase in rate 76795  
shall be for the purpose of paying the costs of constructing and 76796  
maintaining county-owned facilities designed to host sporting 76797  
events and paying expenses deemed necessary by the convention and 76798  
visitors' bureau operating in the county to promote travel and 76799  
tourism with reference to the sports facilities. The increase in 76800

rate shall remain in effect for the period specified in the 76801  
resolution. If revenue from the increase in rate is pledged to the 76802  
payment of debt charges on securities, the increase in rate is not 76803  
subject to diminution by initiative or referendum or by law for so 76804  
long as the securities are outstanding, unless provision is made 76805  
by law or by the board of county commissioners for an adequate 76806  
substitute for that revenue that is satisfactory to the trustee if 76807  
a trust agreement secures payment of the debt charges. The 76808  
increase in rate shall be subject to the regulations adopted under 76809  
division (A)(1) of this section, except that the resolution may 76810  
provide that no portion of the revenue from the increase in the 76811  
rate shall be returned to townships or municipal corporations as 76812  
would otherwise be required under division (A)(1) of this section. 76813

(B)(1) The legislative authority of a municipal corporation 76814  
or the board of trustees of a township that is not wholly or 76815  
partly located in a county that has in effect a resolution levying 76816  
an excise tax pursuant to division (A)(1) of this section may, by 76817  
ordinance or resolution, levy an excise tax not to exceed three 76818  
per cent on transactions by which lodging by a hotel is or is to 76819  
be furnished to transient guests. The legislative authority of the 76820  
municipal corporation or the board of trustees of the township 76821  
shall deposit at least fifty per cent of the revenue from the tax 76822  
levied pursuant to this division into a separate fund, which shall 76823  
be spent solely to make contributions to convention and visitors' 76824  
bureaus operating within the county in which the municipal 76825  
corporation or township is wholly or partly located, and the 76826  
balance of that revenue shall be deposited in the general fund. 76827  
The municipal corporation or township shall establish all 76828  
regulations necessary to provide for the administration and 76829  
allocation of the tax. The regulations may prescribe the time for 76830  
payment of the tax, and may provide for the imposition of a 76831  
penalty or interest, or both, for late payments, provided that the 76832  
penalty does not exceed ten per cent of the amount of tax due, and 76833

the rate at which interest accrues does not exceed the rate per 76834  
annum prescribed pursuant to section 5703.47 of the Revised Code. 76835  
The levy of a tax under this division is in addition to any tax 76836  
imposed on the same transaction by a municipal corporation or a 76837  
township as authorized by division (A) of section 5739.08 of the 76838  
Revised Code. 76839

(2)(a) The legislative authority of the most populous 76840  
municipal corporation located wholly or partly in a county in 76841  
which the board of county commissioners has levied a tax under 76842  
division (A)(4) of this section may amend, on or before September 76843  
30, 2002, that municipal corporation's ordinance or resolution 76844  
that levies an excise tax on transactions by which lodging by a 76845  
hotel is or is to be furnished to transient guests, to provide for 76846  
all of the following: 76847

(i) That the rate of the tax shall be increased by not more 76848  
than an additional one per cent on each transaction; 76849

(ii) That all of the revenue from the increase in rate shall 76850  
be pledged and contributed to a convention facilities authority 76851  
established by the board of county commissioners under Chapter 76852  
351. of the Revised Code on or before May 15, 2002, and be used to 76853  
pay costs of constructing, expanding, maintaining, operating, or 76854  
promoting a convention center in the county, including paying 76855  
bonds, or notes issued in anticipation of bonds, as provided by 76856  
that chapter; 76857

(iii) That the increase in rate shall not be subject to 76858  
diminution by initiative or referendum or by law while any bonds, 76859  
or notes in anticipation of bonds, issued by the authority under 76860  
Chapter 351. of the Revised Code to which the revenue is pledged, 76861  
remain outstanding in accordance with their terms, unless 76862  
provision is made by law, by the board of county commissioners, or 76863  
by the legislative authority, for an adequate substitute therefor 76864  
that is satisfactory to the trustee if a trust agreement secures 76865

the bonds. 76866

(b) The legislative authority of a municipal corporation 76867  
that, pursuant to division (B)(2)(a) of this section, has amended 76868  
its ordinance or resolution to increase the rate of the tax 76869  
authorized by division (B)(1) of this section may further amend 76870  
the ordinance or resolution to provide that the revenue referred 76871  
to in division (B)(2)(a)(ii) of this section shall be pledged and 76872  
contributed both to a convention facilities authority to pay the 76873  
costs of constructing, expanding, maintaining, or operating one or 76874  
more convention centers in the county, including paying bonds, or 76875  
notes issued in anticipation of bonds, as provided in Chapter 351. 76876  
of the Revised Code, and to a convention and visitors' bureau to 76877  
pay the costs of promoting one or more convention centers in the 76878  
county. 76879

As used in division (B)(2) of this section, "cost" has the 76880  
same meaning as in section 351.01 of the Revised Code, and 76881  
"convention center" has the same meaning as in section 307.695 of 76882  
the Revised Code. 76883

(C) For the purposes described in section 307.695 of the 76884  
Revised Code and to cover the costs of administering the tax, a 76885  
board of county commissioners of a county where a tax imposed 76886  
under division (A)(1) of this section is in effect may, by 76887  
resolution adopted within ninety days after July 15, 1985, by a 76888  
majority of the members of the board, levy an additional excise 76889  
tax not to exceed three per cent on transactions by which lodging 76890  
by a hotel is or is to be furnished to transient guests. The tax 76891  
authorized by this division shall be in addition to any tax that 76892  
is levied pursuant to division (A) of this section, but it shall 76893  
not apply to transactions subject to a tax levied by a municipal 76894  
corporation or township pursuant to the authorization granted by 76895  
division (A) of section 5739.08 of the Revised Code. The board 76896  
shall establish all regulations necessary to provide for the 76897

administration and allocation of the tax. The regulations may 76898  
prescribe the time for payment of the tax, and may provide for the 76899  
imposition of a penalty or interest, or both, for late payments, 76900  
provided that the penalty does not exceed ten per cent of the 76901  
amount of tax due, and the rate at which interest accrues does not 76902  
exceed the rate per annum prescribed pursuant to section 5703.47 76903  
of the Revised Code. All revenues arising from the tax shall be 76904  
expended in accordance with section 307.695 of the Revised Code. 76905  
The board of county commissioners of an eligible county as defined 76906  
in section 307.695 of the Revised Code may, by resolution adopted 76907  
by a majority of the members of the board, amend the resolution 76908  
levying a tax under this division to provide that the revenue from 76909  
the tax shall be used by the board as described in division (H) of 76910  
section 307.695 of the Revised Code. A tax imposed under this 76911  
division shall remain in effect at the rate at which it is imposed 76912  
for the duration of the period during which any agreement entered 76913  
into by the board under section 307.695 of the Revised Code is in 76914  
effect, the duration of the period during which any securities 76915  
issued by the board under division (I) of section 307.695 of the 76916  
Revised Code are outstanding, or the duration of the period during 76917  
which the board owns a project as defined in section 307.695 of 76918  
the Revised Code, whichever duration is longest. 76919

(D) For the purpose of providing contributions under division 76920  
(B)(1) of section 307.671 of the Revised Code to enable the 76921  
acquisition, construction, and equipping of a port authority 76922  
educational and cultural facility in the county and, to the extent 76923  
provided for in the cooperative agreement authorized by that 76924  
section, for the purpose of paying debt service charges on bonds, 76925  
or notes in anticipation of bonds, described in division (B)(1)(b) 76926  
of that section, a board of county commissioners, by resolution 76927  
adopted within ninety days after December 22, 1992, by a majority 76928  
of the members of the board, may levy an additional excise tax not 76929  
to exceed one and one-half per cent on transactions by which 76930

lodging by a hotel is or is to be furnished to transient guests. 76931

The excise tax authorized by this division shall be in addition to 76932

any tax that is levied pursuant to divisions (A), (B), and (C) of 76933

this section, to any excise tax levied pursuant to section 5739.08 76934

of the Revised Code, and to any excise tax levied pursuant to 76935

section 351.021 of the Revised Code. The board of county 76936

commissioners shall establish all regulations necessary to provide 76937

for the administration and allocation of the tax that are not 76938

inconsistent with this section or section 307.671 of the Revised 76939

Code. The regulations may prescribe the time for payment of the 76940

tax, and may provide for the imposition of a penalty or interest, 76941

or both, for late payments, provided that the penalty does not 76942

exceed ten per cent of the amount of tax due, and the rate at 76943

which interest accrues does not exceed the rate per annum 76944

prescribed pursuant to section 5703.47 of the Revised Code. All 76945

revenues arising from the tax shall be expended in accordance with 76946

section 307.671 of the Revised Code and division (D) of this 76947

section. The levy of a tax imposed under this division may not 76948

commence prior to the first day of the month next following the 76949

execution of the cooperative agreement authorized by section 76950

307.671 of the Revised Code by all parties to that agreement. The 76951

tax shall remain in effect at the rate at which it is imposed for 76952

the period of time described in division (C) of section 307.671 of 76953

the Revised Code for which the revenue from the tax has been 76954

pledged by the county to the corporation pursuant to that section, 76955

but, to any extent provided for in the cooperative agreement, for 76956

no lesser period than the period of time required for payment of 76957

the debt service charges on bonds, or notes in anticipation of 76958

bonds, described in division (B)(1)(b) of that section. 76959

(E) For the purpose of paying the costs of acquiring, 76960

constructing, equipping, and improving a municipal educational and 76961

cultural facility, including debt service charges on bonds 76962

provided for in division (B) of section 307.672 of the Revised 76963

Code, and for any additional purposes determined by the county in 76964  
the resolution levying the tax or amendments to the resolution, 76965  
including subsequent amendments providing for paying costs of 76966  
acquiring, constructing, renovating, rehabilitating, equipping, 76967  
and improving a port authority educational and cultural performing 76968  
arts facility, as defined in section 307.674 of the Revised Code, 76969  
and including debt service charges on bonds provided for in 76970  
division (B) of section 307.674 of the Revised Code, the 76971  
legislative authority of a county, by resolution adopted within 76972  
ninety days after June 30, 1993, by a majority of the members of 76973  
the legislative authority, may levy an additional excise tax not 76974  
to exceed one and one-half per cent on transactions by which 76975  
lodging by a hotel is or is to be furnished to transient guests. 76976  
The excise tax authorized by this division shall be in addition to 76977  
any tax that is levied pursuant to divisions (A), (B), (C), and 76978  
(D) of this section, to any excise tax levied pursuant to section 76979  
5739.08 of the Revised Code, and to any excise tax levied pursuant 76980  
to section 351.021 of the Revised Code. The legislative authority 76981  
of the county shall establish all regulations necessary to provide 76982  
for the administration and allocation of the tax. The regulations 76983  
may prescribe the time for payment of the tax, and may provide for 76984  
the imposition of a penalty or interest, or both, for late 76985  
payments, provided that the penalty does not exceed ten per cent 76986  
of the amount of tax due, and the rate at which interest accrues 76987  
does not exceed the rate per annum prescribed pursuant to section 76988  
5703.47 of the Revised Code. All revenues arising from the tax 76989  
shall be expended in accordance with section 307.672 of the 76990  
Revised Code and this division. The levy of a tax imposed under 76991  
this division shall not commence prior to the first day of the 76992  
month next following the execution of the cooperative agreement 76993  
authorized by section 307.672 of the Revised Code by all parties 76994  
to that agreement. The tax shall remain in effect at the rate at 76995  
which it is imposed for the period of time determined by the 76996

legislative authority of the county. That period of time shall not 76997  
exceed fifteen years, except that the legislative authority of a 76998  
county with a population of less than two hundred fifty thousand 76999  
according to the most recent federal decennial census, by 77000  
resolution adopted by a majority of its members before the 77001  
original tax expires, may extend the duration of the tax for an 77002  
additional period of time. The additional period of time by which 77003  
a legislative authority extends a tax levied under this division 77004  
shall not exceed fifteen years. 77005

(F) The legislative authority of a county that has levied a 77006  
tax under division (E) of this section may, by resolution adopted 77007  
within one hundred eighty days after January 4, 2001, by a 77008  
majority of the members of the legislative authority, amend the 77009  
resolution levying a tax under that division to provide for the 77010  
use of the proceeds of that tax, to the extent that it is no 77011  
longer needed for its original purpose as determined by the 77012  
parties to a cooperative agreement amendment pursuant to division 77013  
(D) of section 307.672 of the Revised Code, to pay costs of 77014  
acquiring, constructing, renovating, rehabilitating, equipping, 77015  
and improving a port authority educational and cultural performing 77016  
arts facility, including debt service charges on bonds provided 77017  
for in division (B) of section 307.674 of the Revised Code, and to 77018  
pay all obligations under any guaranty agreements, reimbursement 77019  
agreements, or other credit enhancement agreements described in 77020  
division (C) of section 307.674 of the Revised Code. The 77021  
resolution may also provide for the extension of the tax at the 77022  
same rate for the longer of the period of time determined by the 77023  
legislative authority of the county, but not to exceed an 77024  
additional twenty-five years, or the period of time required to 77025  
pay all debt service charges on bonds provided for in division (B) 77026  
of section 307.672 of the Revised Code and on port authority 77027  
revenue bonds provided for in division (B) of section 307.674 of 77028  
the Revised Code. All revenues arising from the amendment and 77029



extension of the tax shall be expended in accordance with section 77030  
307.674 of the Revised Code, this division, and division (E) of 77031  
this section. 77032

(G) For purposes of a tax levied by a county, township, or 77033  
municipal corporation under this section or section 5739.08 of the 77034  
Revised Code, a board of county commissioners, board of township 77035  
trustees, or the legislative authority of a municipal corporation 77036  
may adopt a resolution or ordinance at any time specifying that 77037  
"hotel," as otherwise defined in section 5739.01 of the Revised 77038  
Code, includes the following: 77039

(1) Establishments in which fewer than five rooms are used 77040  
for the accommodation of guests. 77041

(2) Establishments at which rooms are used for the 77042  
accommodation of guests regardless of whether each room is 77043  
accessible through its own keyed entry or several rooms are 77044  
accessible through the same keyed entry; and, in determining the 77045  
number of rooms, all rooms are included regardless of the number 77046  
of structures in which the rooms are situated or the number of 77047  
parcels of land on which the structures are located if the 77048  
structures are under the same ownership and the structures are not 77049  
identified in advertisements of the accommodations as distinct 77050  
establishments. For the purposes of division (G)(2) of this 77051  
section, two or more structures are under the same ownership if 77052  
they are owned by the same person, or if they are owned by two or 77053  
more persons the majority of the ownership interests of which are 77054  
owned by the same person. 77055

The resolution or ordinance may apply to a tax imposed 77056  
pursuant to this section prior to the adoption of the resolution 77057  
or ordinance if the resolution or ordinance so states, but the tax 77058  
shall not apply to transactions by which lodging by such an 77059  
establishment is provided to transient guests prior to the 77060  
adoption of the resolution or ordinance. 77061

(H)(1) As used in this division: 77062

(a) "Convention facilities authority" has the same meaning as 77063  
in section 351.01 of the Revised Code. 77064

(b) "Convention center" has the same meaning as in section 77065  
307.695 of the Revised Code. 77066

(2) Notwithstanding any contrary provision of division (D) of 77067  
this section, the legislative authority of a county with a 77068  
population of one million or more according to the most recent 77069  
federal decennial census that has levied a tax under division (D) 77070  
of this section may, by resolution adopted by a majority of the 77071  
members of the legislative authority, provide for the extension of 77072  
such levy and may provide that the proceeds of that tax, to the 77073  
extent that they are no longer needed for their original purpose 77074  
as defined by a cooperative agreement entered into under section 77075  
307.671 of the Revised Code, shall be deposited into the county 77076  
general revenue fund. The resolution shall provide for the 77077  
extension of the tax at a rate not to exceed the rate specified in 77078  
division (D) of this section for a period of time determined by 77079  
the legislative authority of the county, but not to exceed an 77080  
additional forty years. 77081

(3) The legislative authority of a county with a population 77082  
of one million or more that has levied a tax under division (A)(1) 77083  
of this section may, by resolution adopted by a majority of the 77084  
members of the legislative authority, increase the rate of the tax 77085  
levied by such county under division (A)(1) of this section to a 77086  
rate not to exceed five per cent on transactions by which lodging 77087  
by a hotel is or is to be furnished to transient guests. 77088  
Notwithstanding any contrary provision of division (A)(1) of this 77089  
section, the resolution may provide that all collections resulting 77090  
from the rate levied in excess of three per cent, after deducting 77091  
the real and actual costs of administering the tax, shall be 77092  
deposited in the county general fund. 77093

(4) The legislative authority of a county with a population 77094  
of one million or more that has levied a tax under division (A)(1) 77095  
of this section may, by resolution adopted on or before August 30, 77096  
2004, by a majority of the members of the legislative authority, 77097  
provide that all or a portion of the proceeds of the tax levied 77098  
under division (A)(1) of this section, after deducting the real 77099  
and actual costs of administering the tax and the amounts required 77100  
to be returned to townships and municipal corporations with 77101  
respect to the first three per cent levied under division (A)(1) 77102  
of this section, shall be deposited in the county general fund, 77103  
provided that such proceeds shall be used to satisfy any pledges 77104  
made in connection with an agreement entered into under section 77105  
307.695 of the Revised Code. 77106

(5) No amount collected from a tax levied, extended, or 77107  
required to be deposited in the county general fund under division 77108  
(H) of this section shall be contributed to a convention 77109  
facilities authority, corporation, or other entity created after 77110  
July 1, 2003, for the principal purpose of constructing, 77111  
improving, expanding, equipping, financing, or operating a 77112  
convention center unless the mayor of the municipal corporation in 77113  
which the convention center is to be operated by that convention 77114  
facilities authority, corporation, or other entity has consented 77115  
to the creation of that convention facilities authority, 77116  
corporation, or entity. Notwithstanding any contrary provision of 77117  
section 351.04 of the Revised Code, if a tax is levied by a county 77118  
under division (H) of this section, the board of county 77119  
commissioners of that county may determine the manner of 77120  
selection, the qualifications, the number, and terms of office of 77121  
the members of the board of directors of any convention facilities 77122  
authority, corporation, or other entity described in division 77123  
(H)(5) of this section. 77124

(6)(a) No amount collected from a tax levied, extended, or 77125

required to be deposited in the county general fund under division 77126  
(H) of this section may be used for any purpose other than paying 77127  
the direct and indirect costs of constructing, improving, 77128  
expanding, equipping, financing, or operating a convention center 77129  
and for the real and actual costs of administering the tax, 77130  
unless, prior to the adoption of the resolution of the legislative 77131  
authority of the county authorizing the levy, extension, increase, 77132  
or deposit, the county and the mayor of the most populous 77133  
municipal corporation in that county have entered into an 77134  
agreement as to the use of such amounts, provided that such 77135  
agreement has been approved by a majority of the mayors of the 77136  
other municipal corporations in that county. The agreement shall 77137  
provide that the amounts to be used for purposes other than paying 77138  
the convention center or administrative costs described in 77139  
division (H)(6)(a) of this section be used only for the direct and 77140  
indirect costs of capital improvements, including the financing of 77141  
capital improvements. 77142

(b) If the county in which the tax is levied has an 77143  
association of mayors and city managers, the approval of that 77144  
association of an agreement described in division (H)(6)(a) of 77145  
this section shall be considered to be the approval of the 77146  
majority of the mayors of the other municipal corporations for 77147  
purposes of that division. 77148

(7) Each year, the auditor of state shall conduct an audit of 77149  
the uses of any amounts collected from taxes levied, extended, or 77150  
deposited under division (H) of this section and shall prepare a 77151  
report of the auditor of state's findings. The auditor of state 77152  
shall submit the report to the legislative authority of the county 77153  
that has levied, extended, or deposited the tax, the speaker of 77154  
the house of representatives, the president of the senate, and the 77155  
leaders of the minority parties of the house of representatives 77156  
and the senate. 77157

(I)(1) As used in this division: 77158

(a) "Convention facilities authority" has the same meaning as 77159  
in section 351.01 of the Revised Code. 77160

(b) "Convention center" has the same meaning as in section 77161  
307.695 of the Revised Code. 77162

(2) Notwithstanding any contrary provision of division (D) of 77163  
this section, the legislative authority of a county with a 77164  
population of one million two hundred thousand or more according 77165  
to the most recent federal decennial census or the most recent 77166  
annual population estimate published or released by the United 77167  
States census bureau at the time the resolution is adopted placing 77168  
the levy on the ballot, that has levied a tax under division (D) 77169  
of this section may, by resolution adopted by a majority of the 77170  
members of the legislative authority, provide for the extension of 77171  
such levy and may provide that the proceeds of that tax, to the 77172  
extent that the proceeds are no longer needed for their original 77173  
purpose as defined by a cooperative agreement entered into under 77174  
section 307.671 of the Revised Code and after deducting the real 77175  
and actual costs of administering the tax, shall be used for 77176  
paying the direct and indirect costs of constructing, improving, 77177  
expanding, equipping, financing, or operating a convention center. 77178  
The resolution shall provide for the extension of the tax at a 77179  
rate not to exceed the rate specified in division (D) of this 77180  
section for a period of time determined by the legislative 77181  
authority of the county, but not to exceed an additional forty 77182  
years. 77183

(3) The legislative authority of a county with a population 77184  
of one million two hundred thousand or more that has levied a tax 77185  
under division (A)(1) of this section may, by resolution adopted 77186  
by a majority of the members of the legislative authority, 77187  
increase the rate of the tax levied by such county under division 77188  
(A)(1) of this section to a rate not to exceed five per cent on 77189

transactions by which lodging by a hotel is or is to be furnished 77190  
to transient guests. Notwithstanding any contrary provision of 77191  
division (A)(1) of this section, the resolution shall provide that 77192  
all collections resulting from the rate levied in excess of three 77193  
per cent, after deducting the real and actual costs of 77194  
administering the tax, shall be used for paying the direct and 77195  
indirect costs of constructing, improving, expanding, equipping, 77196  
financing, or operating a convention center. 77197

(4) The legislative authority of a county with a population 77198  
of one million two hundred thousand or more that has levied a tax 77199  
under division (A)(1) of this section may, by resolution adopted 77200  
on or before July 1, 2008, by a majority of the members of the 77201  
legislative authority, provide that all or a portion of the 77202  
proceeds of the tax levied under division (A)(1) of this section, 77203  
after deducting the real and actual costs of administering the tax 77204  
and the amounts required to be returned to townships and municipal 77205  
corporations with respect to the first three per cent levied under 77206  
division (A)(1) of this section, shall be used to satisfy any 77207  
pledges made in connection with an agreement entered into under 77208  
section 307.695 of the Revised Code or shall otherwise be used for 77209  
paying the direct and indirect costs of constructing, improving, 77210  
expanding, equipping, financing, or operating a convention center. 77211

(5) Any amount collected from a tax levied or extended under 77212  
division (I) of this section may be contributed to a convention 77213  
facilities authority created before July 1, 2005, but no amount 77214  
collected from a tax levied or extended under division (I) of this 77215  
section may be contributed to a convention facilities authority, 77216  
corporation, or other entity created after July 1, 2005, unless 77217  
the mayor of the municipal corporation in which the convention 77218  
center is to be operated by that convention facilities authority, 77219  
corporation, or other entity has consented to the creation of that 77220  
convention facilities authority, corporation, or entity. 77221

(J)(1) Except as provided in division (J)(2) of this section, 77222  
money collected by a county and distributed under this section to 77223  
a convention and visitors' bureau in existence as of June 30, 77224  
2013, the effective date of H.B. 59 of the 130th general assembly, 77225  
except for any such money pledged, as of that effective date, to 77226  
the payment of debt service charges on bonds, notes, securities, 77227  
or lease agreements, shall be used solely for tourism sales, 77228  
marketing and promotion, and their associated costs, including, 77229  
but not limited to, operational and administrative costs of the 77230  
bureau, sales and marketing, and maintenance of the physical 77231  
bureau structure. 77232

(2) A convention and visitors' bureau that has entered into 77233  
an agreement under section 307.678 of the Revised Code may use 77234  
revenue it receives from a tax levied under division (A)(1) of 77235  
this section as described in division (D) of section 307.678 of 77236  
the Revised Code. 77237

(K) The board of county commissioners of a county with a 77238  
population between one hundred three thousand and one hundred 77239  
seven thousand according to the most recent federal decennial 77240  
census, by resolution adopted by a majority of the members of the 77241  
board within six months after September 15, 2014, the effective 77242  
date of H.B. 483 of the 130th general assembly, may levy a tax not 77243  
to exceed three per cent on transactions by which a hotel is or is 77244  
to be furnished to transient guests. The purpose of the tax shall 77245  
be to pay the costs of expanding, maintaining, or operating a 77246  
soldiers' memorial and the costs of administering the tax. All 77247  
revenue arising from the tax shall be credited to one or more 77248  
special funds in the county treasury and shall be spent solely for 77249  
the purposes of paying those costs. The board of county 77250  
commissioners shall adopt all rules necessary to provide for the 77251  
administration of the tax subject to the same limitations on 77252  
imposing penalty or interest under division (A)(1) of this 77253

section. 77254

As used in this division "soldiers' memorial" means a 77255  
memorial constructed and funded under Chapter 345. of the Revised 77256  
Code. 77257

(L) A board of county commissioners of an eligible county, by 77258  
resolution adopted by a majority of the members of the board, may 77259  
levy an excise tax at the rate of up to three per cent on 77260  
transactions by which lodging by a hotel is or is to be furnished 77261  
to transient guests for the purpose of paying the costs of 77262  
permanent improvements at sites at which one or more agricultural 77263  
societies conduct fairs or exhibits, paying the costs of 77264  
maintaining or operating such permanent improvements, and paying 77265  
the costs of administering the tax. A resolution adopted under 77266  
this division shall direct the board of elections to submit the 77267  
question of the proposed lodging tax to the electors of the county 77268  
at a special election held on the date specified by the board in 77269  
the resolution, provided that the election occurs not less than 77270  
ninety days after a certified copy of the resolution is 77271  
transmitted to the board of elections. A resolution submitted to 77272  
the electors under this division shall not go into effect unless 77273  
it is approved by a majority of those voting upon it. The 77274  
resolution takes effect on the date the board of county 77275  
commissioners receives notification from the board of elections of 77276  
an affirmative vote. 77277

The tax shall remain in effect for the period specified in 77278  
the resolution, not to exceed five years. All revenue arising from 77279  
the tax shall be credited to one or more special funds in the 77280  
county treasury and shall be spent solely for the purposes of 77281  
paying the costs of such permanent improvements and maintaining or 77282  
operating the improvements. Revenue allocated for the use of a 77283  
county agricultural society may be credited to the county 77284  
agricultural society fund created in section 1711.16 of the 77285



Revised Code upon appropriation by the board. If revenue is 77286  
credited to that fund, it shall be expended only as provided in 77287  
that section. 77288

The board of county commissioners shall adopt all rules 77289  
necessary to provide for the administration of the tax. The rules 77290  
may prescribe the time for payment of the tax, and may provide for 77291  
the imposition or penalty or interest, or both, for late payments, 77292  
provided that the penalty does not exceed ten per cent of the 77293  
amount of tax due, and the rate at which interest accrues does not 77294  
exceed the rate per annum prescribed in section 5703.47 of the 77295  
Revised Code. 77296

As used in this division, "eligible county" means a county in 77297  
which a county agricultural society or independent agricultural 77298  
society is organized under section 1711.01 or 1711.02 of the 77299  
Revised Code, provided the agricultural society owns a facility or 77300  
site in the county at which an annual harness horse race is 77301  
conducted where one-day attendance equals at least forty thousand 77302  
attendees. 77303

**Sec. 5739.10.** (A) In addition to the tax levied by section 77304  
5739.02 of the Revised Code and any tax levied pursuant to section 77305  
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code, and 77306  
to secure the same objectives specified in those sections, there 77307  
is hereby levied upon the privilege of engaging in the business of 77308  
making retail sales, an excise tax equal to the tax levied by 77309  
section 5739.02 of the Revised Code, or, in the case of retail 77310  
sales subject to a tax levied pursuant to section 5739.021, 77311  
5739.023, 5739.024, or 5739.026 of the Revised Code, a percentage 77312  
equal to the aggregate rate of such taxes and the tax levied by 77313  
section 5739.02 of the Revised Code of the receipts derived from 77314  
all retail sales, except those to which the excise tax imposed by 77315  
section 5739.02 of the Revised Code is made inapplicable by 77316

division (B) of that section. 77317

(B) For the purpose of this section, no vendor shall be 77318  
required to maintain records of sales of food for human 77319  
consumption off the premises where sold, and no assessment shall 77320  
be made against any vendor for sales of food for human consumption 77321  
off the premises where sold, solely because the vendor has no 77322  
records of, or has inadequate records of, such sales; provided 77323  
that where a vendor does not have adequate records of receipts 77324  
from the vendor's sales of food for human consumption on the 77325  
premises where sold, the tax commissioner may refuse to accept the 77326  
vendor's return and, upon the basis of test checks of the vendor's 77327  
business for a representative period, and other information 77328  
relating to the sales made by such vendor, determine the 77329  
proportion that taxable retail sales bear to all of the vendor's 77330  
retail sales. The tax imposed by this section shall be determined 77331  
by deducting from the sum representing five and three-fourths per 77332  
cent, as applicable under division (A) of this section, or, in the 77333  
case of retail sales subject to a tax levied pursuant to section 77334  
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code, a 77335  
percentage equal to the aggregate rate of such taxes and the tax 77336  
levied by section 5739.02 of the Revised Code of the receipts from 77337  
such retail sales, the amount of tax paid to the state or to a 77338  
clerk of a court of common pleas. The section does not affect any 77339  
duty of the vendor under sections 5739.01 to 5739.19 and 5739.26 77340  
to 5739.31 of the Revised Code, nor the liability of any consumer 77341  
to pay any tax imposed by or pursuant to section 5739.02, 77342  
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code. 77343

**Sec. 5739.12.** (A)(1) Each person who has or is required to 77344  
have a vendor's license, on or before the twenty-third day of each 77345  
month, shall make and file a return for the preceding month in the 77346  
form prescribed by the tax commissioner, and shall pay the tax 77347  
shown on the return to be due. The return shall be filed 77348

electronically using the Ohio business gateway, as defined in 77349  
section 718.01 of the Revised Code, the Ohio telefile system, or 77350  
any other electronic means prescribed by the commissioner. Payment 77351  
of the tax shown on the return to be due shall be made 77352  
electronically in a manner approved by the commissioner. The 77353  
commissioner may require a vendor that operates from multiple 77354  
locations or has multiple vendor's licenses to report all tax 77355  
liabilities on one consolidated return. The return shall show the 77356  
amount of tax due from the vendor to the state for the period 77357  
covered by the return and such other information as the 77358  
commissioner deems necessary for the proper administration of this 77359  
chapter. The commissioner may extend the time for making and 77360  
filing returns and paying the tax, and may require that the return 77361  
for the last month of any annual or semiannual period, as 77362  
determined by the commissioner, be a reconciliation return 77363  
detailing the vendor's sales activity for the preceding annual or 77364  
semiannual period. The reconciliation return shall be filed by the 77365  
last day of the month following the last month of the annual or 77366  
semiannual period. The commissioner may remit all or any part of 77367  
amounts or penalties that may become due under this chapter and 77368  
may adopt rules relating thereto. Such return shall be filed 77369  
electronically as directed by the tax commissioner, and payment of 77370  
the amount of tax shown to be due thereon, after deduction of any 77371  
discount provided for under this section, shall be made 77372  
electronically in a manner approved by the tax commissioner. 77373

(2) Any person required to file returns and make payments 77374  
electronically under division (A)(1) of this section may apply to 77375  
the tax commissioner on a form prescribed by the commissioner to 77376  
be excused from that requirement. For good cause shown, the 77377  
commissioner may excuse the person from that requirement and may 77378  
permit the person to file the returns and make the payments 77379  
required by this section by nonelectronic means. 77380

(B)(1) If the return is filed and the amount of tax shown 77381  
thereon to be due is paid on or before the date such return is 77382  
required to be filed, the vendor shall be entitled to a discount 77383  
of three-fourths of one per cent of the amount shown to be due on 77384  
the return. 77385

(2) A vendor that has selected a certified service provider 77386  
as its agent shall not be entitled to the discount if the 77387  
certified service provider receives a monetary allowance pursuant 77388  
to section 5739.06 of the Revised Code for performing the vendor's 77389  
sales and use tax functions in this state. Amounts paid to the 77390  
clerk of courts pursuant to section 4505.06 of the Revised Code 77391  
shall be subject to the applicable discount. The discount shall be 77392  
in consideration for prompt payment to the clerk of courts and for 77393  
other services performed by the vendor in the collection of the 77394  
tax. 77395

(C)(1) Upon application to the tax commissioner, a vendor who 77396  
is required to file monthly returns may be relieved of the 77397  
requirement to report and pay the actual tax due, provided that 77398  
the vendor agrees to remit to the commissioner payment of not less 77399  
than an amount determined by the commissioner to be the average 77400  
monthly tax liability of the vendor, based upon a review of the 77401  
returns or other information pertaining to such vendor for a 77402  
period of not less than six months nor more than two years 77403  
immediately preceding the filing of the application. Vendors who 77404  
agree to the above conditions shall make and file an annual or 77405  
semiannual reconciliation return, as prescribed by the 77406  
commissioner. The reconciliation return shall be filed 77407  
electronically as directed by the tax commissioner, and payment of 77408  
the amount of tax shown to be due thereon, after deduction of any 77409  
discount provided in this section, shall be made electronically in 77410  
a manner approved by the commissioner. Failure of a vendor to 77411  
comply with any of the above conditions may result in immediate 77412

reinstatement of the requirement of reporting and paying the 77413  
actual tax liability on each monthly return, and the commissioner 77414  
may at the commissioner's discretion deny the vendor the right to 77415  
report and pay based upon the average monthly liability for a 77416  
period not to exceed two years. The amount ascertained by the 77417  
commissioner to be the average monthly tax liability of a vendor 77418  
may be adjusted, based upon a review of the returns or other 77419  
information pertaining to the vendor for a period of not less than 77420  
six months nor more than two years preceding such adjustment. 77421

(2) The commissioner may authorize vendors whose tax 77422  
liability is not such as to merit monthly returns, as ascertained 77423  
by the commissioner upon the basis of administrative costs to the 77424  
state, to make and file returns at less frequent intervals. When 77425  
returns are filed at less frequent intervals in accordance with 77426  
such authorization, the vendor shall be allowed the discount 77427  
provided in this section in consideration for prompt payment with 77428  
the return, provided the return is filed and payment is made of 77429  
the amount of tax shown to be due thereon, at the time specified 77430  
by the commissioner, but a vendor that has selected a certified 77431  
service provider as its agent shall not be entitled to the 77432  
discount. 77433

(D) Any vendor who fails to file a return or to pay the full 77434  
amount of the tax shown on the return to be due in the manner 77435  
prescribed under this section and the rules of the commissioner 77436  
may, for each such return, be required to forfeit and pay into the 77437  
state treasury an additional charge not exceeding fifty dollars or 77438  
ten per cent of the tax required to be paid for the reporting 77439  
period, whichever is greater, as revenue arising from the tax 77440  
imposed by this chapter, and such sum may be collected by 77441  
assessment in the manner provided in section 5739.13 of the 77442  
Revised Code. The commissioner may remit all or a portion of the 77443  
additional charge and may adopt rules relating to the imposition 77444

and remission of the additional charge. 77445

(E) If the amount required to be collected by a vendor from 77446  
consumers is in excess of the applicable percentage of the 77447  
vendor's receipts from sales that are taxable under section 77448  
5739.02 of the Revised Code, or in the case of sales subject to a 77449  
tax levied pursuant to section 5739.021, 5739.023, 5739.024, or 77450  
5739.026 of the Revised Code, in excess of the percentage equal to 77451  
the aggregate rate of such taxes and the tax levied by section 77452  
5739.02 of the Revised Code, such excess shall be remitted along 77453  
with the remittance of the amount of tax due under section 5739.10 77454  
of the Revised Code. 77455

(F) The commissioner, if the commissioner deems it necessary 77456  
in order to insure the payment of the tax imposed by this chapter, 77457  
may require returns and payments to be made for other than monthly 77458  
periods. 77459

(G) Any vendor required to file a return and pay the tax 77460  
under this section whose total payment for a year equals or 77461  
exceeds the amount shown in division (A) of section 5739.122 of 77462  
the Revised Code is subject to the accelerated tax payment 77463  
requirements in divisions (B) and (C) of that section. For a 77464  
vendor that operates from multiple locations or has multiple 77465  
vendor's licenses, in determining whether the vendor's total 77466  
payment equals or exceeds the amount shown in division (A) of that 77467  
section, the vendor's total payment amount shall be the amount of 77468  
the vendor's total tax liability for the previous calendar year 77469  
for all of the vendor's locations or licenses. 77470

**Sec. 5739.13.** (A) If any vendor collects the tax imposed by 77471  
or pursuant to section 5739.02, 5739.021, 5739.023, 5739.024, or 77472  
5739.026 of the Revised Code, and fails to remit the tax to the 77473  
state as prescribed, or on the sale of a motor vehicle, 77474  
watercraft, or outboard motor required to be titled, fails to 77475

remit payment to a clerk of a court of common pleas as provided in 77476  
section 1548.06 or 4505.06 of the Revised Code, the vendor shall 77477  
be personally liable for any tax collected and not remitted. The 77478  
tax commissioner may make an assessment against such vendor based 77479  
upon any information in the commissioner's possession. 77480

If any vendor fails to collect the tax or any consumer fails 77481  
to pay the tax imposed by or pursuant to section 5739.02, 77482  
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code, on 77483  
any transaction subject to the tax, the vendor or consumer shall 77484  
be personally liable for the amount of the tax applicable to the 77485  
transaction. The commissioner may make an assessment against 77486  
either the vendor or consumer, as the facts may require, based 77487  
upon any information in the commissioner's possession. 77488

An assessment against a vendor when the tax imposed by or 77489  
pursuant to section 5739.02, 5739.021, 5739.023, 5739.024, or 77490  
5739.026 of the Revised Code has not been collected or paid, shall 77491  
not discharge the purchaser's or consumer's liability to reimburse 77492  
the vendor for the tax applicable to such transaction. 77493

An assessment issued against either, pursuant to this 77494  
section, shall not be considered an election of remedies, nor a 77495  
bar to an assessment against the other for the tax applicable to 77496  
the same transaction, provided that no assessment shall be issued 77497  
against any person for the tax due on a particular transaction if 77498  
the tax on that transaction actually has been paid by another. 77499

The commissioner may make an assessment against any vendor 77500  
who fails to file a return or remit the proper amount of tax 77501  
required by this chapter, or against any consumer who fails to pay 77502  
the proper amount of tax required by this chapter. When 77503  
information in the possession of the commissioner indicates that 77504  
the amount required to be collected or paid under this chapter is 77505  
greater than the amount remitted by the vendor or paid by the 77506  
consumer, the commissioner may audit a sample of the vendor's 77507

sales or the consumer's purchases for a representative period, to 77508  
ascertain the per cent of exempt or taxable transactions or the 77509  
effective tax rate and may issue an assessment based on the audit. 77510  
The commissioner shall make a good faith effort to reach agreement 77511  
with the vendor or consumer in selecting a representative sample. 77512

The commissioner may make an assessment, based on any 77513  
information in the commissioner's possession, against any person 77514  
who fails to file a return or remit the proper amount of tax 77515  
required by section 5739.102 of the Revised Code. 77516

The commissioner may issue an assessment on any transaction 77517  
for which any tax imposed under this chapter or Chapter 5741. of 77518  
the Revised Code was due and unpaid on the date the vendor or 77519  
consumer was informed by an agent of the tax commissioner of an 77520  
investigation or audit. If the vendor or consumer remits any 77521  
payment of the tax for the period covered by the assessment after 77522  
the vendor or consumer was informed of the investigation or audit, 77523  
the payment shall be credited against the amount of the 77524  
assessment. 77525

The commissioner shall give the party assessed written notice 77526  
of the assessment in the manner provided in section 5703.37 of the 77527  
Revised Code. With the notice, the commissioner shall provide 77528  
instructions on how to petition for reassessment and request a 77529  
hearing on the petition. 77530

(B) Unless the party assessed files with the commissioner 77531  
within sixty days after service of the notice of assessment, 77532  
either personally or by certified mail, a written petition for 77533  
reassessment, signed by the party assessed or that party's 77534  
authorized agent having knowledge of the facts, the assessment 77535  
becomes final and the amount of the assessment is due from the 77536  
party assessed and payable to the treasurer of state and remitted 77537  
to the tax commissioner. The petition shall indicate the 77538  
objections of the party assessed, but additional objections may be 77539



raised in writing if received by the commissioner prior to the 77540  
date shown on the final determination. If the petition has been 77541  
properly filed, the commissioner shall proceed under section 77542  
5703.60 of the Revised Code. 77543

(C) After an assessment becomes final, if any portion of the 77544  
assessment remains unpaid, including accrued interest, a certified 77545  
copy of the commissioner's entry making the assessment final may 77546  
be filed in the office of the clerk of the court of common pleas 77547  
in the county in which the place of business of the party assessed 77548  
is located or the county in which the party assessed resides. If 77549  
the party assessed maintains no place of business in this state 77550  
and is not a resident of this state, the certified copy of the 77551  
entry may be filed in the office of the clerk of the court of 77552  
common pleas of Franklin county. 77553

Immediately upon the filing of the entry, the clerk shall 77554  
enter a judgment for the state against the party assessed in the 77555  
amount shown on the entry. The judgment may be filed by the clerk 77556  
in a loose-leaf book entitled "~~special judgments for state,~~ 77557  
~~county, and transit authority~~ and local retail sales tax" or, if 77558  
appropriate, "special judgments for resort area excise tax," and 77559  
shall have the same effect as other judgments. Execution shall 77560  
issue upon the judgment upon the request of the tax commissioner, 77561  
and all laws applicable to sales on execution shall apply to sales 77562  
made under the judgment except as otherwise provided in this 77563  
chapter. 77564

If the assessment is not paid in its entirety within sixty 77565  
days after the date the assessment was issued, the portion of the 77566  
assessment consisting of tax due shall bear interest at the rate 77567  
per annum prescribed by section 5703.47 of the Revised Code from 77568  
the day the tax commissioner issues the assessment until the 77569  
assessment is paid or until it is certified to the attorney 77570  
general for collection under section 131.02 of the Revised Code, 77571

whichever comes first. If the unpaid portion of the assessment is 77572  
certified to the attorney general for collection, the entire 77573  
unpaid portion of the assessment shall bear interest at the rate 77574  
per annum prescribed by section 5703.47 of the Revised Code from 77575  
the date of certification until the date it is paid in its 77576  
entirety. Interest shall be paid in the same manner as the tax and 77577  
may be collected by issuing an assessment under this section. 77578

(D) All money collected by the tax commissioner under this 77579  
section shall be paid to the treasurer of state, and when paid 77580  
shall be considered as revenue arising from the taxes imposed by 77581  
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 77582

**Sec. 5739.16.** (A) Except as otherwise provided in this 77583  
section, no assessment shall be made or issued against a vendor or 77584  
consumer for any tax imposed by or pursuant to section 5739.02, 77585  
5739.021, 5739.023, 5739.024, 5739.026, or 5739.10 of the Revised 77586  
Code more than four years after the return date for the period in 77587  
which the sale or purchase was made, or more than four years after 77588  
the return for such period is filed, whichever is later. A 77589  
consumer who provides a fully completed exemption certificate 77590  
pursuant to division (B) of section 5739.03 of the Revised Code 77591  
may be assessed any tax imposed by or pursuant to section 5739.02, 77592  
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code that 77593  
results from denial of the claimed exemption within the later of a 77594  
period otherwise allowed by this section or one year after the 77595  
date the certificate was provided. This division does not bar an 77596  
assessment: 77597

(1) When the tax commissioner has substantial evidence of 77598  
amounts of taxes collected by a vendor from consumers on retail 77599  
sales, which were not returned to the state; 77600

(2) When the vendor assessed failed to file a return as 77601  
required by section 5739.12 of the Revised Code; 77602

(3) When the vendor or consumer and the commissioner waive in writing the time limitation. 77603  
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(B) No assessment shall be made or issued against a vendor or consumer for any tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, 5739.024, 5739.026, or 5739.10 of the Revised Code for any period during which there was in full force and effect a rule of the tax commissioner under or by virtue of which the collection or payment of any such tax was not required. This division does not bar an assessment when the tax commissioner has substantial evidence of amounts of taxes collected by a vendor from consumers on retail sales which were not returned to the state. 77605  
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(C) No assessment shall be made or issued against a person for any tax imposed pursuant to section 5739.101 of the Revised Code more than four years after the return date for the period in which the tax is imposed on the person's gross receipts, or more than four years after the return for such period is filed, whichever is later. This division does not bar an assessment when the person assessed failed to file a return as required under section 5739.102 of the Revised Code, or when the person and the commissioner waive in writing the time limitation. 77615  
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**Sec. 5739.17.** (A) No person shall engage in making retail sales subject to a tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code as a business without having a license therefor, except as otherwise provided in divisions (A)(1), (2), and (3) of this section. 77624  
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(1) In the dissolution of a partnership by death, the surviving partner may operate under the license of the partnership for a period of sixty days. 77629  
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(2) The heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy, appointed by any 77632  
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competent authority, may operate under the license of the person 77634  
so succeeded in possession. 77635

(3) Two or more persons who are not partners may operate a 77636  
single place of business under one license. In such case neither 77637  
the retirement of any such person from business at that place of 77638  
business, nor the entrance of any person, under an existing 77639  
arrangement, shall affect the license or require the issuance of a 77640  
new license, unless the person retiring from the business is the 77641  
individual named on the vendor's license. 77642

Except as otherwise provided in this section, each applicant 77643  
for a license shall make out and deliver to the county auditor of 77644  
each county in which the applicant desires to engage in business, 77645  
upon a blank to be furnished by such auditor for that purpose, a 77646  
statement showing the name of the applicant, each place of 77647  
business in the county where the applicant will make retail sales, 77648  
the nature of the business, and any other information the tax 77649  
commissioner reasonably prescribes in the form of a statement 77650  
prescribed by the commissioner. 77651

At the time of making the application, the applicant shall 77652  
pay into the county treasury a license fee in the sum of 77653  
twenty-five dollars for each fixed place of business in the county 77654  
that will be the situs of retail sales. Upon receipt of the 77655  
application and exhibition of the county treasurer's receipt, 77656  
showing the payment of the license fee, the county auditor shall 77657  
issue to the applicant a license for each fixed place of business 77658  
designated in the application, authorizing the applicant to engage 77659  
in business at that location. 77660

(B) If a vendor's identity changes, the vendor shall apply 77661  
for a new license. If a vendor wishes to move an existing fixed 77662  
place of business to a new location within the same county, the 77663  
vendor shall obtain a new vendor's license or submit a request to 77664  
the commissioner to transfer the existing vendor's license to the 77665

new location. When the new location has been verified as being 77666  
within the same county, the commissioner shall authorize the 77667  
transfer and notify the county auditor of the change of location. 77668  
If a vendor wishes to move an existing fixed place of business to 77669  
another county, the vendor's license shall not transfer and the 77670  
vendor shall obtain a new vendor's license from the county in 77671  
which the business is to be located. The form of the license shall 77672  
be prescribed by the commissioner. The fees collected shall be 77673  
credited to the general fund of the county. If a vendor fails to 77674  
notify the commissioner of a change of location of its fixed place 77675  
of business or that its business has closed, the commissioner may 77676  
cancel the vendor's license if ordinary mail sent to the location 77677  
shown on the license is returned because of an undeliverable 77678  
address. 77679

(C) The commissioner may establish or participate in a 77680  
registration system whereby any vendor may obtain a vendor's 77681  
license by submitting to the commissioner a vendor's license 77682  
application and a license fee of twenty-five dollars for each 77683  
fixed place of business at which the vendor intends to make retail 77684  
sales. Under this registration system, the commissioner shall 77685  
issue a vendor's license to the applicant on behalf of the county 77686  
auditor of the county in which the applicant desires to engage in 77687  
business, and shall forward a copy of the application and license 77688  
fee to that county. All such license fees received by the 77689  
commissioner for the issuance of vendor's licenses shall be 77690  
deposited into the vendor's license application fund, which is 77691  
hereby created in the state treasury. The commissioner shall 77692  
certify to the director of budget and management within ten 77693  
business days after the close of a month the license fees to be 77694  
transmitted to each county from the vendor's license application 77695  
fund for vendor's license applications received by the 77696  
commissioner during that month. License fees transmitted to a 77697  
county for which payment was not received by the commissioner may 77698

be netted against a future distribution to that county, including 77699  
distributions made pursuant to section 5739.21 of the Revised 77700  
Code. 77701

A vendor that makes retail sales subject to tax under Chapter 77702  
5739. of the Revised Code pursuant to a permit issued by the 77703  
division of liquor control shall obtain a vendor's license in the 77704  
identical name and for the identical address as shown on the 77705  
permit. 77706

Except as otherwise provided in this section, if a vendor has 77707  
no fixed place of business and sells from a vehicle, each vehicle 77708  
intended to be used within a county constitutes a place of 77709  
business for the purpose of this section. 77710

(D) As used in this section, "transient vendor" means any 77711  
person who makes sales of tangible personal property from vending 77712  
machines located on land owned by others, who leases titled motor 77713  
vehicles, titled watercraft, or titled outboard motors, who 77714  
effectuates leases that are taxed according to division (A)(2) of 77715  
section 5739.02 of the Revised Code, or who, in the usual course 77716  
of the person's business, transports inventory, stock of goods, or 77717  
similar tangible personal property to a temporary place of 77718  
business or temporary exhibition, show, fair, flea market, or 77719  
similar event in a county in which the person has no fixed place 77720  
of business, for the purpose of making retail sales of such 77721  
property. A "temporary place of business" means any public or 77722  
quasi-public place including, but not limited to, a hotel, rooming 77723  
house, storeroom, building, part of a building, tent, vacant lot, 77724  
railroad car, or motor vehicle that is temporarily occupied for 77725  
the purpose of making retail sales of goods to the public. A place 77726  
of business is not temporary if the same person conducted business 77727  
at the place continuously for more than six months or occupied the 77728  
premises as the person's permanent residence for more than six 77729  
months, or if the person intends it to be a fixed place of 77730

business. 77731

Any transient vendor, in lieu of obtaining a vendor's license 77732  
under division (A) of this section for counties in which the 77733  
transient vendor has no fixed place of business, may apply to the 77734  
tax commissioner, on a form prescribed by the commissioner, for a 77735  
transient vendor's license. The transient vendor's license 77736  
authorizes the transient vendor to make retail sales in any county 77737  
in which the transient vendor does not maintain a fixed place of 77738  
business. Any holder of a transient vendor's license shall not be 77739  
required to obtain a separate vendor's license from the county 77740  
auditor in that county. Upon the commissioner's determination that 77741  
an applicant is a transient vendor, the applicant shall pay a 77742  
license fee in the amount of twenty-five dollars, at which time 77743  
the tax commissioner shall issue the license. The tax commissioner 77744  
may require a vendor to be licensed as a transient vendor if, in 77745  
the opinion of the commissioner, such licensing is necessary for 77746  
the efficient administration of the tax. 77747

Any holder of a valid transient vendor's license may make 77748  
retail sales at a temporary place of business or temporary 77749  
exhibition, show, fair, flea market, or similar event, held 77750  
anywhere in the state without complying with any provision of 77751  
section 311.37 of the Revised Code. Any holder of a valid vendor's 77752  
license may make retail sales as a transient vendor at a temporary 77753  
place of business or temporary exhibition, show, fair, flea 77754  
market, or similar event held in any county in which the vendor 77755  
maintains a fixed place of business for which the vendor holds a 77756  
vendor's license without obtaining a transient vendor's license. 77757

(E) Any vendor who is issued a license pursuant to this 77758  
section shall display the license or a copy of it prominently, in 77759  
plain view, at every place of business of the vendor. 77760

(F) No owner, organizer, or promoter who operates a fair, 77761  
flea market, show, exhibition, convention, or similar event at 77762

which transient vendors are present shall fail to keep a 77763  
comprehensive record of all such vendors, listing the vendor's 77764  
name, permanent address, vendor's license number, and the type of 77765  
goods sold. Such records shall be kept for four years and shall be 77766  
open to inspection by the commissioner. 77767

(G) The commissioner may issue additional types of licenses 77768  
if required to efficiently administer the tax imposed by this 77769  
chapter. 77770

**Sec. 5739.21.** (A) One hundred per cent of all money deposited 77771  
into the state treasury under sections 5739.01 to 5739.31 of the 77772  
Revised Code that is not required to be distributed as provided in 77773  
section 5739.102 of the Revised Code or division (B) of this 77774  
section shall be credited to the general revenue fund. 77775

(B)(1) In any case where any county, municipal corporation, 77776  
township, or transit authority has levied a tax or taxes pursuant 77777  
to section 5739.021, 5739.023, 5739.024, or 5739.026 of the 77778  
Revised Code, the tax commissioner shall, within forty-five days 77779  
after the end of each month, determine and certify to the director 77780  
of budget and management the amount of the proceeds of such tax or 77781  
taxes received during that month from billings and assessments, or 77782  
associated with tax returns or reports filed during that month, to 77783  
be returned to the ~~county or transit authority~~ subdivision levying 77784  
the tax or taxes. The amount to be returned to each ~~county and~~ 77785  
~~transit authority~~ subdivision shall be a fraction of the aggregate 77786  
amount of money collected with respect to each area in which one 77787  
or more of such taxes are concurrently in effect with the tax 77788  
levied by section 5739.02 of the Revised Code, adjusted as 77789  
required under section 5739.54 of the Revised Code. The numerator 77790  
of the fraction is the rate of the tax levied by the ~~county or~~ 77791  
~~transit authority~~ subdivision and the denominator of the fraction 77792  
is the aggregate rate of such taxes applicable to such area. The 77793



amount to be returned to each ~~county or transit authority~~ 77794  
subdivision shall be reduced by the amount of any refunds of 77795  
~~county or transit authority~~ such tax paid pursuant to section 77796  
5739.07 of the Revised Code during the same month, or transfers 77797  
made pursuant to division (B)(2) of section 5703.052 of the 77798  
Revised Code. 77799

(2) On a periodic basis, using the best information 77800  
available, the tax commissioner shall distribute any amount of 77801  
such a ~~county or transit authority~~ tax that cannot be distributed 77802  
under division (B)(1) of this section. Through audit or other 77803  
means, the commissioner shall attempt to obtain the information 77804  
necessary to make the distribution as provided under that division 77805  
and, on receipt of that information, shall make adjustments to 77806  
distributions previously made under this division. 77807

(3) Beginning July 1, 2008, eight and thirty-three 77808  
one-hundredths of one per cent of the revenue collected from the 77809  
tax due under division (A) of section 5739.029 of the Revised Code 77810  
shall be distributed to the county where the sale of the motor 77811  
vehicle is sitused under section 5739.035 of the Revised Code. The 77812  
amount to be so distributed to the county shall be apportioned on 77813  
the basis of the rates of taxes the county levies pursuant to 77814  
sections 5739.021 and 5739.026 of the Revised Code, as applicable, 77815  
and shall be credited to the funds of the county as provided in 77816  
divisions (A) and (B) of section 5739.211 of the Revised Code. 77817

(C) The aggregate amount to be returned to any ~~county or~~ 77818  
~~transit authority~~ subdivision shall be reduced by one per cent, 77819  
which shall be certified directly to the credit of the local sales 77820  
tax administrative fund, which is hereby created in the state 77821  
treasury. For the purpose of determining the amount to be returned 77822  
to a county and transit authority in which the rate of tax imposed 77823  
by the transit authority has been reduced under section 5739.028 77824  
of the Revised Code, the tax commissioner shall use the respective 77825

rates of tax imposed by the county or transit authority that 77826  
results from the change in the rates authorized under that 77827  
section. 77828

(D) The director of budget and management shall transfer, 77829  
from the same funds and in the same proportions specified in 77830  
division (A) of this section, to the permissive tax distribution 77831  
fund created by division (B)(1) of section 4301.423 of the Revised 77832  
Code and to the local sales tax administrative fund, the amounts 77833  
certified by the tax commissioner. The tax commissioner shall 77834  
then, on or before the twentieth day of the month in which such 77835  
certification is made, provide for payment of such respective 77836  
amounts to the county treasurer and to the fiscal officer of the 77837  
municipal corporation, township, or transit authority levying the 77838  
tax or taxes. The amount transferred to the local sales tax 77839  
administrative fund is for use by the tax commissioner in 77840  
defraying costs incurred in administering such taxes levied by a 77841  
county, municipal corporation, township, or transit authority. 77842

**Sec. 5739.211.** (A) The moneys received by a county levying an 77843  
additional sales tax pursuant to section 5739.021 of the Revised 77844  
Code shall be deposited in the county general fund to be expended 77845  
for any purpose for which general fund moneys of the county may be 77846  
used, including the acquisition or construction of permanent 77847  
improvements or to make payments in accordance with section 333.06 77848  
or 333.07 of the Revised Code, or in the bond retirement fund for 77849  
the payment of debt service charges on notes or bonds of the 77850  
county issued for the acquisition or construction of permanent 77851  
improvements. The amounts to be deposited in each of such funds 77852  
shall be determined by the board of county commissioners. 77853  
77854

(B) The moneys received by a county levying an additional 77855  
sales tax pursuant to section 5739.026 of the Revised Code shall 77856

be deposited in a separate fund, which shall be allocated and 77857  
distributed in accordance with the resolution adopted under such 77858  
section. Moneys allocated for the purpose of division (A)(4) of 77859  
section 5739.026 of the Revised Code shall be transferred to and 77860  
disbursed from the community improvements fund in the county 77861  
treasury. Notwithstanding section 135.351 of the Revised Code, if 77862  
an allocation of moneys to a convention facilities authority or a 77863  
transit authority is required pursuant to division (C) of section 77864  
5739.026 of the Revised Code, the county shall pay and distribute 77865  
each authority's share of any such moneys to its fiscal officer 77866  
within five business days of the date of their receipt by the 77867  
county. If the moneys allocated under such division are not so 77868  
paid, the county shall pay to such authority any interest that the 77869  
county has received or will receive on such moneys that accrues 77870  
from the date the county received the moneys, together with the 77871  
principal amount of such moneys. 77872

(C) The moneys received by a transit authority levying an 77873  
additional sales tax pursuant to section 5739.023 of the Revised 77874  
Code shall be deposited in such fund or funds of the transit 77875  
authority as determined by the legislative authority of the 77876  
transit authority to be expended for any purpose for which a 77877  
county transit board or the board of county commissioners 77878  
operating a county transit system, in the case of a county, or the 77879  
board of trustees of a regional transit authority, in the case of 77880  
a regional transit authority, may expend moneys under their 77881  
control, including the purchase, acquisition, construction, 77882  
replacement, improvement, extension, or enlargement of permanent 77883  
improvements and for the payment of debt service charges on notes 77884  
or bonds of the transit authority. 77885

(D) Money received by a municipal corporation or township 77886  
levying an additional sales tax pursuant to section 5739.024 of 77887  
the Revised Code shall be deposited in a special fund in the 77888

subdivision's treasury created by the legislative authority of the 77889  
subdivision. The municipal corporation or township may use such 77890  
revenue solely for the purpose of fostering and developing tourism 77891  
in the tourism development district in which the tax is levied. 77892

**Sec. 5739.34.** The levy of any excise, income, or property tax 77893  
by the state or any political subdivision thereof shall not be 77894  
construed as preempting the power of a county, municipal 77895  
corporation, township, or transit authority to levy an additional 77896  
sales tax pursuant to section 5739.021, 5739.023, 5739.024, or 77897  
5739.026 of the Revised Code. No tax levied by a board of county 77898  
commissioners pursuant to section 5739.023 of the Revised Code 77899  
shall become effective at any time while a tax levied by the board 77900  
of trustees of a regional transit authority pursuant to such 77901  
section is in effect in any part of such county. 77902

**Sec. 5739.36.** (A) For the purpose of tracking the growth and 77903  
overall economic impact of the travel and tourism industry in this 77904  
state, the tax commissioner shall prepare a report summarizing the 77905  
amount of tax revenue collected during each semiannual period 77906  
ending on the last day of June or December, annually. The 77907  
commissioner shall prepare the report by industry classification 77908  
using business activity codes. The report shall include the 77909  
combined total statewide collections from the taxes levied under 77910  
sections 5739.02, 5739.021, 5739.023, 5739.024, 5739.026, 5741.02, 77911  
5741.021, 5741.022, ~~and~~ 5741.023, and 5741.024 of the Revised Code 77912  
as reported by taxpayers with respect to collections during the 77913  
semiannual period. The report shall reflect all industries 77914  
included in the industrial classification system used by the 77915  
commissioner the activities of which relate in any way to travel 77916  
and tourism, including, but not limited to, industries such as 77917  
bars and restaurants; hotels, motels, and other lodging 77918  
establishments; and other industries related to travel and 77919

tourism. The first report shall be for the semiannual period 77920  
ending December 31, 2005. 77921

(B) The tax commissioner shall file a copy of the report 77922  
required under this section with the governor, the president of 77923  
the senate, the speaker of the house of representatives, and the 77924  
legislative service commission. The reports shall be filed on or 77925  
before the first day of May or November, annually, that 77926  
immediately follows the semiannual period to which the report 77927  
relates. A copy of the commissioner's most recent report shall be 77928  
made available to the public through the department of taxation's 77929  
official internet web site. 77930

(C) The commissioner shall adopt rules that are necessary to 77931  
administer this section. 77932

**Sec. 5739.50.** (A) As used in this section: 77933

(1) "Business" means a sole proprietorship, a corporation for 77934  
profit, a pass-through entity as defined in section 5733.04 of the 77935  
Revised Code, the federal government, the state, the state's 77936  
political subdivisions, a nonprofit organization, or a school 77937  
district. A business "operates within the proposed district" if 77938  
the business conducts retail sales that would be subject to a tax 77939  
levied in the proposed tourism development district pursuant to 77940  
section 5739.024 of the Revised Code. 77941

(2) "Owner" means a partner of a partnership, a member of a 77942  
limited liability company, a majority shareholder of an S 77943  
corporation, a person with a majority ownership interest in a 77944  
pass-through entity, or any officer, employee, or agent with the 77945  
authority to make decisions legally binding upon a business. The 77946  
signature of any owner of a business operates as the signature of 77947  
the business. 77948

(3) "Eligible subdivision" means a municipal corporation or 77949

township wholly or partly located in a county having a population greater than three hundred seventy-five thousand but less than four hundred thousand that levies taxes under section 5739.021 or 5739.026 of the Revised Code, the aggregate rate of which do not exceed one-half of one per cent on the effective date of the enactment of this section. 77950  
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(B)(1) The legislative authority of an eligible subdivision, by ordinance or resolution, may declare an area of the eligible subdivision to be a tourism development district for the purpose of fostering and developing tourism in the district, if all of the following criteria are met: 77956  
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(a) The district's area does not exceed two hundred acres. 77961

(b) All territory in the district is contiguous. 77962

(c) Before adopting that resolution or ordinance, the subdivision's legislative authority holds at least two public hearings concerning the creation of the tourism development district. 77963  
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(d) Before adopting that resolution or ordinance, the subdivision's legislative authority receives a petition signed by every record owner of a parcel of real property located in the proposed district and the owner of every business that operates in the proposed district. 77967  
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(e) The legislative authority adopts the ordinance or resolution on or before December 31, 2018. 77972  
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(2) The petition described in division (B)(1)(d) of this section shall include an explanation of the taxes and charges that may be levied or imposed in the proposed district. 77974  
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(3) The subdivision's legislative authority shall certify the resolution or ordinance described in division (B)(1) of this section to the tax commissioner within five days after its 77977  
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adoption, along with a description of the boundaries of the 77980  
district authorized in the resolution or ordinance. 77981

(4) Subject to the limitations of division (B)(1)(a) and (b) 77982  
of this section, a legislative authority may enlarge the territory 77983  
of an existing tourism development district in the manner 77984  
prescribed for the creation of a district under divisions (B)(1) 77985  
to (3) of this section, except that the petition described in 77986  
division (B)(1)(d) of this section must be signed by every record 77987  
owner of a parcel of real property located in the area proposed to 77988  
be added to the district and the owner of every business that 77989  
operates in the area proposed to be added to the district. 77990

(C) For the purpose of fostering and developing tourism in a 77991  
tourism development district, a lessor leasing real property in a 77992  
tourism development district may impose and collect a uniform fee 77993  
on each parcel of real property leased by the lessor, to be paid 77994  
by each of the person's lessees. A lessee is subject to such a fee 77995  
only if the lease separately states the amount of the fee. Before 77996  
a lessor may impose and collect such a fee, the lessor shall file 77997  
a copy of such lease with the fiscal officer of the eligible 77998  
subdivision that designated the tourism development district. A 77999  
lessor that imposes such a fee shall remit all collections of the 78000  
fee to the township or municipal corporation in which the real 78001  
property is located. 78002

The legislative authority shall establish all regulations 78003  
necessary to provide for the administration and remittance of such 78004  
fees. The regulations may prescribe the time for payment of the 78005  
fee, and may provide for the imposition of a penalty or interest, 78006  
or both, for late remittances, provided that the penalty does not 78007  
exceed ten per cent of the amount of fee due, and the rate at 78008  
which interest accrues does not exceed the rate per annum 78009  
prescribed pursuant to section 5703.47 of the Revised Code. The 78010  
regulations shall provide, after deducting the real and actual 78011

costs of administering the fee, that the revenue be used 78012  
exclusively for fostering and developing tourism within the 78013  
tourism development district. 78014

(D) The legislative authority of an eligible subdivision that 78015  
has designated a tourism development district under this section 78016  
may levy the taxes authorized under sections 5739.024 and 5741.024 78017  
of the Revised Code. A legislative authority of a township that 78018  
has designated a tourism development district may levy the tax 78019  
authorized under sections 5739.51 to 5739.54 of the Revised Code. 78020  
Nothing in this section limits the power of the legislative 78021  
authority of a municipal corporation to levy a tax on the basis of 78022  
admissions in a tourism development district pursuant to its 78023  
powers of local self government conferred by Section 3 of Article 78024  
XVIII, Ohio Constitution. 78025

Sec. 5739.51. As used in sections 5739.51 to 5739.54 of the 78026  
Revised Code, "admission" means the right or privilege to enter 78027  
into a place. 78028

Sec. 5739.52. (A) For the purpose of fostering and developing 78029  
tourism within a tourism development district and paying the costs 78030  
of administering the tax, the legislative authority of a township 78031  
may, by resolution, levy a tax upon all of the following: 78032

(1) Amounts paid for admission to any place, including 78033  
parking lots and facilities, located in the territory of a tourism 78034  
development district created by the township; 78035

(2) Amounts paid for tickets or cards of admission to 78036  
theaters, operas, and other places of amusement located in the 78037  
territory of a tourism development district, sold at places other 78038  
than the ticket offices of such places, over and above the amounts 78039  
representing the established price therefor at such ticket 78040  
offices; 78041



(3) Amounts paid for admission to any public performance at any roof garden, cabaret, or other similar entertainment venue located in the territory of a tourism development district, in which the charge for admission is a service or cover charge; 78042  
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(4) Amounts paid as annual membership dues by every club or organization maintaining a golf course located in the territory of a tourism development district; 78046  
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(5) Green fees paid to a golf course located in the territory of a tourism development district either under club or private ownership. 78049  
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(B) The rate of a tax levied under this section shall not exceed five per cent of the admission charge, membership dues, or green fees. Every person receiving any payment on which a tax is levied under this section shall collect the amount of the tax from the person making the admission payment. 78052  
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**Sec. 5739.53.** The legislative authority of a township levying a tax pursuant to section 5739.52 of the Revised Code shall establish all regulations necessary to provide for the administration of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. The regulations shall provide, after deducting the real and actual costs of administering the tax, that the revenue be used exclusively for fostering and developing tourism within the tourism development district in which the tax is levied. 78057  
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**Sec. 5739.54.** (A) As used in this section: 78070

(1) "Qualifying tourism development district" means a tourism 78071

development district for which a tax levied by the legislative 78072  
authority of a municipal corporation or township under section 78073  
5739.024 of the Revised Code is not in effect. 78074

(2) "Base revenue" means one of the following: 78075

(a) If the tax commissioner receives certification from the 78076  
legislative authority of a county under division (D)(2) of this 78077  
section, the revenue collected from the taxes imposed under 78078  
sections 5739.021 and 5739.026 of the Revised Code during the 78079  
three-month period ending on the last day of the immediately 78080  
preceding calendar quarter from sales made in a qualifying tourism 78081  
development district; 78082

(b) If the tax commissioner receives certification from the 78083  
legislative authority of a transit authority under division (D)(3) 78084  
of this section, the revenue collected from the tax imposed under 78085  
section 5739.023 of the Revised Code during the three-month period 78086  
ending on the last day of the immediately preceding calendar 78087  
quarter from sales made in the district; 78088

(c) If the tax commissioner receives certification from the 78089  
legislative authorities of a county and transit authority under 78090  
divisions (D)(2) and (3) of this section, the revenue collected 78091  
from the taxes imposed under sections 5739.021, 5739.023, and 78092  
5739.026 of the Revised Code during the three-month period ending 78093  
on the last day of the immediately preceding calendar quarter from 78094  
sales made in the district. 78095

(B) For every qualifying tourism development district on the 78096  
basis of which the tax commissioner receives a certification under 78097  
division (D)(2) or (3) of this section, the commissioner shall 78098  
certify to the director of budget and management, on or before the 78099  
twentieth day of March, June, September, and December of each year 78100  
the difference, if greater than zero, between (1) the applicable 78101  
base revenue minus (2) one-fourth of revenue collected from the 78102

same taxes on the basis of which such revenue is calculated from 78103  
sales made in the qualifying tourism development district during 78104  
the calendar year preceding the year in which the district is 78105  
designated or enlarged under section 5739.50 of the Revised Code. 78106

On or before the last day of March, June, September, and 78107  
December of each year, the director of budget and management shall 78108  
pay from the general revenue fund to the municipal corporation or 78109  
township that created the qualifying tourism development district 78110  
the amount certified by the commissioner. The legislative 78111  
authority of a municipal corporation or township receiving such 78112  
revenue shall create a special fund in the subdivision's treasury 78113  
to which all such revenue shall be deposited. A municipal 78114  
corporation or township may use such revenue solely for the 78115  
purpose of fostering and developing tourism in the qualifying 78116  
tourism development district. 78117

(C) The director of budget and management, after making a 78118  
payment from the general revenue fund under division (B) of this 78119  
section, shall reduce by the amount of that payment the next 78120  
payment required to made under division (B)(1) of section 5739.21 78121  
of the Revised Code to any county or county transit authority that 78122  
makes a certification to the commissioner under division (D)(2) or 78123  
(3) of this section. If both a county and a transit authority make 78124  
those certifications, the director shall reduce that payment in 78125  
proportion to the base revenue attributable to taxes levied by 78126  
each subdivision under section 5739.021, 5739.023, or 5739.026 of 78127  
the Revised Code. 78128

(D)(1) Before a township or municipal corporation may receive 78129  
money under division (B) of this section, the legislative 78130  
authority of the municipal corporation or township must obtain the 78131  
approval of the legislative authority of the county or transit 78132  
authority. To obtain such approval, the legislative authority of 78133  
the municipal corporation or township shall adopt and certify an 78134

ordinance or resolution to the legislative authority of the county 78135  
and, if applicable, the transit authority in which a qualifying 78136  
tourism development district is located. The resolution shall 78137  
specify the municipal corporation's or township's intent to obtain 78138  
revenue under division (B) of this section. 78139

(2) The legislative authority of a county, within thirty days 78140  
after receiving a certification under division (D)(1) of this 78141  
section, may adopt and certify a resolution to the tax 78142  
commissioner approving of the municipal corporation's or 78143  
township's intent to obtain revenue under division (B) of this 78144  
section. 78145

(3) The legislative authority of a transit authority, within 78146  
thirty days after receiving a certification under division (D)(1) 78147  
of this section, may adopt and certify a resolution to the tax 78148  
commissioner approving of the municipal corporation's or 78149  
township's intent to obtain revenue under division (B) of this 78150  
section. 78151

**Sec. 5739.99.** (A) Whoever violates section 5739.26 or 5739.29 78152  
of the Revised Code shall be fined not less than twenty-five nor 78153  
more than one hundred dollars for a first offense; for each 78154  
subsequent offense such person shall, if a corporation, be fined 78155  
not less than one hundred nor more than five hundred dollars, or 78156  
if an individual, or a member of a partnership, firm, or 78157  
association, be fined not less than twenty-five nor more than one 78158  
hundred dollars, or imprisoned not more than sixty days, or both. 78159  
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(B) Whoever violates division (A) of section 5739.30 of the 78161  
Revised Code shall be fined not less than one hundred nor more 78162  
than one thousand dollars, or imprisoned not more than sixty days, 78163  
or both. 78164

(C)(1) Whoever violates division (A)(1) of section 5739.31 of 78165

the Revised Code shall be fined not less than twenty-five nor more than one hundred dollars. If the offender previously has been convicted of a violation of division (A)(1) of section 5739.31 of the Revised Code, the offender is guilty of a felony of the fourth degree.

(2) Whoever violates division (A)(2) of section 5739.31 of the Revised Code shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not more than ten days, or both, for the first offense; for each subsequent offense, each such person shall be fined not less than one thousand dollars nor more than twenty-five hundred dollars, or imprisoned not more than thirty days, or both. The motor vehicles and goods of any person charged with violating division (A)(2) of section 5739.31 of the Revised Code may be impounded and held pending the disposition of the charge, and may be sold at auction by the county sheriff in the manner prescribed by law to satisfy any fine imposed by this division.

(3) Whoever violates division (B) of section 5739.31 of the Revised Code is guilty of a felony of the fourth degree. Each day that business is conducted while a vendor's license is suspended constitutes a separate offense.

(D) Except as otherwise provided in this section, whoever violates sections 5739.01 to 5739.31 of the Revised Code, or any lawful rule promulgated by the department of taxation under authority of such sections, shall be fined not less than twenty-five nor more than one hundred dollars.

(E) Whoever violates section 5739.12 of the Revised Code by recklessly failing to remit to the state the tax collected under section 5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code is guilty of a felony of the fourth degree and shall suffer the loss of the person's vendor's license as required by section 5739.17 of the Revised Code. A person shall not be

eligible for a vendor's license for two years following 78198  
conviction. 78199

(F) Whoever violates division (E) of section 5739.17 of the 78200  
Revised Code is guilty of failure to display a transient vendor's 78201  
license, a minor misdemeanor. A sheriff or police officer in a 78202  
municipal corporation may enforce this division. The prosecuting 78203  
attorney of a county shall inform the tax commissioner of any 78204  
instance when a complaint is brought against a transient vendor 78205  
pursuant to this division. 78206

(G) Whoever violates section 5739.103 of the Revised Code 78207  
shall be fined not less than twenty-five nor more than one hundred 78208  
dollars. If the offender previously has been convicted of 78209  
violating that section, the offender is guilty of a felony of the 78210  
fourth degree. 78211

(H) The penalties provided in this section are in addition to 78212  
any penalties imposed by the tax commissioner under section 78213  
5739.133 of the Revised Code. 78214

**Sec. 5740.01.** As used in this chapter: 78215

(A) "Agreement" means the streamlined sales and use tax 78216  
agreement as amended and adopted on January 27, 2001, by the 78217  
national conference of state legislatures' special task force on 78218  
state and local taxation of telecommunications and electronic 78219  
commerce, and unanimously adopted by the national conference of 78220  
state legislatures' executive committee, and as subsequently 78221  
amended and adopted by the member states. 78222

(B) "Certified automated system" means software certified 78223  
jointly by the member states to calculate the sales or use tax 78224  
imposed by each jurisdiction on a transaction, determine the 78225  
amount of tax to remit to the appropriate state, and maintain a 78226  
record of the transaction. 78227

(C) "Certified service provider" means an agent certified jointly by the member states to perform all of the seller's sales and use tax functions.

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(D) "Member state" means any state that is a signatory to the agreement.

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(E) "Person" means an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation, or any other legal entity.

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(F) "Sales tax" means the tax levied by section 5739.02, 5739.021, 5739.023, 5739.024, 5739.026, or 5739.10 of the Revised Code.

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(G) "Seller" means any person making sales, leases, or rentals of personal property or services.

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(H) "State" means any state of the United States and the District of Columbia.

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(I) "Use tax" means the tax levied by section 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code.

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**Sec. 5740.09.** (A) No cause of action shall accrue against a seller for over-collection of the taxes levied by section 5739.02, 5739.021, 5739.023, 5739.024, 5739.026, 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code until the purchaser has provided written notice of the over-collection to the seller and the seller has had sixty days after the notice was mailed to respond. The notice must contain the information necessary to determine the validity of the request. In no case shall a cause of action accrue against a seller for the over-collection of such taxes if either the purchaser or the seller has filed a refund claim for the over-collection pursuant to section 5739.07 or 5741.10 of the Revised Code.

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(B) In connection with a purchaser's request from a seller of

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over-collected taxes under division (A) of this section, a seller 78258  
shall be presumed to have a reasonable business practice if, in 78259  
the collection of the taxes, the seller does both of the 78260  
following: 78261

(1) Uses either a certified service provider or a certified 78262  
automated system, including a proprietary system; and 78263

(2) Has remitted to the state all taxes collected, less any 78264  
deductions or collection allowances provided by section 5739.12 or 78265  
5741.12 of the Revised Code. 78266

**Sec. 5741.01.** As used in this chapter: 78267

(A) "Person" includes individuals, receivers, assignees, 78268  
trustees in bankruptcy, estates, firms, partnerships, 78269  
associations, joint-stock companies, joint ventures, clubs, 78270  
societies, corporations, business trusts, governments, and 78271  
combinations of individuals of any form. 78272

(B) "Storage" means and includes any keeping or retention in 78273  
this state for use or other consumption in this state. 78274

(C) "Use" means and includes the exercise of any right or 78275  
power incidental to the ownership of the thing used. A thing is 78276  
also "used" in this state if its consumer gives or otherwise 78277  
distributes it, without charge, to recipients in this state. 78278

(D) "Purchase" means acquired or received for a 78279  
consideration, whether such acquisition or receipt was effected by 78280  
a transfer of title, or of possession, or of both, or a license to 78281  
use or consume; whether such transfer was absolute or conditional, 78282  
and by whatever means the transfer was effected; and whether the 78283  
consideration was money, credit, barter, or exchange. Purchase 78284  
includes production, even though the article produced was used, 78285  
stored, or consumed by the producer. The transfer of copyrighted 78286  
motion picture films for exhibition purposes is not a purchase, 78287



except such films as are used solely for advertising purposes. 78288

(E) "Seller" means the person from whom a purchase is made, 78289  
and includes every person engaged in this state or elsewhere in 78290  
the business of selling tangible personal property or providing a 78291  
service for storage, use, or other consumption or benefit in this 78292  
state; and when, in the opinion of the tax commissioner, it is 78293  
necessary for the efficient administration of this chapter, to 78294  
regard any salesperson, representative, peddler, or canvasser as 78295  
the agent of a dealer, distributor, supervisor, or employer under 78296  
whom the person operates, or from whom the person obtains tangible 78297  
personal property, sold by the person for storage, use, or other 78298  
consumption in this state, irrespective of whether or not the 78299  
person is making such sales on the person's own behalf, or on 78300  
behalf of such dealer, distributor, supervisor, or employer, the 78301  
commissioner may regard the person as such agent, and may regard 78302  
such dealer, distributor, supervisor, or employer as the seller. 78303  
"Seller" does not include any person to the extent the person 78304  
provides a communications medium, such as, but not limited to, 78305  
newspapers, magazines, radio, television, or cable television, by 78306  
means of which sellers solicit purchases of their goods or 78307  
services. 78308

(F) "Consumer" means any person who has purchased tangible 78309  
personal property or has been provided a service for storage, use, 78310  
or other consumption or benefit in this state. "Consumer" does not 78311  
include a person who receives, without charge, tangible personal 78312  
property or a service. 78313

A person who performs a facility management or similar 78314  
service contract for a contractee is a consumer of all tangible 78315  
personal property and services purchased for use in connection 78316  
with the performance of such contract, regardless of whether title 78317  
to any such property vests in the contractee. The purchase of such 78318  
property and services is not subject to the exception for resale 78319

under division (E) of section 5739.01 of the Revised Code. 78320

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 78321  
of this section, has the same meaning as in division (H)(1) of 78322  
section 5739.01 of the Revised Code. 78323

(2) In the case of watercraft, outboard motors, or new motor 78324  
vehicles, "price" has the same meaning as in divisions (H)(2) and 78325  
(3) of section 5739.01 of the Revised Code. 78326

(3) In the case of a nonresident business consumer that 78327  
purchases and uses tangible personal property outside this state 78328  
and subsequently temporarily stores, uses, or otherwise consumes 78329  
such tangible personal property in the conduct of business in this 78330  
state, the consumer or the tax commissioner may determine the 78331  
price based on the value of the temporary storage, use, or other 78332  
consumption, in lieu of determining the price pursuant to division 78333  
(G)(1) of this section. A price determination made by the consumer 78334  
is subject to review and redetermination by the commissioner. 78335

(4) In the case of tangible personal property held in this 78336  
state as inventory for sale or lease, and that is temporarily 78337  
stored, used, or otherwise consumed in a taxable manner, the price 78338  
is the value of the temporary use. A price determination made by 78339  
the consumer is subject to review and redetermination by the 78340  
commissioner. 78341

(5) In the case of tangible personal property originally 78342  
purchased and used by the consumer outside this state, and that 78343  
becomes permanently stored, used, or otherwise consumed in this 78344  
state more than six months after its acquisition by the consumer, 78345  
the consumer or the commissioner may determine the price based on 78346  
the current value of such tangible personal property, in lieu of 78347  
determining the price pursuant to division (G)(1) of this section. 78348  
A price determination made by the consumer is subject to review 78349  
and redetermination by the commissioner. 78350

(6) If a consumer produces tangible personal property for sale and removes that property from inventory for the consumer's own use, the price is the produced cost of that tangible personal property. 78351  
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(H) "Nexus with this state" means that the seller engages in continuous and widespread solicitation of purchases from residents of this state or otherwise purposefully directs its business activities at residents of this state. 78355  
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(I) "Substantial nexus with this state" means that the seller has sufficient contact with this state, in accordance with Section 8 of Article I of the Constitution of the United States, to allow the state to require the seller to collect and remit use tax on sales of tangible personal property or services made to consumers in this state. "Substantial nexus with this state" exists when the seller does any of the following: 78359  
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(1) Maintains a place of business within this state, whether operated by employees or agents of the seller, by a member of an affiliated group, as defined in division (B)(3)(e) of section 5739.01 of the Revised Code, of which the seller is a member, or by a franchisee using a trade name of the seller; 78366  
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(2) Regularly has employees, agents, representatives, solicitors, installers, repairmen, salesmen, or other individuals in this state for the purpose of conducting the business of the seller; 78371  
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(3) Uses a person in this state for the purpose of receiving or processing orders of the seller's goods or services; 78375  
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(4) Makes regular deliveries of tangible personal property into this state by means other than common carrier; 78377  
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(5) Has membership in an affiliated group, as described in division (B)(3)(e) of section 5739.01 of the Revised Code, at least one other member of which has substantial nexus with this 78379  
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state; 78382

(6) Owns tangible personal property that is rented or leased 78383  
to a consumer in this state, or offers tangible personal property, 78384  
on approval, to consumers in this state; 78385

(7) Except as provided in section 5703.65 of the Revised 78386  
Code, is registered with the secretary of state to do business in 78387  
this state or is registered or licensed by any state agency, 78388  
board, or commission to transact business in this state or to make 78389  
sales to persons in this state; 78390

(8) Has any other contact with this state that would allow 78391  
this state to require the seller to collect and remit use tax 78392  
under Section 8 of Article I of the Constitution of the United 78393  
States. 78394

(J) "Fiscal officer" means, with respect to a regional 78395  
transit authority, the secretary-treasurer thereof, and with 78396  
respect to a county which is a transit authority, the fiscal 78397  
officer of the county transit board appointed pursuant to section 78398  
306.03 of the Revised Code or, if the board of county 78399  
commissioners operates the county transit system, the county 78400  
auditor. "Fiscal officer," with respect to a municipal corporation 78401  
or township, has the same meaning as in section 5705.01 of the 78402  
Revised Code. 78403

(K) "Territory of the transit authority" means all of the 78404  
area included within the territorial boundaries of a transit 78405  
authority as they from time to time exist. Such territorial 78406  
boundaries must at all times include all the area of a single 78407  
county or all the area of the most populous county which is a part 78408  
of such transit authority. County population shall be measured by 78409  
the most recent census taken by the United States census bureau. 78410

(L) "Transit authority" means a regional transit authority 78411  
created pursuant to section 306.31 of the Revised Code or a county 78412

in which a county transit system is created pursuant to section 78413  
306.01 of the Revised Code. For the purposes of this chapter, a 78414  
transit authority must extend to at least the entire area of a 78415  
single county. A transit authority which includes territory in 78416  
more than one county must include all the area of the most 78417  
populous county which is a part of such transit authority. County 78418  
population shall be measured by the most recent census taken by 78419  
the United States census bureau. 78420

(M) "Providing a service" has the same meaning as in ~~division~~ 78421  
~~(X)~~ of section 5739.01 of the Revised Code. 78422

(N) "Other consumption" includes receiving the benefits of a 78423  
service. 78424

(O) "Lease" or "rental" has the same meaning as in ~~division~~ 78425  
~~(UU)~~ of section 5739.01 of the Revised Code. 78426

(P) "Certified service provider" has the same meaning as in 78427  
section 5740.01 of the Revised Code. 78428

(Q) "Remote sale" means a sale for which the seller could not 78429  
be legally required to pay, collect, or remit a tax imposed under 78430  
this chapter or Chapter 5739. of the Revised Code, unless 78431  
otherwise provided by the laws of the United States. 78432

(R) "Remote seller" means a seller that makes remote sales to 78433  
one or more consumers. 78434

(S) "Remote small seller" means a remote seller that has 78435  
gross annual receipts from remote sales in the United States not 78436  
exceeding one million dollars for the preceding calendar year. For 78437  
the purposes of determining whether a person is a small remote 78438  
seller, the sales of all persons related within the meaning of 78439  
subsection (b) or (c) of section 267 or section 707(b)(1) of the 78440  
Internal Revenue Code shall be aggregated, and persons with one or 78441  
more ownership relationships shall be aggregated if those 78442  
relationships were designed with the principal purpose to qualify 78443

as a remote small seller. 78444

(T) "Territory of the tourism development district" means all 78445  
of the area included within the territorial boundaries of a 78446  
tourism development district. 78447

(U) "Tourism development district" has the same meaning as in 78448  
section 5739.01 of the Revised Code. 78449

**Sec. 5741.02.** (A)(1) For the use of the general revenue fund 78450  
of the state, an excise tax is hereby levied on the storage, use, 78451  
or other consumption in this state of tangible personal property 78452  
or the benefit realized in this state of any service provided. The 78453  
tax shall be collected as provided in section 5739.025 of the 78454  
Revised Code. The rate of the tax shall be five and three-fourths 78455  
per cent. 78456

(2) In the case of the lease or rental, with a fixed term of 78457  
more than thirty days or an indefinite term with a minimum period 78458  
of more than thirty days, of any motor vehicles designed by the 78459  
manufacturer to carry a load of not more than one ton, watercraft, 78460  
outboard motor, or aircraft, or of any tangible personal property, 78461  
other than motor vehicles designed by the manufacturer to carry a 78462  
load of more than one ton, to be used by the lessee or renter 78463  
primarily for business purposes, the tax shall be collected by the 78464  
seller at the time the lease or rental is consummated and shall be 78465  
calculated by the seller on the basis of the total amount to be 78466  
paid by the lessee or renter under the lease or rental agreement. 78467  
If the total amount of the consideration for the lease or rental 78468  
includes amounts that are not calculated at the time the lease or 78469  
rental is executed, the tax shall be calculated and collected by 78470  
the seller at the time such amounts are billed to the lessee or 78471  
renter. In the case of an open-end lease or rental, the tax shall 78472  
be calculated by the seller on the basis of the total amount to be 78473  
paid during the initial fixed term of the lease or rental, and for 78474

each subsequent renewal period as it comes due. As used in this 78475  
division, "motor vehicle" has the same meaning as in section 78476  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 78477  
unit attached to the watercraft. 78478

(3) Except as provided in division (A)(2) of this section, in 78479  
the case of a transaction, the price of which consists in whole or 78480  
part of the lease or rental of tangible personal property, the tax 78481  
shall be measured by the installments of those leases or rentals. 78482

(B) Each consumer, storing, using, or otherwise consuming in 78483  
this state tangible personal property or realizing in this state 78484  
the benefit of any service provided, shall be liable for the tax, 78485  
and such liability shall not be extinguished until the tax has 78486  
been paid to this state; provided, that the consumer shall be 78487  
relieved from further liability for the tax if the tax has been 78488  
paid to a seller in accordance with section 5741.04 of the Revised 78489  
Code or prepaid by the seller in accordance with section 5741.06 78490  
of the Revised Code. 78491

(C) The tax does not apply to the storage, use, or 78492  
consumption in this state of the following described tangible 78493  
personal property or services, nor to the storage, use, or 78494  
consumption or benefit in this state of tangible personal property 78495  
or services purchased under the following described circumstances: 78496

(1) When the sale of property or service in this state is 78497  
subject to the excise tax imposed by sections 5739.01 to 5739.31 78498  
of the Revised Code, provided said tax has been paid; 78499

(2) Except as provided in division (D) of this section, 78500  
tangible personal property or services, the acquisition of which, 78501  
if made in Ohio, would be a sale not subject to the tax imposed by 78502  
sections 5739.01 to 5739.31 of the Revised Code; 78503

(3) Property or services, the storage, use, or other 78504  
consumption of or benefit from which this state is prohibited from 78505

taxing by the Constitution of the United States, laws of the 78506  
United States, or the Constitution of this state. This exemption 78507  
shall not exempt from the application of the tax imposed by this 78508  
section the storage, use, or consumption of tangible personal 78509  
property that was purchased in interstate commerce, but that has 78510  
come to rest in this state, provided that fuel to be used or 78511  
transported in carrying on interstate commerce that is stopped 78512  
within this state pending transfer from one conveyance to another 78513  
is exempt from the excise tax imposed by this section and section 78514  
5739.02 of the Revised Code; 78515

(4) Transient use of tangible personal property in this state 78516  
by a nonresident tourist or vacationer, or a nonbusiness use 78517  
within this state by a nonresident of this state, if the property 78518  
so used was purchased outside this state for use outside this 78519  
state and is not required to be registered or licensed under the 78520  
laws of this state; 78521

(5) Tangible personal property or services rendered, upon 78522  
which taxes have been paid to another jurisdiction to the extent 78523  
of the amount of the tax paid to such other jurisdiction. Where 78524  
the amount of the tax imposed by this section and imposed pursuant 78525  
to section 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the 78526  
Revised Code exceeds the amount paid to another jurisdiction, the 78527  
difference shall be allocated between the tax imposed by this 78528  
section and any tax imposed by a county, municipal corporation, 78529  
township, or a transit authority pursuant to section 5741.021, 78530  
5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code, in 78531  
proportion to the respective rates of such taxes. 78532

As used in this subdivision, "taxes paid to another 78533  
jurisdiction" means the total amount of retail sales or use tax or 78534  
similar tax based upon the sale, purchase, or use of tangible 78535  
personal property or services rendered legally, levied by and paid 78536  
to another state or political subdivision thereof, or to the 78537



District of Columbia, where the payment of such tax does not 78538  
entitle the taxpayer to any refund or credit for such payment. 78539

(6) The transfer of a used manufactured home or used mobile 78540  
home, as defined by section 5739.0210 of the Revised Code, made on 78541  
or after January 1, 2000; 78542

(7) Drugs that are or are intended to be distributed free of 78543  
charge to a practitioner licensed to prescribe, dispense, and 78544  
administer drugs to a human being in the course of a professional 78545  
practice and that by law may be dispensed only by or upon the 78546  
order of such a practitioner; 78547

(8) Computer equipment and related software leased from a 78548  
lessor located outside this state and initially received in this 78549  
state on behalf of the consumer by a third party that will retain 78550  
possession of such property for not more than ninety days and that 78551  
will, within that ninety-day period, deliver such property to the 78552  
consumer at a location outside this state. Division (C)(8) of this 78553  
section does not provide exemption from taxation for any otherwise 78554  
taxable charges associated with such property while it is in this 78555  
state or for any subsequent storage, use, or consumption of such 78556  
property in this state by or on behalf of the consumer. 78557

(9) Tangible personal property held for sale by a person but 78558  
not for that person's own use and donated by that person, without 78559  
charge or other compensation, to either of the following: 78560

(a) A nonprofit organization operated exclusively for 78561  
charitable purposes in this state, no part of the net income of 78562  
which inures to the benefit of any private shareholder or 78563  
individual and no substantial part of the activities of which 78564  
consists of carrying on propaganda or otherwise attempting to 78565  
influence legislation; or 78566

(b) This state or any political subdivision of this state, 78567  
but only if donated for exclusively public purposes. 78568

For the purposes of division (C)~~(10)~~(9) of this section, 78569  
"charitable purposes" has the same meaning as in division (B)(12) 78570  
of section 5739.02 of the Revised Code. 78571

(D) The tax applies to the storage, use, or other consumption 78572  
in this state of tangible personal property or services, the 78573  
acquisition of which at the time of sale was excepted under 78574  
division (E) of section 5739.01 of the Revised Code from the tax 78575  
imposed by section 5739.02 of the Revised Code, but which has 78576  
subsequently been temporarily or permanently stored, used, or 78577  
otherwise consumed in a taxable manner. 78578

(E)(1)(a) If any transaction is claimed to be exempt under 78579  
division (E) of section 5739.01 of the Revised Code or under 78580  
section 5739.02 of the Revised Code, with the exception of 78581  
divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised 78582  
Code, the consumer shall provide to the seller, and the seller 78583  
shall obtain from the consumer, a certificate specifying the 78584  
reason that the transaction is not subject to the tax. The 78585  
certificate shall be in such form, and shall be provided either in 78586  
a hard copy form or electronic form, as the tax commissioner 78587  
prescribes. 78588

(b) A seller that obtains a fully completed exemption 78589  
certificate from a consumer is relieved of liability for 78590  
collecting and remitting tax on any sale covered by that 78591  
certificate. If it is determined the exemption was improperly 78592  
claimed, the consumer shall be liable for any tax due on that sale 78593  
under this chapter. Relief under this division from liability does 78594  
not apply to any of the following: 78595

(i) A seller that fraudulently fails to collect tax; 78596

(ii) A seller that solicits consumers to participate in the 78597  
unlawful claim of an exemption; 78598

(iii) A seller that accepts an exemption certificate from a 78599

consumer that claims an exemption based on who purchases or who 78600  
sells property or a service, when the subject of the transaction 78601  
sought to be covered by the exemption certificate is actually 78602  
received by the consumer at a location operated by the seller in 78603  
this state, and this state has posted to its web site an exemption 78604  
certificate form that clearly and affirmatively indicates that the 78605  
claimed exemption is not available in this state; 78606

(iv) A seller that accepts an exemption certificate from a 78607  
consumer who claims a multiple points of use exemption under 78608  
division (D) of section 5739.033 of the Revised Code, if the item 78609  
purchased is tangible personal property, other than prewritten 78610  
computer software. 78611

(2) The seller shall maintain records, including exemption 78612  
certificates, of all sales on which a consumer has claimed an 78613  
exemption, and provide them to the tax commissioner on request. 78614

(3) If no certificate is provided or obtained within ninety 78615  
days after the date on which the transaction is consummated, it 78616  
shall be presumed that the tax applies. Failure to have so 78617  
provided or obtained a certificate shall not preclude a seller, 78618  
within one hundred twenty days after the tax commissioner gives 78619  
written notice of intent to levy an assessment, from either 78620  
establishing that the transaction is not subject to the tax, or 78621  
obtaining, in good faith, a fully completed exemption certificate. 78622

(4) If a transaction is claimed to be exempt under division 78623  
(B)(13) of section 5739.02 of the Revised Code, the contractor 78624  
shall obtain certification of the claimed exemption from the 78625  
contractee. This certification shall be in addition to an 78626  
exemption certificate provided by the contractor to the seller. A 78627  
contractee that provides a certification under this division shall 78628  
be deemed to be the consumer of all items purchased by the 78629  
contractor under the claim of exemption, if it is subsequently 78630  
determined that the exemption is not properly claimed. The 78631

certification shall be in such form as the tax commissioner 78632  
prescribes. 78633

(F) A seller who files a petition for reassessment contesting 78634  
the assessment of tax on transactions for which the seller 78635  
obtained no valid exemption certificates, and for which the seller 78636  
failed to establish that the transactions were not subject to the 78637  
tax during the one-hundred-twenty-day period allowed under 78638  
division (E) of this section, may present to the tax commissioner 78639  
additional evidence to prove that the transactions were exempt. 78640  
The seller shall file such evidence within ninety days of the 78641  
receipt by the seller of the notice of assessment, except that, 78642  
upon application and for reasonable cause, the tax commissioner 78643  
may extend the period for submitting such evidence thirty days. 78644

(G) For the purpose of the proper administration of sections 78645  
5741.01 to 5741.22 of the Revised Code, and to prevent the evasion 78646  
of the tax hereby levied, it shall be presumed that any use, 78647  
storage, or other consumption of tangible personal property in 78648  
this state is subject to the tax until the contrary is 78649  
established. 78650

(H) The tax collected by the seller from the consumer under 78651  
this chapter is not part of the price, but is a tax collection for 78652  
the benefit of the state, and of counties levying an additional 78653  
use tax pursuant to section 5741.021 or 5741.023 of the Revised 78654  
Code ~~and~~, of transit authorities levying an additional use tax 78655  
pursuant to section 5741.022 of the Revised Code, and of municipal 78656  
corporations and townships levying the additional use tax pursuant 78657  
to section 5741.024 of the Revised Code. Except for the discount 78658  
authorized under section 5741.12 of the Revised Code and the 78659  
effects of any rounding pursuant to section 5703.055 of the 78660  
Revised Code, no person other than the state or such a county, 78661  
municipal corporation, township, or transit authority shall derive 78662  
any benefit from the collection of such tax. 78663

**Sec. 5741.021.** (A) For the purpose of providing additional 78664  
general revenues for the county or supporting criminal and 78665  
administrative justice services in the county, or both, and to pay 78666  
the expenses of administering such levy, any county which levies a 78667  
tax pursuant to section 5739.021 of the Revised Code shall levy a 78668  
tax at the same rate levied pursuant to section 5739.021 of the 78669  
Revised Code on the storage, use, or other consumption in the 78670  
county of the following: 78671

(1) Motor vehicles, and watercraft and outboard motors 78672  
required to be titled in the county pursuant to Chapter 1548. of 78673  
the Revised Code and acquired by a transaction subject to the tax 78674  
imposed by section 5739.02 of the Revised Code; 78675

(2) In addition to the tax imposed by section 5741.02 of the 78676  
Revised Code, tangible personal property and services subject to 78677  
the tax levied by this state as provided in section 5741.02 of the 78678  
Revised Code, and tangible personal property and services 78679  
purchased in another county within this state by a transaction 78680  
subject to the tax imposed by section 5739.02 of the Revised Code. 78681

The tax shall be levied pursuant to a resolution of the board 78682  
of county commissioners which shall be adopted after publication 78683  
of notice and hearing in the same manner as provided in section 78684  
5739.021 of the Revised Code. Such resolution shall be adopted and 78685  
shall become effective on the same day as the resolution adopted 78686  
by the board of county commissioners levying a sales tax pursuant 78687  
to section 5739.021 of the Revised Code and shall remain in effect 78688  
until such sales tax is repealed. 78689

(B) The tax levied pursuant to this section on the storage, 78690  
use, or other consumption of tangible personal property and on the 78691  
benefit of a service realized shall be in addition to the tax 78692  
levied by section 5741.02 of the Revised Code and, except as 78693  
provided in division (D) of this section, any tax levied pursuant 78694

to sections 5741.022 ~~and~~, 5741.023, and 5741.024 of the Revised Code. 78695  
78696

(C) The additional tax levied by the county shall be 78697  
collected pursuant to section 5739.025 of the Revised Code. If the 78698  
additional tax or some portion thereof is levied for the purpose 78699  
of criminal and administrative justice services, the revenue from 78700  
the tax, or the amount or rate apportioned to that purpose, shall 78701  
be credited to a special fund created in the county treasury for 78702  
receipt of that revenue. 78703

(D) The tax levied pursuant to this section shall not be 78704  
applicable to any benefit of a service realized or to any storage, 78705  
use, or consumption of property not within the taxing power of a 78706  
county under the constitution of the United States or the 78707  
constitution of this state, or to property or services on which a 78708  
tax levied by a county, municipal corporation, township, or 78709  
transit authority pursuant to this section or section 5739.021, 78710  
5739.023, 5739.024, 5739.026, 5741.022, ~~or~~ 5741.023, or 5741.024 78711  
of the Revised Code has been paid, if the sum of the taxes paid 78712  
pursuant to those sections is equal to or greater than the sum of 78713  
the taxes due under this section and sections 5741.022 ~~and~~, 78714  
5741.023, and 5741.024 of the Revised Code. If the sum of the 78715  
taxes paid is less than the sum of the taxes due under this 78716  
section and sections 5741.022 ~~and~~, 5741.023, and 5741.024 of the 78717  
Revised Code, the amount of tax paid shall be credited against the 78718  
amount of tax due. 78719

(E) As used in this section, "criminal and administrative 78720  
justice services" has the same meaning as in section 5739.021 of 78721  
the Revised Code. 78722

**Sec. 5741.022.** (A) For the purpose of providing additional 78723  
general revenues for the transit authority and paying the expenses 78724  
of administering such levy, any transit authority as defined in 78725

section 5741.01 of the Revised Code that levies a tax pursuant to 78726  
section 5739.023 of the Revised Code shall levy a tax at the same 78727  
rate levied pursuant to such section on the storage, use, or other 78728  
consumption in the territory of the transit authority of the 78729  
following: 78730

(1) Motor vehicles, and watercraft and outboard motors 78731  
required to be titled in the county pursuant to Chapter 1548. of 78732  
the Revised Code and acquired by a transaction subject to the tax 78733  
imposed by section 5739.02 of the Revised Code; 78734

(2) In addition to the tax imposed by section 5741.02 of the 78735  
Revised Code, tangible personal property and services subject to 78736  
the tax levied by this state as provided in section 5741.02 of the 78737  
Revised Code, and tangible personal property and services 78738  
purchased in another county within this state by a transaction 78739  
subject to the tax imposed by section 5739.02 of the Revised Code. 78740

The tax shall be in effect at the same time and at the same 78741  
rate and shall be levied pursuant to the resolution of the 78742  
legislative authority of the transit authority levying a sales tax 78743  
pursuant to section 5739.023 of the Revised Code. 78744

(B) The tax levied pursuant to this section on the storage, 78745  
use, or other consumption of tangible personal property and on the 78746  
benefit of a service realized shall be in addition to the tax 78747  
levied by section 5741.02 of the Revised Code and, except as 78748  
provided in division (D) of this section, any tax levied pursuant 78749  
to sections 5741.021 ~~and~~, 5741.023, and 5741.024 of the Revised 78750  
Code. 78751

(C) The additional tax levied by the authority shall be 78752  
collected pursuant to section 5739.025 of the Revised Code. 78753

(D) The tax levied pursuant to this section shall not be 78754  
applicable to any benefit of a service realized or to any storage, 78755  
use, or consumption of property not within the taxing power of a 78756

transit authority under the constitution of the United States or 78757  
the constitution of this state, or to property or services on 78758  
which a tax levied by a county, municipal corporation, township, 78759  
or transit authority pursuant to this section or section 5739.021, 78760  
5739.023, 5739.024, 5739.026, 5741.021, ~~or~~ 5741.023, or 5741.024 78761  
of the Revised Code has been paid, if the sum of the taxes paid 78762  
pursuant to those sections is equal to or greater than the sum of 78763  
the taxes due under this section and sections 5741.021 ~~and,~~ 78764  
5741.023, and 5741.024 of the Revised Code. If the sum of the 78765  
taxes paid is less than the sum of the taxes due under this 78766  
section and sections 5741.021 ~~and,~~ 5741.023, and 5741.024 of the 78767  
Revised Code, the amount of tax paid shall be credited against the 78768  
amount of tax due. 78769

(E) The rate of a tax levied under this section is subject to 78770  
reduction under section 5739.028 of the Revised Code if a ballot 78771  
question is approved by voters pursuant to that section. 78772

**Sec. 5741.023.** (A) For the same purposes for which it has 78773  
imposed a tax under section 5739.026 of the Revised Code, any 78774  
county that levies a tax pursuant to such section shall levy a tax 78775  
at the same rate levied pursuant to such section on the storage, 78776  
use, or other consumption in the county of the following: 78777

(1) Motor vehicles, and watercraft and outboard motors 78778  
required to be titled in the county pursuant to Chapter 1548. of 78779  
the Revised Code, acquired by a transaction subject to the tax 78780  
imposed by section 5739.02 of the Revised Code; 78781

(2) In addition to the tax imposed by section 5741.02 of the 78782  
Revised Code, tangible personal property and services subject to 78783  
the tax levied by this state as provided in section 5741.02 of the 78784  
Revised Code, and tangible personal property and services 78785  
purchased in another county within this state by a transaction 78786  
subject to the tax imposed by section 5739.02 of the Revised Code. 78787



The tax shall be levied pursuant to a resolution of the board of county commissioners, which shall be adopted in the same manner as provided in section 5739.026 of the Revised Code. Such resolution shall be adopted and shall become effective on the same day as the resolution adopted by the board of county commissioners levying a sales tax pursuant to such section and shall remain in effect until such sales tax is repealed or expires.

(B) The tax levied pursuant to this section shall be in addition to the tax levied by section 5741.02 of the Revised Code and, except as provided in division (D) of this section, any tax levied pursuant to sections 5741.021 ~~and~~, 5741.022, and 5741.024 of the Revised Code.

(C) The additional tax levied by the county shall be collected pursuant to section 5739.025 of the Revised Code.

(D) The tax levied pursuant to this section shall not be applicable to any benefit of a service realized or to any storage, use, or consumption of property not within the taxing power of a county under the constitution of the United States or the constitution of this state, or to property or services on which tax levied by a county, municipal corporation, township, or transit authority pursuant to this section or section 5739.021, 5739.023, 5739.024, 5739.026, 5741.021, ~~or~~ 5741.022, or 5741.024 of the Revised Code has been paid, if the sum of the taxes paid pursuant to those sections is equal to or greater than the sum of the taxes due under this section and sections 5741.021 ~~and~~, 5741.022, and 5741.024 of the Revised Code. If the sum of the taxes paid is less than the sum of the taxes due under this section and sections 5741.021 ~~and~~, 5741.022, and 5741.024 of the Revised Code, the amount of tax paid shall be credited against the amount of tax due.

**Sec. 5741.024.** (A) For the purpose of fostering and

developing tourism within a tourism development district and 78819  
paying the expenses of administering the levy, any legislative 78820  
authority of a municipal corporation or township that levies a tax 78821  
pursuant to section 5739.024 of the Revised Code in the territory 78822  
of a tourism development district shall levy a tax at the same 78823  
rate levied under that section on the storage, use, or other 78824  
consumption in the territory of that district of tangible personal 78825  
property and services subject to the tax levied by this state as 78826  
provided in section 5741.02 of the Revised Code, except sales of 78827  
watercraft and outboard motors required to be titled pursuant to 78828  
Chapter 1548. of the Revised Code and sales of motor vehicles, and 78829  
tangible personal property and services purchased in another 78830  
county within this state by a transaction subject to the tax 78831  
imposed by section 5739.02 of the Revised Code, except sales of 78832  
watercraft and outboard motors required to be titled pursuant to 78833  
Chapter 1548. of the Revised Code and sales of motor vehicles. 78834

The tax shall be in effect at the same time and at the same 78835  
rate and shall be levied pursuant to the resolution or ordinance 78836  
of the legislative authority levying a sales tax pursuant to 78837  
section 5739.024 of the Revised Code. 78838

(B) The tax levied pursuant to this section on the storage, 78839  
use, or other consumption of tangible personal property and on the 78840  
benefit of a service realized shall be in addition to the tax 78841  
levied by section 5741.02 of the Revised Code and, except as 78842  
provided in division (D) of this section, any tax levied pursuant 78843  
to sections 5741.021, 5741.022, and 5741.023 of the Revised Code. 78844

(C) A tax levied pursuant to this section shall be collected 78845  
pursuant to section 5739.025 of the Revised Code. 78846

(D) The tax levied pursuant to this section shall not be 78847  
applicable to property or services on which a tax levied pursuant 78848  
to this section or section 5739.021, 5739.023, 5739.024, 5739.026, 78849

5741.021, 5741.022, or 5741.023 of the Revised Code has been paid, 78850  
if the sum of the taxes paid pursuant to those sections is equal 78851  
to or greater than the sum of the taxes due under this section and 78852  
sections 5741.021, 5741.022, and 5741.023 of the Revised Code. If 78853  
the sum of the taxes paid is less than the sum of the taxes due 78854  
under this section and sections 5741.021, 5741.022, and 5741.023 78855  
of the Revised Code, the amount of tax paid shall be credited 78856  
against the amount of tax due. 78857

**Sec. 5741.03.** (A) One hundred per cent of all money deposited 78858  
into the state treasury under sections 5741.01 to 5741.22 of the 78859  
Revised Code that is not required to be distributed as provided in 78860  
division (B) of this section shall be credited to the general 78861  
revenue fund. 78862

(B) In any case where any county, municipal corporation, 78863  
township, or transit authority has levied a tax or taxes pursuant 78864  
to section 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the 78865  
Revised Code, the tax commissioner shall, within forty-five days 78866  
after the end of each month, determine and certify to the director 78867  
of budget and management the amount of the proceeds of such tax or 78868  
taxes from billings and assessments received during that month, or 78869  
shown on tax returns or reports filed during that month, to be 78870  
returned to the county, municipal corporation, township, or 78871  
transit authority levying the tax or taxes, which amounts shall be 78872  
determined in the manner provided in section 5739.21 of the 78873  
Revised Code. The director of budget and management shall 78874  
transfer, from the general revenue fund, to the permissive tax 78875  
distribution fund created by division (B)(1) of section 4301.423 78876  
of the Revised Code and to the local sales tax administrative fund 78877  
created by division (C) of section 5739.21 of the Revised Code, 78878  
the amounts certified by the tax commissioner. The tax 78879  
commissioner shall then, on or before the twentieth day of the 78880  
month in which such certification is made, provide for payment of 78881

such respective amounts to the county treasurer or to the fiscal 78882  
officer of the municipal corporation, township, or transit 78883  
authority levying the tax or taxes. The amount transferred to the 78884  
local sales tax administrative fund is for use by the tax 78885  
commissioner in defraying costs the commissioner incurs in 78886  
administering such taxes levied by a county, municipal 78887  
corporation, township, or transit authority. 78888

(C)(1) Not later than the first day of January and of July 78889  
each calendar year beginning July 1, 2015, the tax commissioner 78890  
and the director of budget and management shall jointly determine 78891  
the amount of tax imposed by section 5741.02 of the Revised Code 78892  
and remitted under this chapter by remote sellers during the 78893  
six-month period ending on the preceding last day of November and 78894  
of May, respectively, reduced by any such tax remitted by sellers 78895  
pursuant to an agreement entered into under section 5740.03 of the 78896  
Revised Code during the six-month period and by any refunds issued 78897  
during the six-month period to remote sellers from the tax refund 78898  
fund on account of that tax. 78899

(2) Not later than that first day of January and of July of 78900  
the calendar year beginning July 1, 2015, the director of budget 78901  
and management shall transfer from the general revenue fund to the 78902  
income tax reduction fund the amount determined under division 78903  
(C)(1) of this section, less one-half of the amount of that tax 78904  
remitted during fiscal year 2013 by remote sellers that 78905  
voluntarily registered under section 5741.17 of the Revised Code. 78906  
Amounts transferred to the income tax reduction fund under this 78907  
section shall be included in the determination of the percentage 78908  
under division (B)(2) of section 131.44 of the Revised Code 78909  
required to be made by the thirty-first day of July of the 78910  
calendar year in which the commissioner makes the certifications 78911  
under this division. 78912

**Sec. 5741.031.** (A) The funds received by a county levying an 78913  
additional use tax pursuant to section 5741.021 of the Revised 78914  
Code shall be deposited in the county general fund to be expended 78915  
for any purpose for which general fund moneys of the county may be 78916  
used, including the acquisition or construction of permanent 78917  
improvements or to make payments in accordance with section 333.06 78918  
or 333.07 of the Revised Code, or in the bond retirement fund for 78919  
the payment of debt service charges on notes or bonds of the 78920  
county issued for the acquisition or construction of permanent 78921  
improvements. The amounts to be deposited in each of such funds 78922  
shall be determined by the board of county commissioners. 78923

(B) The moneys received by a county levying an additional use 78924  
tax pursuant to section 5741.023 of the Revised Code shall be 78925  
deposited in a separate fund, which shall be allocated, 78926  
distributed, and used in accordance with the resolution adopted 78927  
under section 5739.026 of the Revised Code. Moneys allocated for 78928  
the purpose of division (A)(4) of section 5739.026 of the Revised 78929  
Code shall be transferred to and disbursed from the community 78930  
improvements fund in the county treasury. Notwithstanding section 78931  
135.351 of the Revised Code, if an allocation of moneys to a 78932  
convention facilities authority or a transit authority is required 78933  
pursuant to division (C) of section 5739.026 of the Revised Code, 78934  
the county shall pay and distribute each authority's share of any 78935  
such moneys to its fiscal officer within five business days of the 78936  
date of their receipt by the county. If the moneys allocated under 78937  
such division are not so paid, the county shall pay to such 78938  
authority any interest that the county has received or will 78939  
receive on such moneys that accrues from the date the county 78940  
received the moneys, together with the principal amount of such 78941  
moneys. 78942

(C) The funds received by a transit authority levying an 78943  
additional use tax pursuant to section 5741.022 of the Revised 78944

Code shall be deposited in such fund or funds of the transit authority as determined by the legislative authority of the transit authority to be expended for any purpose for which a county transit board or the board of county commissioners operating a county transit system, in the case of a county, or the board of trustees of a regional transit authority, in the case of a regional transit authority, may expend moneys under their control, including the purchase, acquisition, construction, replacement, improvement, extension, or enlargement of permanent improvements or in the bond retirement fund for the payment of debt service charges on notes or bonds of the transit authority.

(D) Money received by a municipal corporation or township levying an additional use tax pursuant to section 5741.024 of the Revised Code shall be deposited in a special fund in the subdivision's treasury created by the legislative authority of the subdivision. The municipal corporation or township may use such revenue solely for the purpose of fostering and developing tourism in the tourism development district in which the tax is levied.

**Sec. 5741.04.** Every seller required to register with the tax commissioner pursuant to section 5741.17 of the Revised Code who is engaged in the business of selling tangible personal property in this state for storage, use, or other consumption in this state, to which section 5741.02 of the Revised Code applies, or which is subject to a tax levied pursuant to section 5741.021, 5741.022, ~~or 5741.023,~~ or 5741.024 of the Revised Code, shall, and any other seller who is authorized by rule of the tax commissioner to do so may, collect from the consumer the full and exact amount of the tax payable on each such storage, use, or consumption, in the manner and at the times provided as follows:

(A) If the price is, at or prior to the delivery of possession of the thing sold to the consumer, paid in currency

passed from hand to hand by the consumer or the consumer's agent, 78976  
to the seller or the seller's agent, the seller or the seller's 78977  
agent shall collect the tax with and at the same time as the 78978  
price. 78979

(B) If the price is otherwise paid or to be paid, the seller 78980  
or the seller's agent shall, at or prior to the delivery of 78981  
possession of the thing sold to the consumer, charge the tax 78982  
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, ~~or~~ 78983  
5741.023, or 5741.024 of the Revised Code to the account of the 78984  
consumer, which amount shall be collected by the seller from the 78985  
consumer in addition to the price. Such transaction shall be 78986  
reported on the return for the period in which the transaction 78987  
occurred, and the amount of tax applicable to the transaction 78988  
shall be remitted with the return or, if the consumer is subject 78989  
to section 5741.121 of the Revised Code, in the manner prescribed 78990  
by that section. The amount of the tax shall become a legal charge 78991  
in favor of the seller and against the consumer. 78992

(C) It shall be the obligation of each consumer, as required 78993  
by section 5741.12 of the Revised Code, to report and pay the 78994  
taxes levied by sections 5741.021, 5741.022, ~~and~~ 5741.023, and 78995  
5741.024 of the Revised Code, if applicable, on any storage, use, 78996  
or other consumption of tangible personal property purchased in 78997  
this state from a vendor required to be licensed pursuant to 78998  
section 5739.17 of the Revised Code. 78999

**Sec. 5741.05.** (A) A seller that collects the tax levied by 79000  
sections 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of 79001  
the Revised Code on transactions, other than sales of titled motor 79002  
vehicles, titled watercraft, or titled outboard motors, shall 79003  
determine under section 5739.033 or 5739.034 of the Revised Code 79004  
the jurisdiction for which to collect the tax. A vendor or seller 79005  
of motor vehicles, watercraft, or outboard motors required to be 79006

titled in this state shall collect the tax levied by section 79007  
5739.02 or 5741.02 of the Revised Code and the additional taxes 79008  
levied by division (A)(1) of section 5741.021, division (A)(1) of 79009  
section 5741.022, ~~and~~ division (A)(1) of section 5741.023, and 79010  
division (A)(1) of section 5741.024 of the Revised Code for the 79011  
consumer's county of residence as provided in section 1548.06 and 79012  
division (B) of section 4505.06 of the Revised Code. 79013

(B) A vendor or seller is not responsible for collecting or 79014  
remitting additional tax if a consumer subsequently stores, uses, 79015  
or consumes the tangible personal property or service in another 79016  
jurisdiction with a rate of tax imposed by sections 5741.02, 79017  
5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code 79018  
that is higher than the amount collected by the vendor or seller 79019  
pursuant to Chapter 5739. or 5741. of the Revised Code. 79020

**Sec. 5741.06.** The tax commissioner shall enforce and 79021  
administer sections 5741.01 to 5741.22 of the Revised Code, which 79022  
are hereby declared to be laws which ~~he~~ the commissioner is 79023  
required to administer within the meaning of sections 5703.17 to 79024  
5703.39 and 5703.45 of the Revised Code. The commissioner may 79025  
adopt and promulgate such rules as ~~he~~ the commissioner deems 79026  
necessary to administer sections 5741.01 to 5741.22 of the Revised 79027  
Code, and may authorize a seller to prepay the tax levied by or 79028  
pursuant to section 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 79029  
5741.024 of the Revised Code upon storage, use, or consumption of 79030  
things produced or distributed by such seller, and ~~he~~ the 79031  
commissioner may waive the collection of the tax from the 79032  
consumer; but no such authority shall be granted or exercised, 79033  
except upon application to the commissioner and unless ~~he~~ the 79034  
commissioner finds, that the conditions of the applicant's 79035  
business are such as to render impracticable the collection of the 79036  
tax by the seller in the manner otherwise provided by such 79037  
sections; nor shall the authority so granted be exercised, nor the 79038



seller actually selling such products be exempted from sections 79039  
5741.01 to 5741.22 of the Revised Code, by virtue of such an 79040  
authorization, unless the person to whom such authority is granted 79041  
prints plainly upon the product sold, or offered for sale, a 79042  
statement to the effect that the tax has been paid in advance, or 79043  
otherwise conveys said information to the consumer by written 79044  
notice. The commissioner may require security to ~~his~~ the 79045  
commissioner's satisfaction to be filed with ~~him~~ the commissioner, 79046  
in such amount as ~~he~~ the commissioner determines to be sufficient 79047  
to secure the prepayment under the provisions of this section of 79048  
the taxes levied by or pursuant to section 5741.02, 5741.021, 79049  
5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code in the 79050  
manner desired. 79051

**Sec. 5741.08.** If modification of a county's jurisdictional 79052  
boundaries ~~or~~, a transit authority's territory, or a tourism 79053  
development district's territory results in a change in the tax 79054  
rate levied under section 5741.021, 5741.022, ~~or~~ 5741.023, or 79055  
5741.024 of the Revised Code, the tax commissioner, within thirty 79056  
days of such change, shall notify any seller or the seller's 79057  
certified service provider, if the seller has selected one, of 79058  
such change. The rate change shall not apply until the first day 79059  
of a calendar quarter following the expiration of sixty days from 79060  
the date of notice by the commissioner. 79061

**Sec. 5741.11.** If any seller who is required or authorized to 79062  
collect the tax imposed by or pursuant to section 5741.02, 79063  
5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code 79064  
fails to do so, ~~he~~ the seller shall be liable personally for such 79065  
amount as ~~he~~ the seller failed to collect. If any seller collects 79066  
the tax imposed by or pursuant to any such section and fails to 79067  
remit the same to the state as prescribed, ~~he~~ the seller shall be 79068  
personally liable for any amount collected which ~~he~~ the seller 79069

failed to remit. The tax commissioner may make an assessment 79070  
against such seller, based upon any information within ~~his~~ the 79071  
commissioner's possession. The commissioner shall give to the 79072  
seller written notice of such assessment. Such notice may be 79073  
served upon the seller personally or by certified mail. 79074

**Sec. 5741.12.** (A) Each seller required by section 5741.17 of 79075  
the Revised Code to register with the tax commissioner, and any 79076  
seller authorized by the commissioner to collect the tax imposed 79077  
by or pursuant to section 5741.02, 5741.021, 5741.022, ~~or~~ 79078  
5741.023, or 5741.024 of the Revised Code is subject to the same 79079  
requirements and entitled to the same deductions and discount for 79080  
prompt payments as are vendors under section 5739.12 of the 79081  
Revised Code, and the same monetary allowances as are vendors 79082  
under section 5739.06 of the Revised Code. The powers and duties 79083  
of the commissioner with respect to returns and tax remittances 79084  
under this section shall be identical with those prescribed in 79085  
section 5739.12 of the Revised Code. 79086

(B) Every person storing, using, or consuming tangible 79087  
personal property or receiving the benefit of a service, the 79088  
storage, use, consumption, or receipt of which is subject to the 79089  
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 79090  
~~or~~ 5741.023, or 5741.024 of the Revised Code, when such tax was 79091  
not paid to a seller, shall, on or before the twenty-third day of 79092  
each month, file with the tax commissioner a return for the 79093  
preceding month in such form as is prescribed by the commissioner, 79094  
showing such information as the commissioner deems necessary, and 79095  
shall pay the tax shown on the return to be due. Remittance shall 79096  
be made payable to the treasurer of state. The commissioner may 79097  
require consumers to file returns and pay the tax at other than 79098  
monthly intervals, if the commissioner determines that such filing 79099  
is necessary for the efficient administration of the tax. If the 79100  
commissioner determines that a consumer's tax liability is not 79101

such as to merit monthly filing, the commissioner may authorize 79102  
the consumer to file returns and pay tax at less frequent 79103  
intervals. 79104

Any consumer required to file a return and pay the tax under 79105  
this section whose payment for any year equals or exceeds the 79106  
amount shown in division (A) of section 5741.121 of the Revised 79107  
Code is subject to the accelerated tax payment requirements in 79108  
divisions (B) and (C) of that section. 79109

(C) Every person storing, using, or consuming a motor 79110  
vehicle, watercraft, or outboard motor, the ownership of which 79111  
must be evidenced by certificate of title, shall file the return 79112  
required by this section and pay the tax due at or prior to the 79113  
time of filing an application for certificate of title. 79114

**Sec. 5741.15.** Every seller having nexus with this state and 79115  
every person receiving the benefit of services in this state or 79116  
storing, using, or otherwise consuming in this state tangible 79117  
personal property subject to the tax imposed by or pursuant to 79118  
section 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of 79119  
the Revised Code shall keep such records, receipts, invoices, 79120  
bills of lading, asset ledgers, depreciation schedules, transfer 79121  
journals, and such primary and secondary records and documents in 79122  
such form as the tax commissioner requires. Such records and other 79123  
documents shall be open during business hours to the inspection of 79124  
the commissioner, and shall be preserved for a period of four 79125  
years, unless the commissioner consents, in writing, to their 79126  
destruction within such period, or by order requires that they be 79127  
kept longer. Persons refusing to provide such records and 79128  
documents for inspection by the tax commissioner are subject to 79129  
the penalty imposed under section 5703.19 of the Revised Code. 79130

**Sec. 5741.16.** (A) Except as provided in division (B) or (C) 79131

of this section, no assessment shall be made or issued against a seller or consumer for any tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, ~~or 5741.023~~, or 5741.024 of the Revised Code more than four years after the return date for the period in which the sale or purchase was made, or more than four years after the return for such period was filed, whichever date is later.

(B) A consumer who provides a fully completed exemption certificate pursuant to division (B) of section 5739.03 or division (E) of section 5741.02 of the Revised Code may be assessed any tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, ~~or 5741.023~~, or 5741.024 of the Revised Code that results from denial of the claimed exemption within the later of a period allowed by division (A) of this section or one year after the date the certificate was provided.

(C) This section does not bar an assessment:

(1) When the tax commissioner has substantial evidence of amounts of taxes collected by a seller from consumers on purchases, which were not returned to the state by direct remittance;

(2) When the person assessed failed to file a return as required by section 5741.12 of the Revised Code;

(3) When the seller or consumer and the commissioner waive in writing the time limitation.

**Sec. 5741.19.** No consumer shall refuse to pay the full and exact tax required by section 5741.02, 5741.021, 5741.022, ~~or 5741.023~~, or 5741.024 of the Revised Code, or refuse to comply with sections 5741.01 to 5741.22 of the Revised Code, and the rules of the tax commissioner, or present to the seller a false certificate indicating that the storage, use, or consumption of

the thing transferred is not subject to the tax. 79162

**Sec. 5741.21.** No seller shall fail to collect the full and 79163  
exact tax as required by section 5741.02, 5741.021, 5741.022, ~~or~~ 79164  
5741.023, or 5741.024 of the Revised Code, or fail to comply with 79165  
sections 5741.01 to 5741.22 of the Revised Code, and the rules of 79166  
the tax commissioner or except as expressly authorized by such 79167  
sections, refund, remit, or rebate to a consumer, directly or 79168  
indirectly by whatsoever means, any of the tax, or make in any 79169  
form of advertising, verbal or otherwise, any statements which 79170  
might imply that ~~he~~ the seller is absorbing the tax, or paying the 79171  
tax for the consumer by an adjustment of prices, or selling at a 79172  
price including the tax, or rebating the tax in any other manner. 79173

**Sec. 5741.23.** The levy of any excise, income, or property tax 79174  
by the state or by any political subdivision thereof shall not be 79175  
construed as preempting the power of a county, municipal 79176  
corporation, township, or transit authority to levy an additional 79177  
use tax pursuant to section 5741.021, 5741.022, ~~or~~ 5741.023, or 79178  
5741.024 of the Revised Code. No tax levied by a board of county 79179  
commissioners pursuant to section 5741.022 of the Revised Code 79180  
shall become effective at any time while a tax levied by the board 79181  
of trustees of a regional transit authority pursuant to such 79182  
section is in effect in any part of such county. 79183

**Sec. 5743.021.** (A) As used in this section, "qualifying 79184  
regional arts and cultural district" means a regional arts and 79185  
cultural district created under section 3381.04 of the Revised 79186  
Code in a county having a population of one million two hundred 79187  
thousand or more according to the 2000 federal decennial census or 79188  
any regional arts and cultural district created under section 79189  
3381.041 of the Revised Code. 79190

(B) For one or more of the purposes for which a tax may be 79191

levied under section 3381.16 of the Revised Code and for the 79192  
purposes of paying the expenses of administering the tax and the 79193  
expenses charged by a board of elections to hold an election on a 79194  
question submitted under this section, the board of county 79195  
commissioners of a county that has within its territorial 79196  
boundaries a qualifying regional arts and cultural district may 79197  
levy a tax on the sale of cigarettes sold for resale at retail in 79198  
the county composing the district. The rate of the tax, when added 79199  
to the rate of any other tax concurrently levied by the board 79200  
under this section, shall not exceed fifteen mills per cigarette, 79201  
and shall be computed on each cigarette sold. Only one sale of the 79202  
same article shall be used in computing the amount of tax due. The 79203  
tax may be levied for any number of years not exceeding ten years. 79204

The tax shall be levied pursuant to a resolution of the board 79205  
of county commissioners approved by a majority of the electors in 79206  
the county voting on the question of levying the tax. The 79207  
resolution shall specify the rate of the tax, the number of years 79208  
the tax will be levied, and the purposes for which the tax is 79209  
levied. The election may be held on the date of a general, 79210  
primary, or special election held not sooner than ninety days 79211  
after the date the board certifies its resolution to the board of 79212  
elections. If approved by the electors, the tax shall take effect 79213  
on the first day of the month specified in the resolution but not 79214  
sooner than the first day of the month that is at least sixty days 79215  
after the certification of the election results by the board of 79216  
elections. A copy of the resolution levying the tax shall be 79217  
certified to the tax commissioner at least sixty days prior to the 79218  
date on which the tax is to become effective. 79219

(C) ~~The~~ Except as provided in division (E) of this section, 79220  
the form of the ballot in an election held under this section 79221  
shall be as follows, or in any other form acceptable to the 79222  
secretary of state: 79223

"For the purpose of ..... (insert the purpose or purposes of the tax), shall an excise tax be levied throughout ..... County for the benefit of the ..... (name of the qualifying regional arts and cultural district) on the sale of cigarettes at wholesale at the rate of .... mills per cigarette for ..... years?

	For the tax
	Against the tax

"

(D) All money arising from taxes levied on behalf of each district under this section and section 5743.321 of the Revised Code shall be credited as follows:

(1) To the tax refund fund created by section 5703.052 of the Revised Code, amounts equal to the refunds from each tax levied under this section certified by the tax commissioner pursuant to section 5743.05 of the Revised Code;

(2) Following the crediting of amounts pursuant to division (D)(1) of this section:

(a) To the permissive tax distribution fund created under section 4301.423 of the Revised Code, an amount equal to ninety-eight per cent of the remainder collected;

(b) To the local excise tax administrative fund, which is hereby created in the state treasury, an amount equal to two per cent of such remainder, for use by the tax commissioner in defraying costs incurred in administering the tax.

On or before the tenth day of each month, the tax commissioner shall distribute the amount credited to the permissive tax distribution fund during the preceding month by providing for payment of the appropriate amount to the county treasurer of the county in which the tax is levied.

(E) A resolution adopted under this section by a board of county commissioners that created a regional arts and cultural district under section 3381.041 of the Revised Code may be joined on the ballot as a single question with a resolution adopted under section 3381.041 or 4301.425 of the Revised Code to levy a tax for the same purposes. The form of the ballot in an election held pursuant to this section shall be as prescribed by section 3381.041 of the Revised Code.

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**Sec. 5747.01.** Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes or if not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

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As used in this chapter:

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(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section:

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(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities.

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(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.

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(3) Deduct interest or dividends on obligations of the United

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States and its territories and possessions or of any authority, 79284  
commission, or instrumentality of the United States to the extent 79285  
that the interest or dividends are included in federal adjusted 79286  
gross income but exempt from state income taxes under the laws of 79287  
the United States. 79288

(4) Deduct disability and survivor's benefits to the extent 79289  
included in federal adjusted gross income. 79290

(5) ~~Deduct~~ If the taxpayer's federal adjusted gross income is 79291  
not greater than one hundred thousand dollars, deduct benefits 79292  
under Title II of the Social Security Act and tier 1 railroad 79293  
retirement benefits to the extent included in federal adjusted 79294  
gross income under section 86 of the Internal Revenue Code. 79295

(6) In the case of a taxpayer who is a beneficiary of a trust 79296  
that makes an accumulation distribution as defined in section 665 79297  
of the Internal Revenue Code, add, for the beneficiary's taxable 79298  
years beginning before 2002, the portion, if any, of such 79299  
distribution that does not exceed the undistributed net income of 79300  
the trust for the three taxable years preceding the taxable year 79301  
in which the distribution is made to the extent that the portion 79302  
was not included in the trust's taxable income for any of the 79303  
trust's taxable years beginning in 2002 or thereafter. 79304  
"Undistributed net income of a trust" means the taxable income of 79305  
the trust increased by (a)(i) the additions to adjusted gross 79306  
income required under division (A) of this section and (ii) the 79307  
personal exemptions allowed to the trust pursuant to section 79308  
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 79309  
deductions to adjusted gross income required under division (A) of 79310  
this section, (ii) the amount of federal income taxes attributable 79311  
to such income, and (iii) the amount of taxable income that has 79312  
been included in the adjusted gross income of a beneficiary by 79313  
reason of a prior accumulation distribution. Any undistributed net 79314  
income included in the adjusted gross income of a beneficiary 79315

shall reduce the undistributed net income of the trust commencing 79316  
with the earliest years of the accumulation period. 79317

(7) Deduct the amount of wages and salaries, if any, not 79318  
otherwise allowable as a deduction but that would have been 79319  
allowable as a deduction in computing federal adjusted gross 79320  
income for the taxable year, had the targeted jobs credit allowed 79321  
and determined under sections 38, 51, and 52 of the Internal 79322  
Revenue Code not been in effect. 79323

(8) Deduct any interest or interest equivalent on public 79324  
obligations and purchase obligations to the extent that the 79325  
interest or interest equivalent is included in federal adjusted 79326  
gross income. 79327

(9) Add any loss or deduct any gain resulting from the sale, 79328  
exchange, or other disposition of public obligations to the extent 79329  
that the loss has been deducted or the gain has been included in 79330  
computing federal adjusted gross income. 79331

(10) Deduct or add amounts, as provided under section 5747.70 79332  
of the Revised Code, related to contributions to variable college 79333  
savings program accounts made or tuition units purchased pursuant 79334  
to Chapter 3334. of the Revised Code. 79335

(11)(a) Deduct, to the extent not otherwise allowable as a 79336  
deduction or exclusion in computing federal or Ohio adjusted gross 79337  
income for the taxable year, the amount the taxpayer paid during 79338  
the taxable year for medical care insurance and qualified 79339  
long-term care insurance for the taxpayer, the taxpayer's spouse, 79340  
and dependents. No deduction for medical care insurance under 79341  
division (A)(11) of this section shall be allowed either to any 79342  
taxpayer who is eligible to participate in any subsidized health 79343  
plan maintained by any employer of the taxpayer or of the 79344  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 79345  
application would be entitled to, benefits under part A of Title 79346

XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 79347  
301, as amended. For the purposes of division (A)(11)(a) of this 79348  
section, "subsidized health plan" means a health plan for which 79349  
the employer pays any portion of the plan's cost. The deduction 79350  
allowed under division (A)(11)(a) of this section shall be the net 79351  
of any related premium refunds, related premium reimbursements, or 79352  
related insurance premium dividends received during the taxable 79353  
year. 79354

(b) Deduct, to the extent not otherwise deducted or excluded 79355  
in computing federal or Ohio adjusted gross income during the 79356  
taxable year, the amount the taxpayer paid during the taxable 79357  
year, not compensated for by any insurance or otherwise, for 79358  
medical care of the taxpayer, the taxpayer's spouse, and 79359  
dependents, to the extent the expenses exceed seven and one-half 79360  
per cent of the taxpayer's federal adjusted gross income. 79361

(c) Deduct, to the extent not otherwise deducted or excluded 79362  
in computing federal or Ohio adjusted gross income, any amount 79363  
included in federal adjusted gross income under section 105 or not 79364  
excluded under section 106 of the Internal Revenue Code solely 79365  
because it relates to an accident and health plan for a person who 79366  
otherwise would be a "qualifying relative" and thus a "dependent" 79367  
under section 152 of the Internal Revenue Code but for the fact 79368  
that the person fails to meet the income and support limitations 79369  
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 79370

(d) For purposes of division (A)(11) of this section, 79371  
"medical care" has the meaning given in section 213 of the 79372  
Internal Revenue Code, subject to the special rules, limitations, 79373  
and exclusions set forth therein, and "qualified long-term care" 79374  
has the same meaning given in section 7702B(c) of the Internal 79375  
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 79376  
of this section, "dependent" includes a person who otherwise would 79377  
be a "qualifying relative" and thus a "dependent" under section 79378

152 of the Internal Revenue Code but for the fact that the person 79379  
fails to meet the income and support limitations under section 79380  
152(d)(1)(B) and (C) of the Internal Revenue Code. 79381

(12)(a) Deduct any amount included in federal adjusted gross 79382  
income solely because the amount represents a reimbursement or 79383  
refund of expenses that in any year the taxpayer had deducted as 79384  
an itemized deduction pursuant to section 63 of the Internal 79385  
Revenue Code and applicable United States department of the 79386  
treasury regulations. The deduction otherwise allowed under 79387  
division (A)(12)(a) of this section shall be reduced to the extent 79388  
the reimbursement is attributable to an amount the taxpayer 79389  
deducted under this section in any taxable year. 79390

(b) Add any amount not otherwise included in Ohio adjusted 79391  
gross income for any taxable year to the extent that the amount is 79392  
attributable to the recovery during the taxable year of any amount 79393  
deducted or excluded in computing federal or Ohio adjusted gross 79394  
income in any taxable year. 79395

(13) Deduct any portion of the deduction described in section 79396  
1341(a)(2) of the Internal Revenue Code, for repaying previously 79397  
reported income received under a claim of right, that meets both 79398  
of the following requirements: 79399

(a) It is allowable for repayment of an item that was 79400  
included in the taxpayer's adjusted gross income for a prior 79401  
taxable year and did not qualify for a credit under division (A) 79402  
or (B) of section 5747.05 of the Revised Code for that year; 79403

(b) It does not otherwise reduce the taxpayer's adjusted 79404  
gross income for the current or any other taxable year. 79405

(14) Deduct an amount equal to the deposits made to, and net 79406  
investment earnings of, a medical savings account during the 79407  
taxable year, in accordance with section 3924.66 of the Revised 79408  
Code. The deduction allowed by division (A)(14) of this section 79409

does not apply to medical savings account deposits and earnings 79410  
otherwise deducted or excluded for the current or any other 79411  
taxable year from the taxpayer's federal adjusted gross income. 79412

(15)(a) Add an amount equal to the funds withdrawn from a 79413  
medical savings account during the taxable year, and the net 79414  
investment earnings on those funds, when the funds withdrawn were 79415  
used for any purpose other than to reimburse an account holder 79416  
for, or to pay, eligible medical expenses, in accordance with 79417  
section 3924.66 of the Revised Code; 79418

(b) Add the amounts distributed from a medical savings 79419  
account under division (A)(2) of section 3924.68 of the Revised 79420  
Code during the taxable year. 79421

(16) Add any amount claimed as a credit under section 79422  
5747.059 or 5747.65 of the Revised Code to the extent that such 79423  
amount satisfies either of the following: 79424

(a) The amount was deducted or excluded from the computation 79425  
of the taxpayer's federal adjusted gross income as required to be 79426  
reported for the taxpayer's taxable year under the Internal 79427  
Revenue Code; 79428

(b) The amount resulted in a reduction of the taxpayer's 79429  
federal adjusted gross income as required to be reported for any 79430  
of the taxpayer's taxable years under the Internal Revenue Code. 79431

(17) Deduct the amount contributed by the taxpayer to an 79432  
individual development account program established by a county 79433  
department of job and family services pursuant to sections 329.11 79434  
to 329.14 of the Revised Code for the purpose of matching funds 79435  
deposited by program participants. On request of the tax 79436  
commissioner, the taxpayer shall provide any information that, in 79437  
the tax commissioner's opinion, is necessary to establish the 79438  
amount deducted under division (A)(17) of this section. 79439

(18) Beginning in taxable year 2001 but not for any taxable 79440

year beginning after December 31, 2005, if the taxpayer is married 79441  
and files a joint return and the combined federal adjusted gross 79442  
income of the taxpayer and the taxpayer's spouse for the taxable 79443  
year does not exceed one hundred thousand dollars, or if the 79444  
taxpayer is single and has a federal adjusted gross income for the 79445  
taxable year not exceeding fifty thousand dollars, deduct amounts 79446  
paid during the taxable year for qualified tuition and fees paid 79447  
to an eligible institution for the taxpayer, the taxpayer's 79448  
spouse, or any dependent of the taxpayer, who is a resident of 79449  
this state and is enrolled in or attending a program that 79450  
culminates in a degree or diploma at an eligible institution. The 79451  
deduction may be claimed only to the extent that qualified tuition 79452  
and fees are not otherwise deducted or excluded for any taxable 79453  
year from federal or Ohio adjusted gross income. The deduction may 79454  
not be claimed for educational expenses for which the taxpayer 79455  
claims a credit under section 5747.27 of the Revised Code. 79456

(19) Add any reimbursement received during the taxable year 79457  
of any amount the taxpayer deducted under division (A)(18) of this 79458  
section in any previous taxable year to the extent the amount is 79459  
not otherwise included in Ohio adjusted gross income. 79460

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 79461  
(v) of this section, add five-sixths of the amount of depreciation 79462  
expense allowed by subsection (k) of section 168 of the Internal 79463  
Revenue Code, including the taxpayer's proportionate or 79464  
distributive share of the amount of depreciation expense allowed 79465  
by that subsection to a pass-through entity in which the taxpayer 79466  
has a direct or indirect ownership interest. 79467

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 79468  
this section, add five-sixths of the amount of qualifying section 79469  
179 depreciation expense, including the taxpayer's proportionate 79470  
or distributive share of the amount of qualifying section 179 79471  
depreciation expense allowed to any pass-through entity in which 79472

the taxpayer has a direct or indirect ownership interest. 79473

(iii) Subject to division (A)(20)(a)(v) of this section, for 79474  
taxable years beginning in 2012 or thereafter, if the increase in 79475  
income taxes withheld by the taxpayer is equal to or greater than 79476  
ten per cent of income taxes withheld by the taxpayer during the 79477  
taxpayer's immediately preceding taxable year, "two-thirds" shall 79478  
be substituted for "five-sixths" for the purpose of divisions 79479  
(A)(20)(a)(i) and (ii) of this section. 79480

(iv) Subject to division (A)(20)(a)(v) of this section, for 79481  
taxable years beginning in 2012 or thereafter, a taxpayer is not 79482  
required to add an amount under division (A)(20) of this section 79483  
if the increase in income taxes withheld by the taxpayer and by 79484  
any pass-through entity in which the taxpayer has a direct or 79485  
indirect ownership interest is equal to or greater than the sum of 79486  
(I) the amount of qualifying section 179 depreciation expense and 79487  
(II) the amount of depreciation expense allowed to the taxpayer by 79488  
subsection (k) of section 168 of the Internal Revenue Code, and 79489  
including the taxpayer's proportionate or distributive shares of 79490  
such amounts allowed to any such pass-through entities. 79491

(v) If a taxpayer directly or indirectly incurs a net 79492  
operating loss for the taxable year for federal income tax 79493  
purposes, to the extent such loss resulted from depreciation 79494  
expense allowed by subsection (k) of section 168 of the Internal 79495  
Revenue Code and by qualifying section 179 depreciation expense, 79496  
"the entire" shall be substituted for "five-sixths of the" for the 79497  
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 79498

The tax commissioner, under procedures established by the 79499  
commissioner, may waive the add-backs related to a pass-through 79500  
entity if the taxpayer owns, directly or indirectly, less than 79501  
five per cent of the pass-through entity. 79502

(b) Nothing in division (A)(20) of this section shall be 79503

construed to adjust or modify the adjusted basis of any asset. 79504

(c) To the extent the add-back required under division 79505  
(A)(20)(a) of this section is attributable to property generating 79506  
nonbusiness income or loss allocated under section 5747.20 of the 79507  
Revised Code, the add-back shall be situated to the same location 79508  
as the nonbusiness income or loss generated by the property for 79509  
the purpose of determining the credit under division (A) of 79510  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 79511  
be apportioned, subject to one or more of the four alternative 79512  
methods of apportionment enumerated in section 5747.21 of the 79513  
Revised Code. 79514

(d) For the purposes of division (A)(20)(a)(v) of this 79515  
section, net operating loss carryback and carryforward shall not 79516  
include the allowance of any net operating loss deduction 79517  
carryback or carryforward to the taxable year to the extent such 79518  
loss resulted from depreciation allowed by section 168(k) of the 79519  
Internal Revenue Code and by the qualifying section 179 79520  
depreciation expense amount. 79521

(e) For the purposes of divisions (A)(20) and (21) of this 79522  
section: 79523

(i) "Income taxes withheld" means the total amount withheld 79524  
and remitted under sections 5747.06 and 5747.07 of the Revised 79525  
Code by an employer during the employer's taxable year. 79526

(ii) "Increase in income taxes withheld" means the amount by 79527  
which the amount of income taxes withheld by an employer during 79528  
the employer's current taxable year exceeds the amount of income 79529  
taxes withheld by that employer during the employer's immediately 79530  
preceding taxable year. 79531

(iii) "Qualifying section 179 depreciation expense" means the 79532  
difference between (I) the amount of depreciation expense directly 79533  
or indirectly allowed to a taxpayer under section 179 of the 79534



Internal Revised Code, and (II) the amount of depreciation expense 79535  
directly or indirectly allowed to the taxpayer under section 179 79536  
of the Internal Revenue Code as that section existed on December 79537  
31, 2002. 79538

(21)(a) If the taxpayer was required to add an amount under 79539  
division (A)(20)(a) of this section for a taxable year, deduct one 79540  
of the following: 79541

(i) One-fifth of the amount so added for each of the five 79542  
succeeding taxable years if the amount so added was five-sixths of 79543  
qualifying section 179 depreciation expense or depreciation 79544  
expense allowed by subsection (k) of section 168 of the Internal 79545  
Revenue Code; 79546

(ii) One-half of the amount so added for each of the two 79547  
succeeding taxable years if the amount so added was two-thirds of 79548  
such depreciation expense; 79549

(iii) One-sixth of the amount so added for each of the six 79550  
succeeding taxable years if the entire amount of such depreciation 79551  
expense was so added. 79552

(b) If the amount deducted under division (A)(21)(a) of this 79553  
section is attributable to an add-back allocated under division 79554  
(A)(20)(c) of this section, the amount deducted shall be situated 79555  
to the same location. Otherwise, the add-back shall be apportioned 79556  
using the apportionment factors for the taxable year in which the 79557  
deduction is taken, subject to one or more of the four alternative 79558  
methods of apportionment enumerated in section 5747.21 of the 79559  
Revised Code. 79560

(c) No deduction is available under division (A)(21)(a) of 79561  
this section with regard to any depreciation allowed by section 79562  
168(k) of the Internal Revenue Code and by the qualifying section 79563  
179 depreciation expense amount to the extent that such 79564  
depreciation results in or increases a federal net operating loss 79565

carryback or carryforward. If no such deduction is available for a 79566  
taxable year, the taxpayer may carry forward the amount not 79567  
deducted in such taxable year to the next taxable year and add 79568  
that amount to any deduction otherwise available under division 79569  
(A)(21)(a) of this section for that next taxable year. The 79570  
carryforward of amounts not so deducted shall continue until the 79571  
entire addition required by division (A)(20)(a) of this section 79572  
has been deducted. 79573

(d) No refund shall be allowed as a result of adjustments 79574  
made by division (A)(21) of this section. 79575

(22) Deduct, to the extent not otherwise deducted or excluded 79576  
in computing federal or Ohio adjusted gross income for the taxable 79577  
year, the amount the taxpayer received during the taxable year as 79578  
reimbursement for life insurance premiums under section 5919.31 of 79579  
the Revised Code. 79580

(23) Deduct, to the extent not otherwise deducted or excluded 79581  
in computing federal or Ohio adjusted gross income for the taxable 79582  
year, the amount the taxpayer received during the taxable year as 79583  
a death benefit paid by the adjutant general under section 5919.33 79584  
of the Revised Code. 79585

(24) Deduct, to the extent included in federal adjusted gross 79586  
income and not otherwise allowable as a deduction or exclusion in 79587  
computing federal or Ohio adjusted gross income for the taxable 79588  
year, military pay and allowances received by the taxpayer during 79589  
the taxable year for active duty service in the United States 79590  
army, air force, navy, marine corps, or coast guard or reserve 79591  
components thereof or the national guard. The deduction may not be 79592  
claimed for military pay and allowances received by the taxpayer 79593  
while the taxpayer is stationed in this state. 79594

(25) Deduct, to the extent not otherwise allowable as a 79595  
deduction or exclusion in computing federal or Ohio adjusted gross 79596

income for the taxable year and not otherwise compensated for by 79597  
any other source, the amount of qualified organ donation expenses 79598  
incurred by the taxpayer during the taxable year, not to exceed 79599  
ten thousand dollars. A taxpayer may deduct qualified organ 79600  
donation expenses only once for all taxable years beginning with 79601  
taxable years beginning in 2007. 79602

For the purposes of division (A)(25) of this section: 79603

(a) "Human organ" means all or any portion of a human liver, 79604  
pancreas, kidney, intestine, or lung, and any portion of human 79605  
bone marrow. 79606

(b) "Qualified organ donation expenses" means travel 79607  
expenses, lodging expenses, and wages and salary forgone by a 79608  
taxpayer in connection with the taxpayer's donation, while living, 79609  
of one or more of the taxpayer's human organs to another human 79610  
being. 79611

(26) Deduct, to the extent not otherwise deducted or excluded 79612  
in computing federal or Ohio adjusted gross income for the taxable 79613  
year, amounts received by the taxpayer as retired personnel pay 79614  
for service in the uniformed services or reserve components 79615  
thereof, or the national guard, or received by the surviving 79616  
spouse or former spouse of such a taxpayer under the survivor 79617  
benefit plan on account of such a taxpayer's death. If the 79618  
taxpayer receives income on account of retirement paid under the 79619  
federal civil service retirement system or federal employees 79620  
retirement system, or under any successor retirement program 79621  
enacted by the congress of the United States that is established 79622  
and maintained for retired employees of the United States 79623  
government, and such retirement income is based, in whole or in 79624  
part, on credit for the taxpayer's uniformed service, the 79625  
deduction allowed under this division shall include only that 79626  
portion of such retirement income that is attributable to the 79627  
taxpayer's uniformed service, to the extent that portion of such 79628

retirement income is otherwise included in federal adjusted gross 79629  
income and is not otherwise deducted under this section. Any 79630  
amount deducted under division (A)(26) of this section is not 79631  
included in a taxpayer's adjusted gross income for the purposes of 79632  
section 5747.055 of the Revised Code. No amount may be deducted 79633  
under division (A)(26) of this section on the basis of which a 79634  
credit was claimed under section 5747.055 of the Revised Code. 79635

(27) Deduct, to the extent not otherwise deducted or excluded 79636  
in computing federal or Ohio adjusted gross income for the taxable 79637  
year, the amount the taxpayer received during the taxable year 79638  
from the military injury relief fund created in section ~~5101.98~~ 79639  
5902.05 of the Revised Code. 79640

(28) Deduct, to the extent not otherwise deducted or excluded 79641  
in computing federal or Ohio adjusted gross income for the taxable 79642  
year, the amount the taxpayer received as a veterans bonus during 79643  
the taxable year from the Ohio department of veterans services as 79644  
authorized by Section 2r of Article VIII, Ohio Constitution. 79645

(29) Deduct, to the extent not otherwise deducted or excluded 79646  
in computing federal or Ohio adjusted gross income for the taxable 79647  
year, any income derived from a transfer agreement or from the 79648  
enterprise transferred under that agreement under section 4313.02 79649  
of the Revised Code. 79650

(30) Deduct, to the extent not otherwise deducted or excluded 79651  
in computing federal or Ohio adjusted gross income for the taxable 79652  
year, Ohio college opportunity or federal Pell grant amounts 79653  
received by the taxpayer or the taxpayer's spouse or dependent 79654  
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 79655  
1070a, et seq., and used to pay room or board furnished by the 79656  
educational institution for which the grant was awarded at the 79657  
institution's facilities, including meal plans administered by the 79658  
institution. For the purposes of this division, receipt of a grant 79659  
includes the distribution of a grant directly to an educational 79660

institution and the crediting of the grant to the enrollee's 79661  
account with the institution. 79662

(31) Deduct ~~one-half~~ seventy-five per cent of the ~~taxpayer's~~ 79663  
individual's Ohio small business ~~investor~~ income, the deduction 79664  
not to exceed ~~sixty-two thousand five hundred ninety-three~~ 79665  
thousand seven hundred fifty dollars for each spouse if spouses 79666  
file separate returns under section 5747.08 of the Revised Code or 79667  
one hundred ~~twenty-five thousand~~ eighty-seven thousand five 79668  
hundred dollars for all other ~~taxpayers~~. ~~No pass-through entity~~ 79669  
~~may claim a deduction under this division~~ individuals. 79670

For the purposes of this division, "Ohio small business 79671  
~~investor~~ income" means the portion of a ~~taxpayer's~~ an individual's 79672  
adjusted gross income, computed without regard to the deduction 79673  
under division (A)(31) of this section, that is business income, 79674  
reduced by deductions from business income and apportioned or 79675  
allocated to this state under sections 5747.21 and 5747.22 of the 79676  
Revised Code, to the extent not otherwise deducted or excluded in 79677  
computing federal or Ohio adjusted gross income for the taxable 79678  
year. 79679

(32) Deduct an amount equal to the fair market value of 79680  
services provided free of charge by dentists and dental hygienists 79681  
under the hope for a smile program established by section 3701.139 79682  
of the Revised Code. 79683

(B) "Business income" means income, including gain or loss, 79684  
arising from transactions, activities, and sources in the regular 79685  
course of a trade or business and includes income, gain, or loss 79686  
from real property, tangible property, and intangible property if 79687  
the acquisition, rental, management, and disposition of the 79688  
property constitute integral parts of the regular course of a 79689  
trade or business operation. "Business income" includes income, 79690  
including gain or loss, from a partial or complete liquidation of 79691  
a business, including, but not limited to, gain or loss from the 79692

sale or other disposition of goodwill. 79693

(C) "Nonbusiness income" means all income other than business 79694  
income and may include, but is not limited to, compensation, rents 79695  
and royalties from real or tangible personal property, capital 79696  
gains, interest, dividends and distributions, patent or copyright 79697  
royalties, or lottery winnings, prizes, and awards. 79698

(D) "Compensation" means any form of remuneration paid to an 79699  
employee for personal services. 79700

(E) "Fiduciary" means a guardian, trustee, executor, 79701  
administrator, receiver, conservator, or any other person acting 79702  
in any fiduciary capacity for any individual, trust, or estate. 79703

(F) "Fiscal year" means an accounting period of twelve months 79704  
ending on the last day of any month other than December. 79705

(G) "Individual" means any natural person. 79706

(H) "Internal Revenue Code" means the "Internal Revenue Code 79707  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 79708

(I) "Resident" means any of the following, provided that 79709  
division (I)(3) of this section applies only to taxable years of a 79710  
trust beginning in 2002 or thereafter: 79711

(1) An individual who is domiciled in this state, subject to 79712  
section 5747.24 of the Revised Code; 79713

(2) The estate of a decedent who at the time of death was 79714  
domiciled in this state. The domicile tests of section 5747.24 of 79715  
the Revised Code are not controlling for purposes of division 79716  
(I)(2) of this section. 79717

(3) A trust that, in whole or part, resides in this state. If 79718  
only part of a trust resides in this state, the trust is a 79719  
resident only with respect to that part. 79720

For the purposes of division (I)(3) of this section: 79721

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year;

(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if at least one of the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year. If a trust document or instrument became irrevocable upon the death of a person who at the time of death was domiciled in this state for purposes of this chapter, that person is a person described in division (I)(3)(a)(iii) of this section.

(b) A trust is irrevocable to the extent that the transferor is not considered to be the owner of the net assets of the trust under sections 671 to 678 of the Internal Revenue Code.

(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential

current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code.

(d) For the purposes of division (I)(3)(a) of this section, the extent to which a trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows:

(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities.

(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the



fair market value of all the trust's assets immediately after the 79785  
subsequent transfer, net of any related liabilities. 79786

(iii) Whether a transfer to the trust is by or from any of 79787  
the sources enumerated in division (I)(3)(a) of this section shall 79788  
be ascertained without regard to the domicile of the trust's 79789  
beneficiaries. 79790

(e) For the purposes of division (I)(3)(a)(i) of this 79791  
section: 79792

(i) A trust is described in division (I)(3)(e)(i) of this 79793  
section if the trust is a testamentary trust and the testator of 79794  
that testamentary trust was domiciled in this state at the time of 79795  
the testator's death for purposes of the taxes levied under 79796  
Chapter 5731. of the Revised Code. 79797

(ii) A trust is described in division (I)(3)(e)(ii) of this 79798  
section if the transfer is a qualifying transfer described in any 79799  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 79800  
irrevocable inter vivos trust, and at least one of the trust's 79801  
qualifying beneficiaries is domiciled in this state for purposes 79802  
of this chapter during all or some portion of the trust's current 79803  
taxable year. 79804

(f) For the purposes of division (I)(3)(e)(ii) of this 79805  
section, a "qualifying transfer" is a transfer of assets, net of 79806  
any related liabilities, directly or indirectly to a trust, if the 79807  
transfer is described in any of the following: 79808

(i) The transfer is made to a trust, created by the decedent 79809  
before the decedent's death and while the decedent was domiciled 79810  
in this state for the purposes of this chapter, and, prior to the 79811  
death of the decedent, the trust became irrevocable while the 79812  
decedent was domiciled in this state for the purposes of this 79813  
chapter. 79814

(ii) The transfer is made to a trust to which the decedent, 79815

prior to the decedent's death, had directly or indirectly 79816  
transferred assets, net of any related liabilities, while the 79817  
decedent was domiciled in this state for the purposes of this 79818  
chapter, and prior to the death of the decedent the trust became 79819  
irrevocable while the decedent was domiciled in this state for the 79820  
purposes of this chapter. 79821

(iii) The transfer is made on account of a contractual 79822  
relationship existing directly or indirectly between the 79823  
transferor and either the decedent or the estate of the decedent 79824  
at any time prior to the date of the decedent's death, and the 79825  
decedent was domiciled in this state at the time of death for 79826  
purposes of the taxes levied under Chapter 5731. of the Revised 79827  
Code. 79828

(iv) The transfer is made to a trust on account of a 79829  
contractual relationship existing directly or indirectly between 79830  
the transferor and another person who at the time of the 79831  
decedent's death was domiciled in this state for purposes of this 79832  
chapter. 79833

(v) The transfer is made to a trust on account of the will of 79834  
a testator who was domiciled in this state at the time of the 79835  
testator's death for purposes of the taxes levied under Chapter 79836  
5731. of the Revised Code. 79837

(vi) The transfer is made to a trust created by or caused to 79838  
be created by a court, and the trust was directly or indirectly 79839  
created in connection with or as a result of the death of an 79840  
individual who, for purposes of the taxes levied under Chapter 79841  
5731. of the Revised Code, was domiciled in this state at the time 79842  
of the individual's death. 79843

(g) The tax commissioner may adopt rules to ascertain the 79844  
part of a trust residing in this state. 79845

(J) "Nonresident" means an individual or estate that is not a 79846

resident. An individual who is a resident for only part of a 79847  
taxable year is a nonresident for the remainder of that taxable 79848  
year. 79849

(K) "Pass-through entity" has the same meaning as in section 79850  
5733.04 of the Revised Code. 79851

(L) "Return" means the notifications and reports required to 79852  
be filed pursuant to this chapter for the purpose of reporting the 79853  
tax due and includes declarations of estimated tax when so 79854  
required. 79855

(M) "Taxable year" means the calendar year or the taxpayer's 79856  
fiscal year ending during the calendar year, or fractional part 79857  
thereof, upon which the adjusted gross income is calculated 79858  
pursuant to this chapter. 79859

(N) "Taxpayer" means any person subject to the tax imposed by 79860  
section 5747.02 of the Revised Code or any pass-through entity 79861  
that makes the election under division (D) of section 5747.08 of 79862  
the Revised Code. 79863

(O) "Dependents" means dependents as defined in the Internal 79864  
Revenue Code and as claimed in the taxpayer's federal income tax 79865  
return for the taxable year or which the taxpayer would have been 79866  
permitted to claim had the taxpayer filed a federal income tax 79867  
return. 79868

(P) "Principal county of employment" means, in the case of a 79869  
nonresident, the county within the state in which a taxpayer 79870  
performs services for an employer or, if those services are 79871  
performed in more than one county, the county in which the major 79872  
portion of the services are performed. 79873

(Q) As used in sections 5747.50 to 5747.55 of the Revised 79874  
Code: 79875

(1) "Subdivision" means any county, municipal corporation, 79876

park district, or township. 79877

(2) "Essential local government purposes" includes all 79878  
functions that any subdivision is required by general law to 79879  
exercise, including like functions that are exercised under a 79880  
charter adopted pursuant to the Ohio Constitution. 79881

(R) "Overpayment" means any amount already paid that exceeds 79882  
the figure determined to be the correct amount of the tax. 79883

(S) "Taxable income" or "Ohio taxable income" applies only to 79884  
estates and trusts, and means federal taxable income, as defined 79885  
and used in the Internal Revenue Code, adjusted as follows: 79886

(1) Add interest or dividends, net of ordinary, necessary, 79887  
and reasonable expenses not deducted in computing federal taxable 79888  
income, on obligations or securities of any state or of any 79889  
political subdivision or authority of any state, other than this 79890  
state and its subdivisions and authorities, but only to the extent 79891  
that such net amount is not otherwise includible in Ohio taxable 79892  
income and is described in either division (S)(1)(a) or (b) of 79893  
this section: 79894

(a) The net amount is not attributable to the S portion of an 79895  
electing small business trust and has not been distributed to 79896  
beneficiaries for the taxable year; 79897

(b) The net amount is attributable to the S portion of an 79898  
electing small business trust for the taxable year. 79899

(2) Add interest or dividends, net of ordinary, necessary, 79900  
and reasonable expenses not deducted in computing federal taxable 79901  
income, on obligations of any authority, commission, 79902  
instrumentality, territory, or possession of the United States to 79903  
the extent that the interest or dividends are exempt from federal 79904  
income taxes but not from state income taxes, but only to the 79905  
extent that such net amount is not otherwise includible in Ohio 79906  
taxable income and is described in either division (S)(1)(a) or 79907

(b) of this section; 79908

(3) Add the amount of personal exemption allowed to the 79909  
estate pursuant to section 642(b) of the Internal Revenue Code; 79910

(4) Deduct interest or dividends, net of related expenses 79911  
deducted in computing federal taxable income, on obligations of 79912  
the United States and its territories and possessions or of any 79913  
authority, commission, or instrumentality of the United States to 79914  
the extent that the interest or dividends are exempt from state 79915  
taxes under the laws of the United States, but only to the extent 79916  
that such amount is included in federal taxable income and is 79917  
described in either division (S)(1)(a) or (b) of this section; 79918

(5) Deduct the amount of wages and salaries, if any, not 79919  
otherwise allowable as a deduction but that would have been 79920  
allowable as a deduction in computing federal taxable income for 79921  
the taxable year, had the targeted jobs credit allowed under 79922  
sections 38, 51, and 52 of the Internal Revenue Code not been in 79923  
effect, but only to the extent such amount relates either to 79924  
income included in federal taxable income for the taxable year or 79925  
to income of the S portion of an electing small business trust for 79926  
the taxable year; 79927

(6) Deduct any interest or interest equivalent, net of 79928  
related expenses deducted in computing federal taxable income, on 79929  
public obligations and purchase obligations, but only to the 79930  
extent that such net amount relates either to income included in 79931  
federal taxable income for the taxable year or to income of the S 79932  
portion of an electing small business trust for the taxable year; 79933

(7) Add any loss or deduct any gain resulting from sale, 79934  
exchange, or other disposition of public obligations to the extent 79935  
that such loss has been deducted or such gain has been included in 79936  
computing either federal taxable income or income of the S portion 79937  
of an electing small business trust for the taxable year; 79938

(8) Except in the case of the final return of an estate, add 79939  
any amount deducted by the taxpayer on both its Ohio estate tax 79940  
return pursuant to section 5731.14 of the Revised Code, and on its 79941  
federal income tax return in determining federal taxable income; 79942

(9)(a) Deduct any amount included in federal taxable income 79943  
solely because the amount represents a reimbursement or refund of 79944  
expenses that in a previous year the decedent had deducted as an 79945  
itemized deduction pursuant to section 63 of the Internal Revenue 79946  
Code and applicable treasury regulations. The deduction otherwise 79947  
allowed under division (S)(9)(a) of this section shall be reduced 79948  
to the extent the reimbursement is attributable to an amount the 79949  
taxpayer or decedent deducted under this section in any taxable 79950  
year. 79951

(b) Add any amount not otherwise included in Ohio taxable 79952  
income for any taxable year to the extent that the amount is 79953  
attributable to the recovery during the taxable year of any amount 79954  
deducted or excluded in computing federal or Ohio taxable income 79955  
in any taxable year, but only to the extent such amount has not 79956  
been distributed to beneficiaries for the taxable year. 79957

(10) Deduct any portion of the deduction described in section 79958  
1341(a)(2) of the Internal Revenue Code, for repaying previously 79959  
reported income received under a claim of right, that meets both 79960  
of the following requirements: 79961

(a) It is allowable for repayment of an item that was 79962  
included in the taxpayer's taxable income or the decedent's 79963  
adjusted gross income for a prior taxable year and did not qualify 79964  
for a credit under division (A) or (B) of section 5747.05 of the 79965  
Revised Code for that year. 79966

(b) It does not otherwise reduce the taxpayer's taxable 79967  
income or the decedent's adjusted gross income for the current or 79968  
any other taxable year. 79969

(11) Add any amount claimed as a credit under section 79970  
5747.059 or 5747.65 of the Revised Code to the extent that the 79971  
amount satisfies either of the following: 79972

(a) The amount was deducted or excluded from the computation 79973  
of the taxpayer's federal taxable income as required to be 79974  
reported for the taxpayer's taxable year under the Internal 79975  
Revenue Code; 79976

(b) The amount resulted in a reduction in the taxpayer's 79977  
federal taxable income as required to be reported for any of the 79978  
taxpayer's taxable years under the Internal Revenue Code. 79979

(12) Deduct any amount, net of related expenses deducted in 79980  
computing federal taxable income, that a trust is required to 79981  
report as farm income on its federal income tax return, but only 79982  
if the assets of the trust include at least ten acres of land 79983  
satisfying the definition of "land devoted exclusively to 79984  
agricultural use" under section 5713.30 of the Revised Code, 79985  
regardless of whether the land is valued for tax purposes as such 79986  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 79987  
trust is a pass-through entity investor, section 5747.231 of the 79988  
Revised Code applies in ascertaining if the trust is eligible to 79989  
claim the deduction provided by division (S)(12) of this section 79990  
in connection with the pass-through entity's farm income. 79991

Except for farm income attributable to the S portion of an 79992  
electing small business trust, the deduction provided by division 79993  
(S)(12) of this section is allowed only to the extent that the 79994  
trust has not distributed such farm income. Division (S)(12) of 79995  
this section applies only to taxable years of a trust beginning in 79996  
2002 or thereafter. 79997

(13) Add the net amount of income described in section 641(c) 79998  
of the Internal Revenue Code to the extent that amount is not 79999  
included in federal taxable income. 80000

(14) Add or deduct the amount the taxpayer would be required 80001  
to add or deduct under division (A)(20) or (21) of this section if 80002  
the taxpayer's Ohio taxable income were computed in the same 80003  
manner as an individual's Ohio adjusted gross income is computed 80004  
under this section. In the case of a trust, division (S)(14) of 80005  
this section applies only to any of the trust's taxable years 80006  
beginning in 2002 or thereafter. 80007

(T) "School district income" and "school district income tax" 80008  
have the same meanings as in section 5748.01 of the Revised Code. 80009

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 80010  
of this section, "public obligations," "purchase obligations," and 80011  
"interest or interest equivalent" have the same meanings as in 80012  
section 5709.76 of the Revised Code. 80013

(V) "Limited liability company" means any limited liability 80014  
company formed under Chapter 1705. of the Revised Code or under 80015  
the laws of any other state. 80016

(W) "Pass-through entity investor" means any person who, 80017  
during any portion of a taxable year of a pass-through entity, is 80018  
a partner, member, shareholder, or equity investor in that 80019  
pass-through entity. 80020

(X) "Banking day" has the same meaning as in section 1304.01 80021  
of the Revised Code. 80022

(Y) "Month" means a calendar month. 80023

(Z) "Quarter" means the first three months, the second three 80024  
months, the third three months, or the last three months of the 80025  
taxpayer's taxable year. 80026

(AA)(1) "Eligible institution" means a state university or 80027  
state institution of higher education as defined in section 80028  
3345.011 of the Revised Code, or a private, nonprofit college, 80029  
university, or other post-secondary institution located in this 80030



state that possesses a certificate of authorization issued by the 80031  
~~Ohio board of regents~~ director of higher education pursuant to 80032  
Chapter 1713. of the Revised Code or a certificate of registration 80033  
issued by the state board of career colleges and schools under 80034  
Chapter 3332. of the Revised Code. 80035

(2) "Qualified tuition and fees" means tuition and fees 80036  
imposed by an eligible institution as a condition of enrollment or 80037  
attendance, not exceeding two thousand five hundred dollars in 80038  
each of the individual's first two years of post-secondary 80039  
education. If the individual is a part-time student, "qualified 80040  
tuition and fees" includes tuition and fees paid for the academic 80041  
equivalent of the first two years of post-secondary education 80042  
during a maximum of five taxable years, not exceeding a total of 80043  
five thousand dollars. "Qualified tuition and fees" does not 80044  
include: 80045

(a) Expenses for any course or activity involving sports, 80046  
games, or hobbies unless the course or activity is part of the 80047  
individual's degree or diploma program; 80048

(b) The cost of books, room and board, student activity fees, 80049  
athletic fees, insurance expenses, or other expenses unrelated to 80050  
the individual's academic course of instruction; 80051

(c) Tuition, fees, or other expenses paid or reimbursed 80052  
through an employer, scholarship, grant in aid, or other 80053  
educational benefit program. 80054

(BB)(1) "Modified business income" means the business income 80055  
included in a trust's Ohio taxable income after such taxable 80056  
income is first reduced by the qualifying trust amount, if any. 80057

(2) "Qualifying trust amount" of a trust means capital gains 80058  
and losses from the sale, exchange, or other disposition of equity 80059  
or ownership interests in, or debt obligations of, a qualifying 80060  
investee to the extent included in the trust's Ohio taxable 80061

income, but only if the following requirements are satisfied: 80062

(a) The book value of the qualifying investee's physical 80063  
assets in this state and everywhere, as of the last day of the 80064  
qualifying investee's fiscal or calendar year ending immediately 80065  
prior to the date on which the trust recognizes the gain or loss, 80066  
is available to the trust. 80067

(b) The requirements of section 5747.011 of the Revised Code 80068  
are satisfied for the trust's taxable year in which the trust 80069  
recognizes the gain or loss. 80070

Any gain or loss that is not a qualifying trust amount is 80071  
modified business income, qualifying investment income, or 80072  
modified nonbusiness income, as the case may be. 80073

(3) "Modified nonbusiness income" means a trust's Ohio 80074  
taxable income other than modified business income, other than the 80075  
qualifying trust amount, and other than qualifying investment 80076  
income, as defined in section 5747.012 of the Revised Code, to the 80077  
extent such qualifying investment income is not otherwise part of 80078  
modified business income. 80079

(4) "Modified Ohio taxable income" applies only to trusts, 80080  
and means the sum of the amounts described in divisions (BB)(4)(a) 80081  
to (c) of this section: 80082

(a) The fraction, calculated under section 5747.013, and 80083  
applying section 5747.231 of the Revised Code, multiplied by the 80084  
sum of the following amounts: 80085

(i) The trust's modified business income; 80086

(ii) The trust's qualifying investment income, as defined in 80087  
section 5747.012 of the Revised Code, but only to the extent the 80088  
qualifying investment income does not otherwise constitute 80089  
modified business income and does not otherwise constitute a 80090  
qualifying trust amount. 80091

(b) The qualifying trust amount multiplied by a fraction, the numerator of which is the sum of the book value of the qualifying investee's physical assets in this state on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount, and the denominator of which is the sum of the book value of the qualifying investee's total physical assets everywhere on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount. If, for a taxable year, the trust recognizes a qualifying trust amount with respect to more than one qualifying investee, the amount described in division (BB)(4)(b) of this section shall equal the sum of the products so computed for each such qualifying investee.

(c)(i) With respect to a trust or portion of a trust that is a resident as ascertained in accordance with division (I)(3)(d) of this section, its modified nonbusiness income.

(ii) With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the amount of its modified nonbusiness income satisfying the descriptions in divisions (B)(2) to (5) of section 5747.20 of the Revised Code, except as otherwise provided in division (BB)(4)(c)(ii) of this section. With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the trust's portion of modified nonbusiness income recognized from the sale, exchange, or other disposition of a debt interest in or equity interest in a section 5747.212 entity, as defined in section 5747.212 of the Revised Code, without regard to division (A) of that section, shall not be allocated to this state in accordance with section 5747.20 of the Revised Code but shall be apportioned to this state in accordance with division (B) of section 5747.212

of the Revised Code without regard to division (A) of that section. 80124  
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If the allocation and apportionment of a trust's income under divisions (BB)(4)(a) and (c) of this section do not fairly represent the modified Ohio taxable income of the trust in this state, the alternative methods described in division (C) of section 5747.21 of the Revised Code may be applied in the manner and to the same extent provided in that section. 80126  
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(5)(a) Except as set forth in division (BB)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (BB)(2)(a) of this section and for the purpose of computing the fraction described in division (BB)(4)(b) of this section, all of the following apply: 80132  
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(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day. 80139  
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(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the 80145  
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pass-through entity's physical assets which the pass-through 80156  
entity directly or indirectly owns on the last day of the 80157  
pass-through entity's calendar or fiscal year ending within or 80158  
with the last day of the qualifying investee's fiscal or calendar 80159  
year ending immediately prior to the date on which the trust 80160  
recognizes the qualifying trust amount. 80161

(iii) For the purposes of division (BB)(5)(a)(iii) of this 80162  
section, "upper level pass-through entity" means a pass-through 80163  
entity directly or indirectly owning any equity of another 80164  
pass-through entity, and "lower level pass-through entity" means 80165  
that other pass-through entity. 80166

An upper level pass-through entity, whether or not it is also 80167  
a qualifying investee, is deemed to own, on the last day of the 80168  
upper level pass-through entity's calendar or fiscal year, the 80169  
proportionate share of the lower level pass-through entity's 80170  
physical assets that the lower level pass-through entity directly 80171  
or indirectly owns on the last day of the lower level pass-through 80172  
entity's calendar or fiscal year ending within or with the last 80173  
day of the upper level pass-through entity's fiscal or calendar 80174  
year. If the upper level pass-through entity directly and 80175  
indirectly owns less than fifty per cent of the equity of the 80176  
lower level pass-through entity on each day of the upper level 80177  
pass-through entity's calendar or fiscal year in which or with 80178  
which ends the calendar or fiscal year of the lower level 80179  
pass-through entity and if, based upon clear and convincing 80180  
evidence, complete information about the location and cost of the 80181  
physical assets of the lower pass-through entity is not available 80182  
to the upper level pass-through entity, then solely for purposes 80183  
of ascertaining if a gain or loss constitutes a qualifying trust 80184  
amount, the upper level pass-through entity shall be deemed as 80185  
owning no equity of the lower level pass-through entity for each 80186  
day during the upper level pass-through entity's calendar or 80187

fiscal year in which or with which ends the lower level 80188  
pass-through entity's calendar or fiscal year. Nothing in division 80189  
(BB)(5)(a)(iii) of this section shall be construed to provide for 80190  
any deduction or exclusion in computing any trust's Ohio taxable 80191  
income. 80192

(b) With respect to a trust that is not a resident for the 80193  
taxable year and with respect to a part of a trust that is not a 80194  
resident for the taxable year, "qualifying investee" for that 80195  
taxable year does not include a C corporation if both of the 80196  
following apply: 80197

(i) During the taxable year the trust or part of the trust 80198  
recognizes a gain or loss from the sale, exchange, or other 80199  
disposition of equity or ownership interests in, or debt 80200  
obligations of, the C corporation. 80201

(ii) Such gain or loss constitutes nonbusiness income. 80202

(6) "Available" means information is such that a person is 80203  
able to learn of the information by the due date plus extensions, 80204  
if any, for filing the return for the taxable year in which the 80205  
trust recognizes the gain or loss. 80206

(CC) "Qualifying controlled group" has the same meaning as in 80207  
section 5733.04 of the Revised Code. 80208

(DD) "Related member" has the same meaning as in section 80209  
5733.042 of the Revised Code. 80210

(EE)(1) For the purposes of division (EE) of this section: 80211

(a) "Qualifying person" means any person other than a 80212  
qualifying corporation. 80213

(b) "Qualifying corporation" means any person classified for 80214  
federal income tax purposes as an association taxable as a 80215  
corporation, except either of the following: 80216

(i) A corporation that has made an election under subchapter 80217

S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:

(a) The document or instrument creating the trust was 80248  
executed by the grantor before January 1, 1972; 80249

(b) The trust became irrevocable upon the creation of the 80250  
trust; and 80251

(c) The grantor was domiciled in this state at the time the 80252  
trust was created. 80253

(GG) "Uniformed services" has the same meaning as in 10 80254  
U.S.C. 101. 80255

**Sec. 5747.02.** (A) For the purpose of providing revenue for 80256  
the support of schools and local government functions, to provide 80257  
relief to property taxpayers, to provide revenue for the general 80258  
revenue fund, and to meet the expenses of administering the tax 80259  
levied by this chapter, there is hereby levied on every 80260  
individual, trust, and estate residing in or earning or receiving 80261  
income in this state, on every individual, trust, and estate 80262  
earning or receiving lottery winnings, prizes, or awards pursuant 80263  
to Chapter 3770. of the Revised Code, on every individual, trust, 80264  
and estate earning or receiving winnings on casino gaming, and on 80265  
every individual, trust, and estate otherwise having nexus with or 80266  
in this state under the Constitution of the United States, an 80267  
annual tax measured in the case of individuals by Ohio adjusted 80268  
gross income less an exemption for the taxpayer, the taxpayer's 80269  
spouse, and each dependent as provided in section 5747.025 of the 80270  
Revised Code; measured in the case of trusts by modified Ohio 80271  
taxable income under division (D) of this section; and measured in 80272  
the case of estates by Ohio taxable income. The tax imposed by 80273  
this section on the balance thus obtained is hereby levied as 80274  
follows: 80275

(1) For taxable years beginning in 2004: 80276

OHIO ADJUSTED GROSS INCOME LESS 80277



EXEMPTIONS (INDIVIDUALS)		
OR		80278
MODIFIED OHIO		80279
TAXABLE INCOME (TRUSTS)		80280
OR		80281
OHIO TAXABLE INCOME (ESTATES)	TAX	80282
\$5,000 or less	.743%	80283
More than \$5,000 but not more than \$10,000	\$37.15 plus 1.486% of the amount in excess of \$5,000	80284
More than \$10,000 but not more than \$15,000	\$111.45 plus 2.972% of the amount in excess of \$10,000	80285
More than \$15,000 but not more than \$20,000	\$260.05 plus 3.715% of the amount in excess of \$15,000	80286
More than \$20,000 but not more than \$40,000	\$445.80 plus 4.457% of the amount in excess of \$20,000	80287
More than \$40,000 but not more than \$80,000	\$1,337.20 plus 5.201% of the amount in excess of \$40,000	80288
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	80289
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	80290
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	80291
(2) For taxable years beginning in 2005:		80292
OHIO ADJUSTED GROSS INCOME LESS		80293
EXEMPTIONS (INDIVIDUALS)		
OR		80294
MODIFIED OHIO		80295
TAXABLE INCOME (TRUSTS)		80296
OR		80297
OHIO TAXABLE INCOME (ESTATES)	TAX	80298
\$5,000 or less	.712%	80299
More than \$5,000 but not more	\$35.60 plus 1.424% of the amount	80300

than \$10,000	in excess of \$5,000	
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	80301
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	80302
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	80303
More than \$40,000 but not more than \$80,000	\$1,281.10 plus 4.983% of the amount in excess of \$40,000	80304
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	80305
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	80306
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	80307
(3) For taxable years beginning in 2006:		80308
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		80309
OR		80310
MODIFIED OHIO		80311
TAXABLE INCOME (TRUSTS)		80312
OR		80313
OHIO TAXABLE INCOME (ESTATES)	TAX	80314
\$5,000 or less	.681%	80315
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	80316
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	80317
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	80318
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	80319
More than \$40,000 but not more	\$1,224.95 plus 4.764% of the	80320

than \$80,000	amount in excess of \$40,000	
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	80321
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	80322
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	80323
(4) For taxable years beginning in 2007:		80324
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		80325
OR		80326
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		80327
OR		80328
OHIO TAXABLE INCOME (ESTATES)		80329
	TAX	80330
\$5,000 or less	.649%	80331
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	80332
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	80333
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	80334
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	80335
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	80336
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	80337
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	80338
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	80339
(5) For taxable years beginning in 2008, 2009, or 2010:		80340

OHIO ADJUSTED GROSS INCOME LESS		80341
EXEMPTIONS ( INDIVIDUALS )		
OR		80342
MODIFIED OHIO		80343
TAXABLE INCOME ( TRUSTS )		80344
OR		80345
OHIO TAXABLE INCOME ( ESTATES )	TAX	80346
\$5,000 or less	.618%	80347
More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	80348
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	80349
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	80350
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	80351
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	80352
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	80353
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	80354
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	80355
(6) For taxable years beginning in 2011 or 2012:		80356
OHIO ADJUSTED GROSS INCOME LESS		80357
EXEMPTIONS ( INDIVIDUALS )		
OR		80358
MODIFIED OHIO		80359
TAXABLE INCOME ( TRUSTS )		80360
OR		80361
OHIO TAXABLE INCOME ( ESTATES )	TAX	80362
\$5,000 or less	.587%	80363

More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	80364
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	80365
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	80366
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	80367
More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	80368
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	80369
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	80370
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	80371
(7) For taxable years beginning in 2013:		80372
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		80373
OR		80374
MODIFIED OHIO		80375
TAXABLE INCOME (TRUSTS)		80376
OR		80377
OHIO TAXABLE INCOME (ESTATES)	TAX	80378
\$5,000 or less	.537%	80379
More than \$5,000 but not more than \$10,000	\$26.86 plus 1.074% of the amount in excess of \$5,000	80380
More than \$10,000 but not more than \$15,000	\$80.57 plus 2.148% of the amount in excess of \$10,000	80381
More than \$15,000 but not more than \$20,000	\$187.99 plus 2.686% of the amount in excess of \$15,000	80382
More than \$20,000 but not more than \$40,000	\$322.26 plus 3.222% of the amount in excess of \$20,000	80383

More than \$40,000 but not more than \$80,000	\$966.61 plus 3.760% of the amount in excess of \$40,000	80384
More than \$80,000 but not more than \$100,000	\$2,470.50 plus 4.296% of the amount in excess of \$80,000	80385
More than \$100,000 but not more than \$200,000	\$3,329.68 plus 4.988% of the amount in excess of \$100,000	80386
More than \$200,000	\$8,317.35 plus 5.421% of the amount in excess of \$200,000	80387
(8) For taxable years beginning in 2014 <del>or thereafter</del> :		80388
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		80389
OR		80390
MODIFIED OHIO		80391
TAXABLE INCOME (TRUSTS)		80392
OR		80393
OHIO TAXABLE INCOME (ESTATES)	TAX	80394
\$5,000 or less	.528%	80395
More than \$5,000 but not more than \$10,000	\$26.41 plus 1.057% of the amount in excess of \$5,000	80396
More than \$10,000 but not more than \$15,000	\$79.24 plus 2.113% of the amount in excess of \$10,000	80397
More than \$15,000 but not more than \$20,000	\$184.90 plus 2.642% of the amount in excess of \$15,000	80398
More than \$20,000 but not more than \$40,000	\$316.98 plus 3.169% of the amount in excess of \$20,000	80399
More than \$40,000 but not more than \$80,000	\$950.76 plus 3.698% of the amount in excess of \$40,000	80400
More than \$80,000 but not more than \$100,000	\$2,430.00 plus 4.226% of the amount in excess of \$80,000	80401
More than \$100,000 but not more than \$200,000	\$3,275.10 plus 4.906% of the amount in excess of \$100,000	80402
More than \$200,000	\$8,181.00 plus 5.333% of the amount in excess of \$200,000	80403

<u>(9) For taxable years beginning in 2015 or thereafter:</u>		80404
<u>OHIO ADJUSTED GROSS INCOME LESS</u>		80405
<u>EXEMPTIONS (INDIVIDUALS)</u>		
<u>OR</u>		80406
<u>MODIFIED OHIO</u>		80407
<u>TAXABLE INCOME (TRUSTS)</u>		80408
<u>OR</u>		80409
<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	80410
<u>\$5,000 or less</u>	<u>.495%</u>	80411
<u>More than \$5,000 but not more</u>	<u>\$24.75 plus .990% of the amount</u>	80412
<u>than \$10,000</u>	<u>in excess of \$5,000</u>	
<u>More than \$10,000 but not more</u>	<u>\$74.25 plus 1.980% of the amount</u>	80413
<u>than \$15,000</u>	<u>in excess of \$10,000</u>	
<u>More than \$15,000 but not more</u>	<u>\$173.25 plus 2.476% of the</u>	80414
<u>than \$20,000</u>	<u>amount in excess of \$15,000</u>	
<u>More than \$20,000 but not more</u>	<u>\$297.05 plus 2.969% of the</u>	80415
<u>than \$40,000</u>	<u>amount in excess of \$20,000</u>	
<u>More than \$40,000 but not more</u>	<u>\$890.85 plus 3.465% of the</u>	80416
<u>than \$80,000</u>	<u>amount in excess of \$40,000</u>	
<u>More than \$80,000 but not more</u>	<u>\$2,276.85 plus 3.960% of the</u>	80417
<u>than \$100,000</u>	<u>amount in excess of \$80,000</u>	
<u>More than \$100,000 but not more</u>	<u>\$3,068.85 plus 4.597% of the</u>	80418
<u>than \$200,000</u>	<u>amount in excess of \$100,000</u>	
<u>More than \$200,000</u>	<u>\$7,665.85 plus 4.997% of the</u>	80419
	<u>amount in excess of \$200,000</u>	
Except as otherwise provided in this division, in August of		80420
each year, the tax commissioner shall make a new adjustment to the		80421
income amounts prescribed in this division by multiplying the		80422
percentage increase in the gross domestic product deflator		80423
computed that year under section 5747.025 of the Revised Code by		80424
each of the income amounts resulting from the adjustment under		80425
this division in the preceding year, adding the resulting product		80426
to the corresponding income amount resulting from the adjustment		80427

in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division. The tax commissioner shall not make a new adjustment in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year. The commissioner shall not make a new adjustment for taxable years beginning in 2013, 2014, or 2015.

(B) If the director of budget and management makes a certification to the tax commissioner under division (B) of section 131.44 of the Revised Code, the amount of tax as determined under division (A) of this section shall be reduced by the percentage prescribed in that certification for taxable years beginning in the calendar year in which that certification is made.

(C) The levy of this tax on income does not prevent a municipal corporation, a joint economic development zone created under section 715.691, or a joint economic development district created under section 715.70 or 715.71 or sections 715.72 to 715.81 of the Revised Code from levying a tax on income.

(D) This division applies only to taxable years of a trust beginning in 2002 or thereafter.

(1) The tax imposed by this section on a trust shall be computed by multiplying the Ohio modified taxable income of the trust by the rates prescribed by division (A) of this section.



(2) A resident trust may claim a credit against the tax 80459  
computed under division (D) of this section equal to the lesser of 80460  
(1) the tax paid to another state or the District of Columbia on 80461  
the resident trust's modified nonbusiness income, other than the 80462  
portion of the resident trust's nonbusiness income that is 80463  
qualifying investment income as defined in section 5747.012 of the 80464  
Revised Code, or (2) the effective tax rate, based on modified 80465  
Ohio taxable income, multiplied by the resident trust's modified 80466  
nonbusiness income other than the portion of the resident trust's 80467  
nonbusiness income that is qualifying investment income. The 80468  
credit applies before any other applicable credits. 80469

(3) The credits enumerated in divisions (A)(1) to (13) of 80470  
section 5747.98 of the Revised Code do not apply to a trust 80471  
subject to division (D) of this section. Any credits enumerated in 80472  
other divisions of section 5747.98 of the Revised Code apply to a 80473  
trust subject to division (D) of this section. To the extent that 80474  
the trust distributes income for the taxable year for which a 80475  
credit is available to the trust, the credit shall be shared by 80476  
the trust and its beneficiaries. The tax commissioner and the 80477  
trust shall be guided by applicable regulations of the United 80478  
States treasury regarding the sharing of credits. 80479

(E) For the purposes of this section, "trust" means any trust 80480  
described in Subchapter J of Chapter 1 of the Internal Revenue 80481  
Code, excluding trusts that are not irrevocable as defined in 80482  
division (I)(3)(b) of section 5747.01 of the Revised Code and that 80483  
have no modified Ohio taxable income for the taxable year, 80484  
charitable remainder trusts, qualified funeral trusts and preneed 80485  
funeral contract trusts established pursuant to sections 4717.31 80486  
to 4717.38 of the Revised Code that are not qualified funeral 80487  
trusts, endowment and perpetual care trusts, qualified settlement 80488  
trusts and funds, designated settlement trusts and funds, and 80489  
trusts exempted from taxation under section 501(a) of the Internal 80490

Revenue Code. 80491

**Sec. 5747.05.** As used in this section, "income tax" includes 80492  
both a tax on net income and a tax measured by net income. 80493

The following credits shall be allowed against the income tax 80494  
imposed by section 5747.02 of the Revised Code on individuals and 80495  
estates: 80496

(A)(1) The amount of tax otherwise due under section 5747.02 80497  
of the Revised Code on such portion of the adjusted gross income 80498  
of any nonresident taxpayer that is not allocable or apportionable 80499  
to this state pursuant to sections 5747.20 to 5747.23 of the 80500  
Revised Code; 80501

(2) The credit provided under this division shall not exceed 80502  
the portion of the total tax due under section 5747.02 of the 80503  
Revised Code that the amount of the nonresident taxpayer's 80504  
adjusted gross income not allocated to this state pursuant to 80505  
sections 5747.20 to 5747.23 of the Revised Code bears to the total 80506  
adjusted gross income of the nonresident taxpayer derived from all 80507  
sources everywhere. 80508

(3) The tax commissioner may enter into an agreement with the 80509  
taxing authorities of any state or of the District of Columbia 80510  
that imposes an income tax to provide that compensation paid in 80511  
this state to a nonresident taxpayer shall not be subject to the 80512  
tax levied in section 5747.02 of the Revised Code so long as 80513  
compensation paid in such other state or in the District of 80514  
Columbia to a resident taxpayer shall likewise not be subject to 80515  
the income tax of such other state or of the District of Columbia. 80516

(B) The lesser of division (B)(1) or (2) of this section: 80517

(1) The amount of tax otherwise due under section 5747.02 of 80518  
the Revised Code on such portion of the adjusted gross income of a 80519  
resident taxpayer that in another state or in the District of 80520

Columbia is subjected to an income tax. The credit provided under 80521  
division (B)(1) of this section shall not exceed the portion of 80522  
the total tax due under section 5747.02 of the Revised Code that 80523  
the amount of the resident taxpayer's adjusted gross income 80524  
subjected to an income tax in the other state or in the District 80525  
of Columbia bears to the total adjusted gross income of the 80526  
resident taxpayer derived from all sources everywhere. 80527

(2) The amount of income tax liability to another state or 80528  
the District of Columbia on the portion of the adjusted gross 80529  
income of a resident taxpayer that in another state or in the 80530  
District of Columbia is subjected to an income tax. The credit 80531  
provided under division (B)(2) of this section shall not exceed 80532  
the amount of tax otherwise due under section 5747.02 of the 80533  
Revised Code. 80534

(3) If the credit provided under division (B) of this section 80535  
is affected by a change in either the portion of adjusted gross 80536  
income of a resident taxpayer subjected to an income tax in 80537  
another state or the District of Columbia or the amount of income 80538  
tax liability that has been paid to another state or the District 80539  
of Columbia, the taxpayer shall report the change to the tax 80540  
commissioner within sixty days of the change in such form as the 80541  
commissioner requires. 80542

(a) In the case of an underpayment, the report shall be 80543  
accompanied by payment of any additional tax due as a result of 80544  
the reduction in credit together with interest on the additional 80545  
tax and is a return subject to assessment under section 5747.13 of 80546  
the Revised Code solely for the purpose of assessing any 80547  
additional tax due under this division, together with any 80548  
applicable penalty and interest. It shall not reopen the 80549  
computation of the taxpayer's tax liability under this chapter 80550  
from a previously filed return no longer subject to assessment 80551  
except to the extent that such liability is affected by an 80552

adjustment to the credit allowed by division (B) of this section. 80553

(b) In the case of an overpayment, an application for refund 80554  
may be filed under this division within the sixty-day period 80555  
prescribed for filing the report even if it is beyond the period 80556  
prescribed in section 5747.11 of the Revised Code if it otherwise 80557  
conforms to the requirements of such section. An application filed 80558  
under this division shall only claim refund of overpayments 80559  
resulting from an adjustment to the credit allowed by division (B) 80560  
of this section unless it is also filed within the time prescribed 80561  
in section 5747.11 of the Revised Code. It shall not reopen the 80562  
computation of the taxpayer's tax liability except to the extent 80563  
that such liability is affected by an adjustment to the credit 80564  
allowed by division (B) of this section. 80565

(4) No credit shall be allowed under division (B) of this 80566  
section ~~for~~: 80567

(a) For income tax paid or accrued to another state or to the 80568  
District of Columbia if the taxpayer, when computing federal 80569  
adjusted gross income, has directly or indirectly deducted, or was 80570  
required to directly or indirectly deduct, the amount of that 80571  
income tax; 80572

(b) For compensation that is not subject to the income tax of 80573  
another state or the District of Columbia as the result of an 80574  
agreement entered into by the tax commissioner under division 80575  
(A)(3) of this section; or 80576

(c) For income tax paid or accrued to another state or the 80577  
District of Columbia if the taxpayer fails to furnish such proof 80578  
as the tax commissioner shall require that such income tax 80579  
liability has been paid. 80580

~~(C) For a taxpayer sixty five years of age or older during 80581  
the taxable year, a credit for such year equal to fifty dollars 80582  
for each return required to be filed under section 5747.08 of the 80583~~

Revised Code. 80584

~~(D) A taxpayer sixty five years of age or older during the taxable year who has received a lump sum distribution from a pension, retirement, or profit sharing plan in the taxable year may elect to receive a credit under this division in lieu of the credit to which the taxpayer is entitled under division (C) of this section. A taxpayer making such election shall receive a credit for the taxable year equal to fifty dollars times the taxpayer's expected remaining life as shown by annuity tables issued under the provisions of the Internal Revenue Code and in effect for the calendar year which includes the last day of the taxable year. A taxpayer making an election under this division is not entitled to the credit authorized under division (C) of this section in subsequent taxable years except that if such election was made prior to July 1, 1983, the taxpayer is entitled to one half the credit authorized under such division in subsequent taxable years but may not make another election under this division.~~ 80585  
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~~(E) A taxpayer who is not sixty five years of age or older during the taxable year who has received a lump sum distribution from a pension, retirement, or profit sharing plan in a taxable year ending on or before July 31, 1991, may elect to take a credit against the tax otherwise due under this chapter for such year equal to fifty dollars times the expected remaining life of a taxpayer sixty five years of age as shown by annuity tables issued under the provisions of the Internal Revenue Code and in effect for the calendar year which includes the last day of the taxable year. A taxpayer making an election under this division is not entitled to a credit under division (C) or (D) of this section in any subsequent year except that if such election was made prior to July 1, 1983, the taxpayer is entitled to one half the credit authorized under division (C) of this section in subsequent years~~ 80602  
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~~but may not make another election under this division. No taxpayer 80616  
may make an election under this division for a taxable year ending 80617  
on or after August 1, 1991. 80618~~

~~(F) A taxpayer making an election under either division (D) 80619  
or (E) of this section may make only one such election in the 80620  
taxpayer's lifetime. 80621~~

(G) An individual who is a resident for part of a taxable 80622  
year and a nonresident for the remainder of the taxable year is 80623  
allowed the credits under divisions (A) and (B) of this section in 80624  
accordance with rules prescribed by the tax commissioner. In no 80625  
event shall the same income be subject to both credits. 80626

(D) The credit allowed under division (A) of this section 80627  
shall be calculated based upon the amount of tax due under section 80628  
5747.02 of the Revised Code after subtracting any other credits 80629  
that precede the credit under that division in the order required 80630  
under section 5747.98 of the Revised Code. The credit allowed 80631  
under division (B) of this section shall be calculated based upon 80632  
the amount of tax due under section 5747.02 of the Revised Code 80633  
after subtracting any other credits that precede the credit under 80634  
that division in the order required under section 5747.98 of the 80635  
Revised Code. 80636

(E)(1) On a joint return filed by a husband and wife, each of 80637  
whom had adjusted gross income of at least five hundred dollars, 80638  
exclusive of interest, dividends and distributions, royalties, 80639  
rent, and capital gains, a credit equal to the percentage shown in 80640  
the table contained in this division of the amount of tax due 80641  
after allowing for any other credit that precedes the credit under 80642  
this division in the order required under section 5747.98 of the 80643  
Revised Code. 80644

(2) The credit to which a taxpayer is entitled under this 80645  
division in any taxable year is the percentage shown in column B 80646

that corresponds with the taxpayer's adjusted gross income, less 80647  
exemptions for the taxable year: 80648

A.	B.	
IF THE ADJUSTED GROSS INCOME,	THE CREDIT FOR THE TAXABLE	80650
LESS EXEMPTIONS, FOR THE TAX YEAR	YEAR IS:	

IS:

\$25,000 or less	20%	80651
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More than \$25,000 but not more than \$50,000	15%	80652
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More than \$50,000 but not more than \$75,000	10%	80653
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More than \$75,000	5%	80654
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(3) The credit allowed under this division shall not exceed 80655

six hundred fifty dollars in any taxable year. 80656

(4) The credit shall be claimed in the order required under 80657

section 5747.98 of the Revised Code. 80658

~~(H)(F) No claim for credit under this section shall be 80659~~

~~allowed unless the claimant furnishes such supporting information 80660~~

~~as the tax commissioner prescribes by rules. Each credit under 80661~~

~~this section shall be claimed in the order required under section 80662~~

~~5747.98 of the Revised Code.~~ 80663

~~(I) An individual who is a resident for part of a taxable 80664~~

~~year and a nonresident for the remainder of the taxable year is 80665~~

~~allowed the credits under divisions (A) and (B) of this section in 80666~~

~~accordance with rules prescribed by the tax commissioner. In no 80667~~

~~event shall the same income be subject to both credits.~~ 80668

~~(J) The credit allowed under division (A) of this section 80669~~

~~shall be calculated based upon the amount of tax due under section 80670~~

~~5747.02 of the Revised Code after subtracting any other credits 80671~~

~~that precede the credit under that division in the order required 80672~~

~~under section 5747.98 of the Revised Code. The credit allowed 80673~~

~~under division (B) of this section shall be calculated based upon 80674  
the amount of tax due under section 5747.02 of the Revised Code 80675  
after subtracting any other credits that precede the credit under 80676  
that division in the order required under section 5747.98 of the 80677  
Revised Code. 80678~~

~~(K) No credit shall be allowed under division (B) of this 80679  
section unless the taxpayer furnishes such proof as the tax 80680  
commissioner shall require that the income tax liability has been 80681  
paid to another state or the District of Columbia. 80682~~

~~(L) No credit shall be allowed under division (B) of this 80683  
section for compensation that is not subject to the income tax of 80684  
another state or the District of Columbia as the result of an 80685  
agreement entered into by the tax commissioner under division 80686  
(A)(3) of this section. 80687~~

**Sec. 5747.055.** (A) As used in this section "retirement 80688  
income" means retirement benefits, annuities, or distributions 80689  
that are made from or pursuant to a pension, retirement, or 80690  
profit-sharing plan and that: 80691

(1) In the case of an individual, are received by the 80692  
individual on account of retirement and are included in the 80693  
individual's adjusted gross income; 80694

(2) In the case of an estate, are payable to the estate for 80695  
the benefit of the surviving spouse of the decedent and are 80696  
included in the estate's taxable income. 80697

(B) A credit shall be allowed against the tax imposed by 80698  
section 5747.02 of the Revised Code for taxpayers who received 80699  
retirement income during the taxable year and whose adjusted gross 80700  
income for the taxable year, less applicable exemptions under 80701  
section 5747.025 of the Revised Code, as shown on an individual or 80702  
joint annual return is less than one hundred thousand dollars. 80703



Only one such credit shall be allowed for each return, and the amount of the credit shall be computed in accordance with the following schedule, subject to the limitation provided in division (F) of this section:

AMOUNT OF RETIREMENT INCOME RECEIVED DURING THE TAXABLE YEAR	CREDIT FOR THE TAXABLE YEAR
\$500 or less	\$ 0
Over \$500 but not more than \$1,500	\$ 25
Over \$1,500 but not more than \$3,000	\$ 50
Over \$3,000 but not more than \$5,000	\$ 80
Over \$5,000 but not more than \$8,000	\$130
Over \$8,000	\$200

(C) At the election of a taxpayer who receives a lump-sum distribution from a pension, retirement, or profit-sharing plan within one taxable year and whose adjusted gross income for the taxable year, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars, the credit allowed by this section for that year shall be computed as follows:

(1) Divide the amount of retirement income received during the taxable year by the taxpayer's expected remaining life on the last day of the taxable year, as shown by annuity tables issued under the provisions of the Internal Revenue Code and in effect for the calendar year that includes the last day of the taxable year;

(2) Using the quotient thus obtained as the amount of retirement income received during the taxable year, compute the credit for the taxable year in accordance with division (B) of this section;

(3) Multiply the credit thus obtained by the taxpayer's expected remaining life. The product thus obtained shall be the credit under this division for the taxable year. A taxpayer who

elects to receive a credit under this division is not entitled to 80736  
receive a credit under this section for any subsequent year except 80737  
as provided in divisions (D) and (E) of this section. 80738

(D) If the credit under division (C) or (E) of this section 80739  
exceeds the tax due for the taxable year after allowing for any 80740  
other credit that precedes that credit in the order required under 80741  
section 5747.98 of the Revised Code, the taxpayer may elect to 80742  
receive a credit for each subsequent taxable year. The amount of 80743  
the credit for each such year shall be computed as follows: 80744

(1) Determine the amount by which the unused credit elected 80745  
under division (C) or (E) of this section exceeded the tax due for 80746  
the taxable year after allowing for any preceding credit in the 80747  
required order; 80748

(2) Divide the amount of such excess by one year less than 80749  
the taxpayer's expected remaining life on the last day of the 80750  
taxable year of the distribution for which the credit was allowed 80751  
under division (C) or (E) of this section. The quotient thus 80752  
obtained shall be the credit for each subsequent year. 80753

(E) If subsequent to the receipt of a lump-sum distribution 80754  
and an election under division (C) of this section an individual 80755  
receives another lump-sum distribution within one taxable year, 80756  
and the taxpayer's adjusted gross income for the taxable year, 80757  
less applicable exemptions under section 5747.025 of the Revised 80758  
Code, as shown on an individual or joint annual return is less 80759  
than one hundred thousand dollars, the taxpayer may elect to 80760  
receive a credit for that taxable year. The credit shall equal the 80761  
lesser of: 80762

(1) A credit computed in the manner prescribed in division 80763  
(C) of this section; 80764

(2) The amount of credit, if any, to which the taxpayer would 80765  
otherwise be entitled for the taxable year under division (D) of 80766

this section times the taxpayer's expected remaining life on the 80767  
last day of the taxable year. A taxpayer who elects to receive a 80768  
credit under this division is not entitled to a credit under this 80769  
section for any subsequent year except as provided in division (D) 80770  
of this section. 80771

~~(F) In the case of a taxpayer who elected to take an 80772  
exclusion under division (A)(1) or (3) of former section 5747.01 80773  
of the Revised Code based upon the taxpayer's expected remaining 80774  
life, and who was entitled immediately preceding the effective 80775  
date of this section under division (A)(2) or (3) of such section 80776  
to a further exclusion, any credit computed in accordance with the 80777  
schedule in division (B) of this section, including the credit 80778  
computed under division (C)(2) of this section, shall not exceed 80779  
the credit available upon an amount of retirement income received 80780  
during the taxable year equal to the sum of such former exclusion 80781  
plus four thousand dollars. A credit equal to fifty dollars for 80782  
each return required to be filed under section 5747.08 of the 80783  
Revised Code shall be allowed against the tax imposed by section 80784  
5747.02 of the Revised Code for taxpayers sixty-five years of age 80785  
or older during the taxable year whose adjusted gross income, less 80786  
applicable exemptions under section 5747.025 of the Revised Code, 80787  
as shown on an individual or joint annual return is less than one 80788  
hundred thousand dollars for that taxable year. 80789~~

(G) A taxpayer sixty-five years of age or older during the 80790  
taxable year who has received a lump-sum distribution from a 80791  
pension, retirement, or profit-sharing plan in the taxable year, 80792  
and whose adjusted gross income, less applicable exemptions under 80793  
section 5747.025 of the Revised Code, as shown on an individual or 80794  
joint annual return is less than one hundred thousand dollars for 80795  
that taxable year may elect to receive a credit under this 80796  
division in lieu of the credit to which the taxpayer is entitled 80797  
under division (F) of this section. A taxpayer making such an 80798

election shall receive a credit for the taxable year against the tax imposed by section 5747.02 of the Revised Code equal to fifty dollars times the taxpayer's expected remaining life as shown by annuity tables issued under the Internal Revenue Code and in effect for the calendar year that includes the last day of the taxable year. A taxpayer making an election under this division is not entitled to the credit authorized under division (F) of this section in subsequent taxable years.

(H) The credits allowed by this section shall be claimed in the order required under section 5747.98 of the Revised Code. The tax commissioner may require a taxpayer to furnish any information necessary to support a claim for credit under this section, and no credit shall be allowed unless such information is provided.

**Sec. 5747.058.** (A) A refundable income tax credit granted by the tax credit authority under section 122.17 or former division (B)(2) or (3) of section 122.171 of the Revised Code, as those divisions existed before the effective date of the amendment of this section by H.B. 64 of the 131st general assembly, may be claimed under this chapter, in the order required under section 5747.98 of the Revised Code. For purposes of making tax payments under this chapter, taxes equal to the amount of the refundable credit shall be considered to be paid to this state on the first day of the taxable year. The refundable credit shall not be claimed for any taxable years ending with or following the calendar year in which a relocation of employment positions occurs in violation of an agreement entered into under section 122.17 or 122.171 of the Revised Code.

(B) A nonrefundable income tax credit granted by the tax credit authority under division (B)~~(1)~~ of section 122.171 of the Revised Code may be claimed under this chapter, in the order required under section 5747.98 of the Revised Code.

**Sec. 5747.08.** An annual return with respect to the tax 80830  
imposed by section 5747.02 of the Revised Code and each tax 80831  
imposed under Chapter 5748. of the Revised Code shall be made by 80832  
every taxpayer for any taxable year for which the taxpayer is 80833  
liable for the tax imposed by that section or under that chapter, 80834  
unless the total credits allowed under ~~divisions~~ division (E) ~~7~~ 80835  
~~(F), and (G)~~ of section 5747.05 and divisions (F) and (G) of 80836  
section 5747.055 of the Revised Code for the year are equal to or 80837  
exceed the tax imposed by section 5747.02 of the Revised Code, in 80838  
which case no return shall be required unless the taxpayer is 80839  
liable for a tax imposed pursuant to Chapter 5748. of the Revised 80840  
Code. 80841

(A) If an individual is deceased, any return or notice 80842  
required of that individual under this chapter shall be made and 80843  
filed by that decedent's executor, administrator, or other person 80844  
charged with the property of that decedent. 80845

(B) If an individual is unable to make a return or notice 80846  
required by this chapter, the return or notice required of that 80847  
individual shall be made and filed by the individual's duly 80848  
authorized agent, guardian, conservator, fiduciary, or other 80849  
person charged with the care of the person or property of that 80850  
individual. 80851

(C) Returns or notices required of an estate or a trust shall 80852  
be made and filed by the fiduciary of the estate or trust. 80853

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 80854  
of this section, any pass-through entity may file a single return 80855  
on behalf of one or more of the entity's investors other than an 80856  
investor that is a person subject to the tax imposed under section 80857  
5733.06 of the Revised Code. The single return shall set forth the 80858  
name, address, and social security number or other identifying 80859  
number of each of those pass-through entity investors and shall 80860

indicate the distributive share of each of those pass-through 80861  
entity investor's income taxable in this state in accordance with 80862  
sections 5747.20 to 5747.231 of the Revised Code. Such 80863  
pass-through entity investors for whom the pass-through entity 80864  
elects to file a single return are not entitled to the exemption 80865  
or credit provided for by sections 5747.02 and 5747.022 of the 80866  
Revised Code; shall calculate the tax before business credits at 80867  
the highest rate of tax set forth in section 5747.02 of the 80868  
Revised Code for the taxable year for which the return is filed; 80869  
and are entitled to only their distributive share of the business 80870  
credits as defined in division (D)(2) of this section. A single 80871  
check drawn by the pass-through entity shall accompany the return 80872  
in full payment of the tax due, as shown on the single return, for 80873  
such investors, other than investors who are persons subject to 80874  
the tax imposed under section 5733.06 of the Revised Code. 80875

(b)(i) A pass-through entity shall not include in such a 80876  
single return any investor that is a trust to the extent that any 80877  
direct or indirect current, future, or contingent beneficiary of 80878  
the trust is a person subject to the tax imposed under section 80879  
5733.06 of the Revised Code. 80880

(ii) A pass-through entity shall not include in such a single 80881  
return any investor that is itself a pass-through entity to the 80882  
extent that any direct or indirect investor in the second 80883  
pass-through entity is a person subject to the tax imposed under 80884  
section 5733.06 of the Revised Code. 80885

(c) Nothing in division (D) of this section precludes the tax 80886  
commissioner from requiring such investors to file the return and 80887  
make the payment of taxes and related interest, penalty, and 80888  
interest penalty required by this section or section 5747.02, 80889  
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 80890  
of this section precludes such an investor from filing the annual 80891  
return under this section, utilizing the refundable credit equal 80892

to the investor's proportionate share of the tax paid by the 80893  
pass-through entity on behalf of the investor under division (I) 80894  
of this section, and making the payment of taxes imposed under 80895  
section 5747.02 of the Revised Code. Nothing in division (D) of 80896  
this section shall be construed to provide to such an investor or 80897  
pass-through entity any additional deduction or credit, other than 80898  
the credit provided by division (I) of this section, solely on 80899  
account of the entity's filing a return in accordance with this 80900  
section. Such a pass-through entity also shall make the filing and 80901  
payment of estimated taxes on behalf of the pass-through entity 80902  
investors other than an investor that is a person subject to the 80903  
tax imposed under section 5733.06 of the Revised Code. 80904

(2) For the purposes of this section, "business credits" 80905  
means the credits listed in section 5747.98 of the Revised Code 80906  
excluding the following credits: 80907

(a) The retirement income credit under division (B) of 80908  
section 5747.055 of the Revised Code; 80909

(b) The senior citizen credit under division ~~(C)~~(F) of 80910  
section ~~5747.05~~ 5747.055 of the Revised Code; 80911

(c) The lump sum distribution credit under division ~~(D)~~(G) of 80912  
section ~~5747.05~~ 5747.055 of the Revised Code; 80913

(d) The dependent care credit under section 5747.054 of the 80914  
Revised Code; 80915

(e) The lump sum retirement income credit under division (C) 80916  
of section 5747.055 of the Revised Code; 80917

(f) The lump sum retirement income credit under division (D) 80918  
of section 5747.055 of the Revised Code; 80919

(g) The lump sum retirement income credit under division (E) 80920  
of section 5747.055 of the Revised Code; 80921

(h) The credit for displaced workers who pay for job training 80922

under section 5747.27 of the Revised Code;	80923
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	80924 80925
(j) The joint filing credit under division <del>(G)</del> (E) of section 5747.05 of the Revised Code;	80926 80927
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	80928 80929
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	80930 80931
(m) The low-income credit under section 5747.056 of the Revised Code;	80932 80933
(n) The earned income tax credit under section 5747.71 of the Revised Code.	80934 80935
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	80936 80937 80938 80939 80940 80941 80942 80943
(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a	80944 80945 80946 80947 80948 80949 80950 80951 80952



result of the pass-through entity's making the election provided 80953  
for under division (D) of this section. For the purposes of 80954  
division (D) of this section, "correct tax due" means the tax that 80955  
would have been paid by the pass-through entity had the single 80956  
return been filed in a manner reflecting the commissioner's 80957  
findings. Nothing in division (D) of this section shall be 80958  
construed to make or hold a pass-through entity liable for tax 80959  
attributable to a pass-through entity investor's income from a 80960  
source other than the pass-through entity electing to file the 80961  
single return. 80962

(E) If a husband and wife file a joint federal income tax 80963  
return for a taxable year, they shall file a joint return under 80964  
this section for that taxable year, and their liabilities are 80965  
joint and several, but, if the federal income tax liability of 80966  
either spouse is determined on a separate federal income tax 80967  
return, they shall file separate returns under this section. 80968

If either spouse is not required to file a federal income tax 80969  
return and either or both are required to file a return pursuant 80970  
to this chapter, they may elect to file separate or joint returns, 80971  
and, pursuant to that election, their liabilities are separate or 80972  
joint and several. If a husband and wife file separate returns 80973  
pursuant to this chapter, each must claim the taxpayer's own 80974  
exemption, but not both, as authorized under section 5747.02 of 80975  
the Revised Code on the taxpayer's own return. 80976

(F) Each return or notice required to be filed under this 80977  
section shall contain the signature of the taxpayer or the 80978  
taxpayer's duly authorized agent and of the person who prepared 80979  
the return for the taxpayer, and shall include the taxpayer's 80980  
social security number. Each return shall be verified by a 80981  
declaration under the penalties of perjury. The tax commissioner 80982  
shall prescribe the form that the signature and declaration shall 80983  
take. 80984

(G) Each return or notice required to be filed under this 80985  
section shall be made and filed as required by section 5747.04 of 80986  
the Revised Code, on or before the fifteenth day of April of each 80987  
year, on forms that the tax commissioner shall prescribe, together 80988  
with remittance made payable to the treasurer of state in the 80989  
combined amount of the state and all school district income taxes 80990  
shown to be due on the form. 80991

Upon good cause shown, the commissioner may extend the period 80992  
for filing any notice or return required to be filed under this 80993  
section and may adopt rules relating to extensions. If the 80994  
extension results in an extension of time for the payment of any 80995  
state or school district income tax liability with respect to 80996  
which the return is filed, the taxpayer shall pay at the time the 80997  
tax liability is paid an amount of interest computed at the rate 80998  
per annum prescribed by section 5703.47 of the Revised Code on 80999  
that liability from the time that payment is due without extension 81000  
to the time of actual payment. Except as provided in section 81001  
5747.132 of the Revised Code, in addition to all other interest 81002  
charges and penalties, all taxes imposed under this chapter or 81003  
Chapter 5748. of the Revised Code and remaining unpaid after they 81004  
become due, except combined amounts due of one dollar or less, 81005  
bear interest at the rate per annum prescribed by section 5703.47 81006  
of the Revised Code until paid or until the day an assessment is 81007  
issued under section 5747.13 of the Revised Code, whichever occurs 81008  
first. 81009

If the commissioner considers it necessary in order to ensure 81010  
the payment of the tax imposed by section 5747.02 of the Revised 81011  
Code or any tax imposed under Chapter 5748. of the Revised Code, 81012  
the commissioner may require returns and payments to be made 81013  
otherwise than as provided in this section. 81014

To the extent that any provision in this division conflicts 81015  
with any provision in section 5747.026 of the Revised Code, the 81016

provision in that section prevails. 81017

(H) The amounts withheld by an employer pursuant to section 81018  
5747.06 of the Revised Code, a casino operator pursuant to section 81019  
5747.063 of the Revised Code, or a lottery sales agent pursuant to 81020  
section 5747.064 of the Revised Code shall be allowed to the 81021  
recipient of the compensation casino winnings, or lottery prize 81022  
award as credits against payment of the appropriate taxes imposed 81023  
on the recipient by section 5747.02 and under Chapter 5748. of the 81024  
Revised Code. 81025

(I) If a pass-through entity elects to file a single return 81026  
under division (D) of this section and if any investor is required 81027  
to file the annual return and make the payment of taxes required 81028  
by this chapter on account of the investor's other income that is 81029  
not included in a single return filed by a pass-through entity or 81030  
any other investor elects to file the annual return, the investor 81031  
is entitled to a refundable credit equal to the investor's 81032  
proportionate share of the tax paid by the pass-through entity on 81033  
behalf of the investor. The investor shall claim the credit for 81034  
the investor's taxable year in which or with which ends the 81035  
taxable year of the pass-through entity. Nothing in this chapter 81036  
shall be construed to allow any credit provided in this chapter to 81037  
be claimed more than once. For the purpose of computing any 81038  
interest, penalty, or interest penalty, the investor shall be 81039  
deemed to have paid the refundable credit provided by this 81040  
division on the day that the pass-through entity paid the 81041  
estimated tax or the tax giving rise to the credit. 81042

(J) The tax commissioner shall ensure that each return 81043  
required to be filed under this section includes a box that the 81044  
taxpayer may check to authorize a paid tax preparer who prepared 81045  
the return to communicate with the department of taxation about 81046  
matters pertaining to the return. The return or instructions 81047  
accompanying the return shall indicate that by checking the box 81048

the taxpayer authorizes the department of taxation to contact the preparer concerning questions that arise during the processing of the return and authorizes the preparer only to provide the department with information that is missing from the return, to contact the department for information about the processing of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the department and has shown to the preparer.

(K) The tax commissioner shall permit individual taxpayers to instruct the department of taxation to cause any refund of overpaid taxes to be deposited directly into a checking account, savings account, or an individual retirement account or individual retirement annuity, or preexisting college savings plan or program account offered by the Ohio tuition trust authority under Chapter 3334. of the Revised Code, as designated by the taxpayer, when the taxpayer files the annual return required by this section electronically.

(L) The tax commissioner may adopt rules to administer this section.

**Sec. 5747.113.** (A) Any taxpayer claiming a refund under section 5747.11 of the Revised Code who wishes to contribute any part of the taxpayer's refund to the natural areas and preserves fund created in section 1517.11 of the Revised Code, the nongame and endangered wildlife fund created in section 1531.26 of the Revised Code, the military injury relief fund created in section ~~5101.98~~ 5902.05 of the Revised Code, the Ohio historical society income tax contribution fund created in section 149.308 of the Revised Code, the breast and cervical cancer project income tax contribution fund created in section 3701.601 of the Revised Code, or all of those funds may designate on the taxpayer's income tax

return the amount that the taxpayer wishes to contribute to the 81080  
fund or funds. A designated contribution is irrevocable upon the 81081  
filing of the return and shall be made in the full amount 81082  
designated if the refund found due the taxpayer upon the initial 81083  
processing of the taxpayer's return, after any deductions 81084  
including those required by section 5747.12 of the Revised Code, 81085  
is greater than or equal to the designated contribution. If the 81086  
refund due as initially determined is less than the designated 81087  
contribution, the contribution shall be made in the full amount of 81088  
the refund. The tax commissioner shall subtract the amount of the 81089  
contribution from the amount of the refund initially found due the 81090  
taxpayer and shall certify the difference to the director of 81091  
budget and management and treasurer of state for payment to the 81092  
taxpayer in accordance with section 5747.11 of the Revised Code. 81093  
For the purpose of any subsequent determination of the taxpayer's 81094  
net tax payment, the contribution shall be considered a part of 81095  
the refund paid to the taxpayer. 81096

(B) The tax commissioner shall provide a space on the income 81097  
tax return form in which a taxpayer may indicate that the taxpayer 81098  
wishes to make a donation in accordance with this section. The tax 81099  
commissioner shall also print in the instructions accompanying the 81100  
income tax return form a description of the purposes for which the 81101  
natural areas and preserves fund, the nongame and endangered 81102  
wildlife fund, the military injury relief fund, the Ohio 81103  
historical society income tax contribution fund, and the breast 81104  
and cervical cancer project income tax contribution fund were 81105  
created and the use of moneys from the income tax refund 81106  
contribution system established in this section. No person shall 81107  
designate on the person's income tax return any part of a refund 81108  
claimed under section 5747.11 of the Revised Code as a 81109  
contribution to any fund other than the natural areas and 81110  
preserves fund, the nongame and endangered wildlife fund, the 81111  
military injury relief fund, the Ohio historical society income 81112

tax contribution fund, or the breast and cervical cancer project 81113  
income tax contribution fund. 81114

(C) The money collected under the income tax refund 81115  
contribution system established in this section shall be deposited 81116  
by the tax commissioner into the natural areas and preserves fund, 81117  
the nongame and endangered wildlife fund, the military injury 81118  
relief fund, the Ohio historical society income tax contribution 81119  
fund, and the breast and cervical cancer project income tax 81120  
contribution fund in the amounts designated on the tax returns. 81121

(D) No later than the thirtieth day of September each year, 81122  
the tax commissioner shall determine the total amount contributed 81123  
to each fund under this section during the preceding eight months, 81124  
any adjustments to prior months, and the cost to the department of 81125  
taxation of administering the income tax refund contribution 81126  
system during that eight-month period. The commissioner shall make 81127  
an additional determination no later than the thirty-first day of 81128  
January of each year of the total amount contributed to each fund 81129  
under this section during the preceding four calendar months, any 81130  
adjustments to prior years made during that four-month period, and 81131  
the cost to the department of taxation of administering the income 81132  
tax contribution system during that period. The cost of 81133  
administering the income tax contribution system shall be 81134  
certified by the tax commissioner to the director of budget and 81135  
management, who shall transfer an amount equal to one-fifth of 81136  
such administrative costs from each of the five funds to the 81137  
income tax contribution fund, which is hereby created, provided 81138  
that the moneys that the department receives to pay the cost of 81139  
administering the income tax refund contribution system in any 81140  
year shall not exceed two and one-half per cent of the total 81141  
amount contributed under that system during that year. 81142

(E) If the total amount contributed to a fund under this 81143  
section in each of two consecutive calendar years is less than one 81144

hundred fifty thousand dollars, no person may designate a 81145  
contribution to that fund for any taxable year ending after the 81146  
last day of that two-year period. In such a case, the tax 81147  
commissioner shall remove the space dedicated to the fund on the 81148  
income tax return and the description of the fund in the 81149  
instructions accompanying the income tax return. 81150

(F) The general assembly may authorize taxpayer refund 81151  
contributions to no more than six funds under the income tax 81152  
refund contribution system established in this section. If the 81153  
general assembly authorizes income tax refund contributions to a 81154  
fund other than the natural areas and preserves fund, the nongame 81155  
and endangered wildlife fund, the military injury relief fund, the 81156  
Ohio historical society income tax contribution fund, or the 81157  
breast and cervical cancer project income tax contribution fund, 81158  
such contributions may be authorized only for a period of two 81159  
calendar years. 81160

With the exception of the Ohio historical society income tax 81161  
contribution fund, the general assembly may authorize income tax 81162  
refund contributions to a fund only if all the money in the fund 81163  
will be expended or distributed by a state agency as defined in 81164  
section 1.60 of the Revised Code. 81165

(G)(1) The director of natural resources, in January of every 81166  
odd-numbered year, shall report to the general assembly on the 81167  
effectiveness of the income tax refund contribution system as it 81168  
pertains to the natural areas and preserves fund and the nongame 81169  
and endangered wildlife fund. The report shall include the amount 81170  
of money contributed to each fund in each of the previous five 81171  
years, the amount of money contributed directly to each fund in 81172  
addition to or independently of the income tax refund contribution 81173  
system in each of the previous five years, and the purposes for 81174  
which the money was expended. 81175

(2) The director of ~~job and family~~ veterans services, the 81176

director of the Ohio historical society, and the director of 81177  
health, in January of every odd-numbered year, each shall report 81178  
to the general assembly on the effectiveness of the income tax 81179  
refund contribution system as it pertains to the military injury 81180  
relief fund, the Ohio historical society income tax contribution 81181  
fund, and the breast and cervical cancer project income tax 81182  
contribution fund, respectively. The report shall include the 81183  
amount of money contributed to the fund in each of the previous 81184  
five years, the amount of money contributed directly to the fund 81185  
in addition to or independently of the income tax refund 81186  
contribution system in each of the previous five years, and the 81187  
purposes for which the money was expended. 81188

**Sec. 5747.50.** (A) As used in this section: 81189

(1) "County's proportionate share of the calendar year 2007 81190  
LGF and LGRAF distributions" means the percentage computed for the 81191  
county under division (B)(1)(a) of section 5747.501 of the Revised 81192  
Code. 81193

(2) "County's proportionate share of the total amount of the 81194  
local government fund additional revenue formula" means each 81195  
county's proportionate share of the state's population as 81196  
determined for and certified to the county for distributions to be 81197  
made during the current calendar year under division (B)(2)(a) of 81198  
section 5747.501 of the Revised Code. If prior to the first day of 81199  
January of the current calendar year the federal government has 81200  
issued a revision to the population figures reflected in the 81201  
estimate produced pursuant to division (B)(2)(a) of section 81202  
5747.501 of the Revised Code, such revised population figures 81203  
shall be used for making the distributions during the current 81204  
calendar year. 81205

(3) "2007 LGF and LGRAF county distribution base available in 81206  
that month" means the lesser of the amounts described in division 81207



(A)(3)(a) and (b) of this section, provided that the amount shall 81208  
not be less than zero: 81209

(a) The total amount available for distribution to counties 81210  
from the local government fund during the current month. 81211

(b) The total amount distributed to counties from the local 81212  
government fund and the local government revenue assistance fund 81213  
to counties in calendar year 2007 less the total amount 81214  
distributed to counties under division (B)(1) of this section 81215  
during previous months of the current calendar year. 81216

(4) "Local government fund additional revenue distribution 81217  
base available during that month" means the total amount available 81218  
for distribution to counties during the month from the local 81219  
government fund, less any amounts to be distributed in that month 81220  
from the local government fund under division (B)(1) of this 81221  
section, provided that the local government fund additional 81222  
revenue distribution base available during that month shall not be 81223  
less than zero. 81224

(5) "Total amount available for distribution to counties" 81225  
means the total amount available for distribution from the local 81226  
government fund during the current month less the total amount 81227  
available for distribution to municipal corporations during the 81228  
current month under division (C) of this section. 81229

(B) On or before the tenth day of each month, the tax 81230  
commissioner shall provide for payment to each county an amount 81231  
equal to the sum of: 81232

(1) The county's proportionate share of the calendar year 81233  
2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 81234  
LGRAF county distribution base available in that month, provided 81235  
that if the 2007 LGF and LGRAF county distribution base available 81236  
in that month is zero, no payment shall be made under division 81237  
(B)(1) of this section for the month or the remainder of the 81238

calendar year; and 81239

(2) The county's proportionate share of the total amount of 81240  
the local government fund additional revenue formula multiplied by 81241  
the local government fund additional revenue distribution base 81242  
available during that month. 81243

Money received into the treasury of a county under this 81244  
division shall be credited to the undivided local government fund 81245  
in the treasury of the county on or before the fifteenth day of 81246  
each month. On or before the twentieth day of each month, the 81247  
county auditor shall issue warrants against all of the undivided 81248  
local government fund in the county treasury in the respective 81249  
amounts allowed as provided in section 5747.51 of the Revised 81250  
Code, and the treasurer shall distribute and pay such sums to the 81251  
subdivision therein. 81252

(C)(1) As used in division (C) of this section: 81253

(a) "Total amount available for distribution to 81254  
municipalities during the current month" means the product 81255  
obtained by multiplying the total amount available for 81256  
distribution from the local government fund during the current 81257  
month by the aggregate municipal share. 81258

(b) "Aggregate municipal share" means the quotient obtained 81259  
by dividing the total amount distributed directly from the local 81260  
government fund to municipal corporations during calendar year 81261  
2007 by the total distributions from the local government fund and 81262  
local government revenue assistance fund during calendar year 81263  
2007. 81264

(2) On or before the tenth day of each month, the tax 81265  
commissioner shall provide for payment from the local government 81266  
fund to each municipal corporation an amount equal to the product 81267  
derived by multiplying the municipal corporation's percentage of 81268  
the total amount distributed to all such municipal corporations 81269

under this division during calendar year 2007 by the total amount 81270  
available for distribution to municipal corporations during the 81271  
current month. 81272

(3) Payments received by a municipal corporation under this 81273  
division shall be paid into its general fund and may be used for 81274  
any lawful purpose. 81275

(4) The amount distributed to municipal corporations under 81276  
this division during any calendar year shall not exceed the amount 81277  
distributed directly from the local government fund to municipal 81278  
corporations during calendar year 2007. If that maximum amount is 81279  
reached during any month, distributions to municipal corporations 81280  
in that month shall be as provided in divisions (C)(1) and (2) of 81281  
this section, but no further distributions shall be made to 81282  
municipal corporations under division (C) of this section during 81283  
the remainder of the calendar year. 81284

(5) Upon being informed of a municipal corporation's 81285  
dissolution, the tax commissioner shall cease providing for 81286  
payments to that municipal corporation under division (C) of this 81287  
section. The proportionate shares of the total amount available 81288  
for distribution to each of the remaining municipal corporations 81289  
under this division shall be increased on a pro rata basis. 81290

The tax commissioner shall reduce payments under division (C) 81291  
of this section to municipal corporations for which reduced 81292  
payments are required under section 5747.502 of the Revised Code. 81293

(D) Each municipal corporation which has in effect a tax 81294  
imposed under Chapter 718. of the Revised Code shall, no later 81295  
than the thirty-first day of August of each year, certify to the 81296  
tax commissioner, on a form prescribed by the commissioner, the 81297  
amount of income tax revenue collected and refunded by such 81298  
municipal corporation pursuant to such chapter during the 81299  
preceding calendar year, arranged, when possible, by the type of 81300

income from which the revenue was collected or the refund was 81301  
issued. The municipal corporation shall also report the amount of 81302  
income tax revenue collected and refunded on behalf of a joint 81303  
economic development district or a joint economic development zone 81304  
that levies an income tax administered by the municipal 81305  
corporation and the amount of such revenue distributed to 81306  
contracting parties during the preceding calendar year. The tax 81307  
commissioner may withhold payment of local government fund moneys 81308  
pursuant to division (C) of this section from any municipal 81309  
corporation for failure to comply with this reporting requirement. 81310

Sec. 5747.502. (A) As used in this section: 81311

(1) "Delinquent subdivision" means a municipal corporation, 81312  
township, or county that has not filed a report or signed 81313  
statement under section 4511.0915 of the Revised Code, as required 81314  
under that section. 81315

(2) "Noncompliant subdivision" means a municipal corporation, 81316  
township, or county that files a report under division (A)(1) of 81317  
section 4511.0915 of the Revised Code for the most recent calendar 81318  
quarter. 81319

(B)(1)(a) Upon receiving notification of a delinquent 81320  
subdivision under division (C)(2) of section 4511.0915 of the 81321  
Revised Code, the tax commissioner shall do both of the following: 81322

(i) If the delinquent subdivision is a municipal corporation, 81323  
cease providing for payments to the municipal corporation under 81324  
division (C) of section 5747.50 of the Revised Code, beginning 81325  
with the next required payment; 81326

(ii) Immediately notify the county auditor and county 81327  
treasurer required to provide for payments to the delinquent 81328  
subdivision from a county undivided local government fund that 81329  
such payments are to cease until the tax commissioner notifies the 81330

auditor and treasurer under division (B)(3)(a)(ii) of this section. 81331  
81332

(b) A county treasurer receiving the notice under division (B)(1)(a)(ii) of this section shall cease providing for payments to the delinquent subdivision from a county undivided local government fund, beginning with the next required payment. 81333  
81334  
81335  
81336

(2)(a) Upon receiving notification that a county, township, or municipal corporation is no longer a delinquent subdivision under division (C)(3) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following: 81337  
81338  
81339  
81340

(i) If the formerly delinquent subdivision is a municipal corporation, begin providing for payments to the municipal corporation as required under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment. 81341  
81342  
81343  
81344

(ii) Immediately notify the county auditor and county treasurer who ceased payments to the formerly delinquent subdivision under division (B)(1)(b) of this section that the treasurer shall begin providing for payment from a county undivided local government fund to the formerly delinquent subdivision under section 5747.51 or 5747.53 of the Revised Code. 81345  
81346  
81347  
81348  
81349  
81350

(b) A county treasurer receiving notice under division (B)(2)(a)(ii) of this section shall provide for payments to the formerly delinquent subdivision from a county undivided local government fund, beginning with the next required payment. 81351  
81352  
81353  
81354

(C)(1) Upon receiving notification of a noncompliant subdivision under division (C)(1) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following: 81355  
81356  
81357

(a) If the delinquent subdivision is a municipal corporation, reduce the amount of each of the next three local government fund payments the noncompliant subdivision would otherwise receive under division (C) of section 5747.50 of the Revised Code in an 81358  
81359  
81360  
81361

amount equal to one-third of the gross amount of fines reported by 81362  
the noncompliant subdivision on the report filed for the calendar 81363  
quarter. 81364

(b) If the reduction described in division (C)(1)(a) of this 81365  
section exceeds the amount of money the noncompliant subdivision 81366  
would otherwise receive under division (C) of section 5747.50 of 81367  
the Revised Code, immediately notify the county auditor and county 81368  
treasurer required to provide for payments to the noncompliant 81369  
subdivision from a county undivided local government fund that 81370  
each of the next three such payments are to be reduced to that 81371  
subdivision in an amount equal to one-third of that excess. 81372

(2) A county treasurer receiving notice under division 81373  
(C)(1)(b) of this section shall reduce the payments to the 81374  
noncompliant subdivision from a county undivided local government 81375  
fund as required by the notice. 81376

(D)(1) The tax commissioner shall provide for payment of an 81377  
amount equal to amounts withheld from municipal corporations under 81378  
divisions (B)(1)(a)(i) and (C)(1)(a) of this section to the 81379  
undivided local government fund of the county from which the 81380  
municipal corporation receives payments under section 5747.51 or 81381  
5747.53 of the Revised Code. The county treasurer shall distribute 81382  
that money among subdivisions that are not delinquent or 81383  
noncompliant subdivisions and that are entitled to receive 81384  
distributions under those sections by increasing each such 81385  
subdivision's distribution on a pro rata basis. 81386

(2) A county treasurer shall distribute any amount withheld 81387  
from a delinquent or noncompliant subdivision under division 81388  
(B)(1)(b) or (C)(2) of this section among other subdivisions that 81389  
are not delinquent or noncompliant subdivisions by increasing each 81390  
such subdivision's distribution from the county's undivided local 81391  
government fund on a pro rata basis. 81392

(E) A county, township, or municipal corporation receiving an increased distribution under division (B) or (C) of this section shall use such money for the current operating expenses of the subdivision. 81393  
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**Sec. 5747.51.** (A) On or before the twenty-fifth day of July of each year, the tax commissioner shall make and certify to the county auditor of each county an estimate of the amount of the local government fund to be allocated to the undivided local government fund of each county for the ensuing calendar year, adjusting the total as required to account for subdivisions receiving local government funds under section 5747.502 of the Revised Code. 81397  
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(B) At each annual regular session of the county budget commission convened pursuant to section 5705.27 of the Revised Code, each auditor shall present to the commission the certificate of the commissioner, the annual tax budget and estimates, and the records showing the action of the commission in its last preceding regular session. The commission, after extending to the representatives of each subdivision an opportunity to be heard, under oath administered by any member of the commission, and considering all the facts and information presented to it by the auditor, shall determine the amount of the undivided local government fund needed by and to be apportioned to each subdivision for current operating expenses, as shown in the tax budget of the subdivision. This determination shall be made pursuant to divisions (C) to (I) of this section, unless the commission has provided for a formula pursuant to section 5747.53 of the Revised Code. The commissioner shall reduce or increase the amount of funds from the undivided local government fund to a subdivision required to receive reduced or increased funds under section 5747.502 of the Revised Code. 81405  
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Nothing in this section prevents the budget commission, for 81424  
the purpose of apportioning the undivided local government fund, 81425  
from inquiring into the claimed needs of any subdivision as stated 81426  
in its tax budget, or from adjusting claimed needs to reflect 81427  
actual needs. For the purposes of this section, "current operating 81428  
expenses" means the lawful expenditures of a subdivision, except 81429  
those for permanent improvements and except payments for interest, 81430  
sinking fund, and retirement of bonds, notes, and certificates of 81431  
indebtedness of the subdivision. 81432

(C) The commission shall determine the combined total of the 81433  
estimated expenditures, including transfers, from the general fund 81434  
and any special funds other than special funds established for 81435  
road and bridge; street construction, maintenance, and repair; 81436  
state highway improvement; and gas, water, sewer, and electric 81437  
public utilities operated by a subdivision, as shown in the 81438  
subdivision's tax budget for the ensuing calendar year. 81439

(D) From the combined total of expenditures calculated 81440  
pursuant to division (C) of this section, the commission shall 81441  
deduct the following expenditures, if included in these funds in 81442  
the tax budget: 81443

(1) Expenditures for permanent improvements as defined in 81444  
division (E) of section 5705.01 of the Revised Code; 81445

(2) In the case of counties and townships, transfers to the 81446  
road and bridge fund, and in the case of municipalities, transfers 81447  
to the street construction, maintenance, and repair fund and the 81448  
state highway improvement fund; 81449

(3) Expenditures for the payment of debt charges; 81450

(4) Expenditures for the payment of judgments. 81451

(E) In addition to the deductions made pursuant to division 81452  
(D) of this section, revenues accruing to the general fund and any 81453  
special fund considered under division (C) of this section from 81454



the following sources shall be deducted from the combined total of 81455  
expenditures calculated pursuant to division (C) of this section: 81456

(1) Taxes levied within the ten-mill limitation, as defined 81457  
in section 5705.02 of the Revised Code; 81458

(2) The budget commission allocation of estimated county 81459  
public library fund revenues to be distributed pursuant to section 81460  
5747.48 of the Revised Code; 81461

(3) Estimated unencumbered balances as shown on the tax 81462  
budget as of the thirty-first day of December of the current year 81463  
in the general fund, but not any estimated balance in any special 81464  
fund considered in division (C) of this section; 81465

(4) Revenue, including transfers, shown in the general fund 81466  
and any special funds other than special funds established for 81467  
road and bridge; street construction, maintenance, and repair; 81468  
state highway improvement; and gas, water, sewer, and electric 81469  
public utilities, from all other sources except those that a 81470  
subdivision receives from an additional tax or service charge 81471  
voted by its electorate or receives from special assessment or 81472  
revenue bond collection. For the purposes of this division, where 81473  
the charter of a municipal corporation prohibits the levy of an 81474  
income tax, an income tax levied by the legislative authority of 81475  
such municipal corporation pursuant to an amendment of the charter 81476  
of that municipal corporation to authorize such a levy represents 81477  
an additional tax voted by the electorate of that municipal 81478  
corporation. For the purposes of this division, any measure 81479  
adopted by a board of county commissioners pursuant to section 81480  
322.02, 324.02, 4504.02, or 5739.021 of the Revised Code, 81481  
including those measures upheld by the electorate in a referendum 81482  
conducted pursuant to section 322.021, 324.021, 4504.021, or 81483  
5739.022 of the Revised Code, shall not be considered an 81484  
additional tax voted by the electorate. 81485

Subject to division (G) of section 5705.29 of the Revised Code, money in a reserve balance account established by a county, township, or municipal corporation under section 5705.13 of the Revised Code shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section. Money in a reserve balance account established by a township under section 5705.132 of the Revised Code shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section.

If a county, township, or municipal corporation has created and maintains a nonexpendable trust fund under section 5705.131 of the Revised Code, the principal of the fund, and any additions to the principal arising from sources other than the reinvestment of investment earnings arising from such a fund, shall not be considered an unencumbered balance or revenue under division (E)(3) or (4) of this section. Only investment earnings arising from investment of the principal or investment of such additions to principal may be considered an unencumbered balance or revenue under those divisions.

(F) The total expenditures calculated pursuant to division (C) of this section, less the deductions authorized in divisions (D) and (E) of this section, shall be known as the "relative need" of the subdivision, for the purposes of this section.

(G) The budget commission shall total the relative need of all participating subdivisions in the county, and shall compute a relative need factor by dividing the total estimate of the undivided local government fund by the total relative need of all participating subdivisions.

(H) The relative need of each subdivision shall be multiplied by the relative need factor to determine the proportionate share of the subdivision in the undivided local government fund of the county; provided, that the maximum proportionate share of a county

shall not exceed the following maximum percentages of the total 81518  
estimate of the undivided local government fund governed by the 81519  
relationship of the percentage of the population of the county 81520  
that resides within municipal corporations within the county to 81521  
the total population of the county as reported in the reports on 81522  
population in Ohio by the department of development as of the 81523  
twentieth day of July of the year in which the tax budget is filed 81524  
with the budget commission: 81525

Percentage of municipal	Percentage share of the county	81526
population within the county:	shall not exceed:	

		81527
Less than forty-one per cent	Sixty per cent	81528
Forty-one per cent or more but	Fifty per cent	81529
less than eighty-one per cent		
Eighty-one per cent or more	Thirty per cent	81530

Where the proportionate share of the county exceeds the 81531  
limitations established in this division, the budget commission 81532  
shall adjust the proportionate shares determined pursuant to this 81533  
division so that the proportionate share of the county does not 81534  
exceed these limitations, and it shall increase the proportionate 81535  
shares of all other subdivisions on a pro rata basis. In counties 81536  
having a population of less than one hundred thousand, not less 81537  
than ten per cent shall be distributed to the townships therein. 81538

(I) The proportionate share of each subdivision in the 81539  
undivided local government fund determined pursuant to division 81540  
(H) of this section for any calendar year shall not be less than 81541  
the product of the average of the percentages of the undivided 81542  
local government fund of the county as apportioned to that 81543  
subdivision for the calendar years 1968, 1969, and 1970, 81544  
multiplied by the total amount of the undivided local government 81545  
fund of the county apportioned pursuant to former section 5735.23 81546  
of the Revised Code for the calendar year 1970. For the purposes 81547

of this division, the total apportioned amount for the calendar 81548  
year 1970 shall be the amount actually allocated to the county in 81549  
1970 from the state collected intangible tax as levied by section 81550  
5707.03 of the Revised Code and distributed pursuant to section 81551  
5725.24 of the Revised Code, plus the amount received by the 81552  
county in the calendar year 1970 pursuant to division (B)(1) of 81553  
former section 5739.21 of the Revised Code, and distributed 81554  
pursuant to former section 5739.22 of the Revised Code. If the 81555  
total amount of the undivided local government fund for any 81556  
calendar year is less than the amount of the undivided local 81557  
government fund apportioned pursuant to former section 5739.23 of 81558  
the Revised Code for the calendar year 1970, the minimum amount 81559  
guaranteed to each subdivision for that calendar year pursuant to 81560  
this division shall be reduced on a basis proportionate to the 81561  
amount by which the amount of the undivided local government fund 81562  
for that calendar year is less than the amount of the undivided 81563  
local government fund apportioned for the calendar year 1970. 81564

(J) On the basis of such apportionment, the county auditor 81565  
shall compute the percentage share of each such subdivision in the 81566  
undivided local government fund and shall at the same time certify 81567  
to the tax commissioner the percentage share of the county as a 81568  
subdivision. No payment shall be made from the undivided local 81569  
government fund, except in accordance with such percentage shares. 81570

Within ten days after the budget commission has made its 81571  
apportionment, whether conducted pursuant to section 5747.51 or 81572  
5747.53 of the Revised Code, the auditor shall publish a list of 81573  
the subdivisions and the amount each is to receive from the 81574  
undivided local government fund and the percentage share of each 81575  
subdivision, in a newspaper or newspapers of countywide 81576  
circulation, and send a copy of such allocation to the tax 81577  
commissioner. 81578

The county auditor shall also send by certified mail, return 81579

receipt requested, a copy of such allocation to the fiscal officer 81580  
of each subdivision entitled to participate in the allocation of 81581  
the undivided local government fund of the county. This copy shall 81582  
constitute the official notice of the commission action referred 81583  
to in section 5705.37 of the Revised Code. 81584

All money received into the treasury of a subdivision from 81585  
the undivided local government fund in a county treasury shall be 81586  
paid into the general fund and used for the current operating 81587  
expenses of the subdivision. 81588

If a municipal corporation maintains a municipal university, 81589  
such municipal university, when the board of trustees so requests 81590  
the legislative authority of the municipal corporation, shall 81591  
participate in the money apportioned to such municipal corporation 81592  
from the total local government fund, however created and 81593  
constituted, in such amount as requested by the board of trustees, 81594  
provided such sum does not exceed nine per cent of the total 81595  
amount paid to the municipal corporation. 81596

If any public official fails to maintain the records required 81597  
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 81598  
issued by the tax commissioner, the auditor of state, or the 81599  
treasurer of state pursuant to such sections, or fails to comply 81600  
with any law relating to the enforcement of such sections, the 81601  
local government fund money allocated to the county may be 81602  
withheld until such time as the public official has complied with 81603  
such sections or such law or the rules issued pursuant thereto. 81604

**Sec. 5747.53.** (A) As used in this section: 81605

(1) "City, located wholly or partially in the county, with 81606  
the greatest population" means the city, located wholly or 81607  
partially in the county, with the greatest population residing in 81608  
the county; however, if the county budget commission on or before 81609  
January 1, 1998, adopted an alternative method of apportionment 81610

that was approved by the legislative authority of the city, 81611  
located partially in the county, with the greatest population but 81612  
not the greatest population residing in the county, "city, located 81613  
wholly or partially in the county, with the greatest population" 81614  
means the city, located wholly or partially in the county, with 81615  
the greatest population whether residing in the county or not, if 81616  
this alternative meaning is adopted by action of the board of 81617  
county commissioners and a majority of the boards of township 81618  
trustees and legislative authorities of municipal corporations 81619  
located wholly or partially in the county. 81620

(2) "Participating political subdivision" means a municipal 81621  
corporation or township that satisfies all of the following: 81622

(a) It is located wholly or partially in the county. 81623

(b) It is not the city, located wholly or partially in the 81624  
county, with the greatest population. 81625

(c) Undivided local government fund moneys are apportioned to 81626  
it under the county's alternative method or formula of 81627  
apportionment in the current calendar year. 81628

(B) In lieu of the method of apportionment of the undivided 81629  
local government fund of the county provided by section 5747.51 of 81630  
the Revised Code, the county budget commission may provide for the 81631  
apportionment of the fund under an alternative method or on a 81632  
formula basis as authorized by this section. The commissioner 81633  
shall reduce or increase the amount of funds from the undivided 81634  
local government fund to a subdivision required to receive reduced 81635  
or increased funds under section 5747.502 of the Revised Code. 81636

Except as otherwise provided in division (C) of this section, 81637  
the alternative method of apportionment shall have first been 81638  
approved by all of the following governmental units: the board of 81639  
county commissioners; the legislative authority of the city, 81640  
located wholly or partially in the county, with the greatest 81641

population; and a majority of the boards of township trustees and 81642  
legislative authorities of municipal corporations, located wholly 81643  
or partially in the county, excluding the legislative authority of 81644  
the city, located wholly or partially in the county, with the 81645  
greatest population. In granting or denying approval for an 81646  
alternative method of apportionment, the board of county 81647  
commissioners, boards of township trustees, and legislative 81648  
authorities of municipal corporations shall act by motion. A 81649  
motion to approve shall be passed upon a majority vote of the 81650  
members of a board of county commissioners, board of township 81651  
trustees, or legislative authority of a municipal corporation, 81652  
shall take effect immediately, and need not be published. 81653

Any alternative method of apportionment adopted and approved 81654  
under this division may be revised, amended, or repealed in the 81655  
same manner as it may be adopted and approved. If an alternative 81656  
method of apportionment adopted and approved under this division 81657  
is repealed, the undivided local government fund of the county 81658  
shall be apportioned among the subdivisions eligible to 81659  
participate in the fund, commencing in the ensuing calendar year, 81660  
under the apportionment provided in section 5747.52 of the Revised 81661  
Code, unless the repeal occurs by operation of division (C) of 81662  
this section or a new method for apportionment of the fund is 81663  
provided in the action of repeal. 81664

(C) This division applies only in counties in which the city, 81665  
located wholly or partially in the county, with the greatest 81666  
population has a population of twenty thousand or less and a 81667  
population that is less than fifteen per cent of the total 81668  
population of the county. In such a county, the legislative 81669  
authorities or boards of township trustees of two or more 81670  
participating political subdivisions, which together have a 81671  
population residing in the county that is a majority of the total 81672  
population of the county, each may adopt a resolution to exclude 81673

the approval otherwise required of the legislative authority of 81674  
the city, located wholly or partially in the county, with the 81675  
greatest population. All of the resolutions to exclude that 81676  
approval shall be adopted not later than the first Monday of 81677  
August of the year preceding the calendar year in which 81678  
distributions are to be made under an alternative method of 81679  
apportionment. 81680

A motion granting or denying approval of an alternative 81681  
method of apportionment under this division shall be adopted by a 81682  
majority vote of the members of the board of county commissioners 81683  
and by a majority vote of a majority of the boards of township 81684  
trustees and legislative authorities of the municipal corporations 81685  
located wholly or partially in the county, other than the city, 81686  
located wholly or partially in the county, with the greatest 81687  
population, shall take effect immediately, and need not be 81688  
published. The alternative method of apportionment under this 81689  
division shall be adopted and approved annually, not later than 81690  
the first Monday of August of the year preceding the calendar year 81691  
in which distributions are to be made under it. A motion granting 81692  
approval of an alternative method of apportionment under this 81693  
division repeals any existing alternative method of apportionment, 81694  
effective with distributions to be made from the fund in the 81695  
ensuing calendar year. An alternative method of apportionment 81696  
under this division shall not be revised or amended after the 81697  
first Monday of August of the year preceding the calendar year in 81698  
which distributions are to be made under it. 81699

(D) In determining an alternative method of apportionment 81700  
authorized by this section, the county budget commission may 81701  
include in the method any factor considered to be appropriate and 81702  
reliable, in the sole discretion of the county budget commission. 81703

(E) The limitations set forth in section 5747.51 of the 81704  
Revised Code, stating the maximum amount that the county may 81705



receive from the undivided local government fund and the minimum 81706  
amount the townships in counties having a population of less than 81707  
one hundred thousand may receive from the fund, are applicable to 81708  
any alternative method of apportionment authorized under this 81709  
section. 81710

(F) On the basis of any alternative method of apportionment 81711  
adopted and approved as authorized by this section, as certified 81712  
by the auditor to the county treasurer, the county treasurer shall 81713  
make distribution of the money in the undivided local government 81714  
fund to each subdivision eligible to participate in the fund, and 81715  
the auditor, when the amount of those shares is in the custody of 81716  
the treasurer in the amounts so computed to be due the respective 81717  
subdivisions, shall at the same time certify to the tax 81718  
commissioner the percentage share of the county as a subdivision. 81719  
All money received into the treasury of a subdivision from the 81720  
undivided local government fund in a county treasury shall be paid 81721  
into the general fund and used for the current operating expenses 81722  
of the subdivision. If a municipal corporation maintains a 81723  
municipal university, the university, when the board of trustees 81724  
so requests the legislative authority of the municipal 81725  
corporation, shall participate in the money apportioned to the 81726  
municipal corporation from the total local government fund, 81727  
however created and constituted, in the amount requested by the 81728  
board of trustees, provided that amount does not exceed nine per 81729  
cent of the total amount paid to the municipal corporation. 81730

(G) The actions of the county budget commission taken 81731  
pursuant to this section are final and may not be appealed to the 81732  
board of tax appeals, except on the issues of abuse of discretion 81733  
and failure to comply with the formula. 81734

**Sec. 5747.71.** There is hereby allowed a nonrefundable credit 81735  
against the tax imposed by section 5747.02 of the Revised Code for 81736

a taxpayer who is an "eligible individual" as defined in section 81737  
32 of the Internal Revenue Code. The credit shall equal five per 81738  
cent of the credit allowed on the taxpayer's federal income tax 81739  
return pursuant to section 32 of the Internal Revenue Code for 81740  
taxable years beginning in 2013, and ten per cent of the federal 81741  
credit allowed for taxable years beginning in or after 2014. If 81742  
the Ohio adjusted gross income of the taxpayer, or the taxpayer 81743  
and the taxpayer's spouse if the taxpayer and the taxpayer's 81744  
spouse file a joint return under section 5747.08 of the Revised 81745  
Code, less applicable exemptions under section 5747.025 of the 81746  
Revised Code, exceeds twenty thousand dollars, the credit 81747  
authorized by this section shall not exceed fifty per cent of the 81748  
amount of tax otherwise due under section 5747.02 of the Revised 81749  
Code after deducting any other nonrefundable credits that precede 81750  
the credit allowed under this section in the order prescribed by 81751  
section 5747.98 of the Revised Code except for the joint filing 81752  
credit authorized under division ~~(G)~~(E) of section 5747.05 of the 81753  
Revised Code. In all other cases, the credit authorized by this 81754  
section shall not exceed the amount of tax otherwise due under 81755  
section 5747.02 of the Revised Code after deducting any other 81756  
nonrefundable credits that precede the credit allowed under this 81757  
section in the order prescribed by section 5747.98 of the Revised 81758  
Code. 81759

The credit shall be claimed in the order prescribed by 81760  
section 5747.98 of the Revised Code. 81761

**Sec. 5747.98.** (A) To provide a uniform procedure for 81762  
calculating the amount of tax due under section 5747.02 of the 81763  
Revised Code, a taxpayer shall claim any credits to which the 81764  
taxpayer is entitled in the following order: 81765

(1) The retirement income credit under division (B) of 81766  
section 5747.055 of the Revised Code; 81767

(2) The senior citizen credit under division <del>(C)</del> (F) of section 5747.05 <u>5747.055</u> of the Revised Code;	81768 81769
(3) The lump sum distribution credit under division <del>(D)</del> (G) of section 5747.05 <u>5747.055</u> of the Revised Code;	81770 81771
(4) The dependent care credit under section 5747.054 of the Revised Code;	81772 81773
(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	81774 81775
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	81776 81777
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	81778 81779
(8) The low-income credit under section 5747.056 of the Revised Code;	81780 81781
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	81782 81783
(10) <del>The</del> <u>For taxable years ending before January 1, 2015, the</u> campaign contribution credit under section 5747.29 of the Revised Code <u>as that section existed before its repeal by H.B. 64 of the 131st general assembly;</u>	81784 81785 81786 81787
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	81788 81789
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	81790 81791
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	81792 81793
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	81794 81795
(15) The earned income credit under section 5747.71 of the	81796

Revised Code;	81797
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	81798 81799
(17) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	81800 81801
(18) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	81802 81803
(19) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	81804 81805
(20) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	81806 81807 81808
(21) The job training credit under section 5747.39 of the Revised Code;	81809 81810
(22) The enterprise zone credit under section 5709.66 of the Revised Code;	81811 81812
(23) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	81813 81814
(24) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	81815 81816
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	81817 81818
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	81819 81820
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	81821 81822
(28) The small business investment credit under section 5747.81 of the Revised Code;	81823 81824
(29) The enterprise zone credits under section 5709.65 of the	81825

Revised Code;	81826
(30) The research and development credit under section 5747.331 of the Revised Code;	81827 81828
(31) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	81829 81830
(32) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	81831 81832
(33) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	81833 81834
(34) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	81835 81836
(35) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	81837 81838 81839
(36) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	81840 81841 81842
(37) The refundable motion picture production credit under section 5747.66 of the Revised Code;	81843 81844
(38) The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.	81845 81846 81847
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit.	81848 81849 81850 81851 81852 81853 81854
Nothing in this chapter shall be construed to allow a taxpayer to	81855

claim, directly or indirectly, a credit more than once for a 81856  
taxable year. 81857

**Sec. 5751.02.** (A) For the purpose of funding the needs of 81858  
this state and its local governments, there is hereby levied a 81859  
commercial activity tax on each person with taxable gross receipts 81860  
for the privilege of doing business in this state. For the 81861  
purposes of this chapter, "doing business" means engaging in any 81862  
activity, whether legal or illegal, that is conducted for, or 81863  
results in, gain, profit, or income, at any time during a calendar 81864  
year. Persons on which the commercial activity tax is levied 81865  
include, but are not limited to, persons with substantial nexus 81866  
with this state. The tax imposed under this section is not a 81867  
transactional tax and is not subject to Public Law No. 86-272, 73 81868  
Stat. 555. The tax imposed under this section is in addition to 81869  
any other taxes or fees imposed under the Revised Code. The tax 81870  
levied under this section is imposed on the person receiving the 81871  
gross receipts and is not a tax imposed directly on a purchaser. 81872  
The tax imposed by this section is an annual privilege tax for the 81873  
calendar year that, in the case of calendar year taxpayers, is the 81874  
annual tax period and, in the case of calendar quarter taxpayers, 81875  
contains all quarterly tax periods in the calendar year. A 81876  
taxpayer is subject to the annual privilege tax for doing business 81877  
during any portion of such calendar year. 81878

(B) The tax imposed by this section is a tax on the taxpayer 81879  
and shall not be billed or invoiced to another person. Even if the 81880  
tax or any portion thereof is billed or invoiced and separately 81881  
stated, such amounts remain part of the price for purposes of the 81882  
sales and use taxes levied under Chapters 5739. and 5741. of the 81883  
Revised Code. Nothing in division (B) of this section prohibits: 81884

(1) A person from including in the price charged for a good 81885  
or service an amount sufficient to recover the tax imposed by this 81886

section; or 81887

(2) A lessor from including an amount sufficient to recover 81888  
the tax imposed by this section in a lease payment charged, or 81889  
from including such an amount on a billing or invoice pursuant to 81890  
the terms of a written lease agreement providing for the recovery 81891  
of the lessor's tax costs. The recovery of such costs shall be 81892  
based on an estimate of the total tax cost of the lessor during 81893  
the tax period, as the tax liability of the lessor cannot be 81894  
calculated until the end of that period. 81895

(C)(1) The commercial activities tax receipts fund is hereby 81896  
created in the state treasury and shall consist of money arising 81897  
from the tax imposed under this chapter. Eighty-five 81898  
one-hundredths of one per cent of the money credited to that fund 81899  
shall be credited to the revenue enhancement fund and shall be 81900  
used to defray the costs incurred by the department of taxation in 81901  
administering the tax imposed by this chapter and in implementing 81902  
tax reform measures. The remainder of the money in the commercial 81903  
activities tax receipts fund shall first be credited to the 81904  
commercial activity tax motor fuel receipts fund, pursuant to 81905  
division (C)(2) of this section, and the remainder shall be 81906  
credited in the following percentages each fiscal year to the 81907  
general revenue fund, to the school district tangible property tax 81908  
replacement fund, which is hereby created in the state treasury 81909  
for the purpose of making the payments described in section 81910  
5709.92 of the Revised Code, and to the local government tangible 81911  
property tax replacement fund, which is hereby created in the 81912  
state treasury for the purpose of making the payments described in 81913  
section 5709.93 of the Revised Code, in the following percentages: 81914

<u>Fiscal year</u>	<u>General Revenue</u>	<u>School District</u>	<u>Local Government</u>	81915
	<u>Fund</u>	<u>Tangible</u>	<u>Tangible</u>	
		<u>Property Tax</u>	<u>Property Tax</u>	
		<u>Replacement Fund</u>	<u>Replacement Fund</u>	

<u>2014 and 2015</u>	<u>50.0%</u>	<u>35.0%</u>	<u>15.0%</u>	81916
<u>2016 and</u>	<u>75.0%</u>	<u>20.0%</u>	<u>5.0%</u>	81917
<u>thereafter</u>				
<u>(2) Not later than the twentieth day of February, May,</u>				81918
<u>August, and November of each year, the commissioner shall provide</u>				81919
<u>for payment from the commercial activities tax receipts fund to</u>				81920
<u>the commercial activity tax motor fuel receipts fund an amount</u>				81921
<u>that bears the same ratio to the balance in the commercial</u>				81922
<u>activities tax receipts fund that (a) the taxable gross receipts</u>				81923
<u>attributed to motor fuel used for propelling vehicles on public</u>				81924
<u>highways as indicated by returns filed by the tenth day of that</u>				81925
<u>month for a liability that is due and payable on or after July 1,</u>				81926
<u>2013, for a tax period ending before July 1, 2014, bears to (b)</u>				81927
<u>all taxable gross receipts as indicated by those returns for such</u>				81928
<u>liabilities.</u>				81929
<u>(D)(1) If the total amount in the school district tangible</u>				81930
<u>property tax replacement fund is insufficient to make all payments</u>				81931
<u>under section 5709.92 of the Revised Code at the times the</u>				81932
<u>payments are to be made, the director of budget and management</u>				81933
<u>shall transfer from the general revenue fund to the school</u>				81934
<u>district tangible property tax replacement fund the difference</u>				81935
<u>between the total amount to be paid and the amount in the school</u>				81936
<u>district tangible property tax replacement fund.</u>				81937
<u>(2) If the total amount in the local government tangible</u>				81938
<u>property tax replacement fund is insufficient to make all payments</u>				81939
<u>under section 5709.93 of the Revised Code at the times the</u>				81940
<u>payments are to be made, the director of budget and management</u>				81941
<u>shall transfer from the general revenue fund to the local</u>				81942
<u>government tangible property tax replacement fund the difference</u>				81943
<u>between the total amount to be paid and the amount in the local</u>				81944
<u>government tangible property tax replacement fund.</u>				81945
<u>(E)(1) On or after the first day of June of each year, the</u>				81946



director of budget and management may transfer any balance in the 81947  
school district tangible property tax replacement fund to the 81948  
general revenue fund. 81949

(2) On or after the first day of June of each year, the 81950  
director of budget and management may transfer any balance in the 81951  
local government tangible property tax replacement fund to the 81952  
general revenue fund. 81953

(F)(1) There is hereby created in the state treasury the 81954  
commercial activity tax motor fuel receipts fund. 81955

(2) On or before the fifteenth day of June of each fiscal 81956  
year beginning with fiscal year 2015, the director of the Ohio 81957  
public works commission shall certify to the director of budget 81958  
and management the amount of debt service paid from the general 81959  
revenue fund in the current fiscal year on bonds issued to finance 81960  
or assist in the financing of the cost of local subdivision public 81961  
infrastructure capital improvement projects, as provided for in 81962  
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 81963  
are attributable to costs for construction, reconstruction, 81964  
maintenance, or repair of public highways and bridges and other 81965  
statutory highway purposes. That certification shall allocate the 81966  
total amount of debt service paid from the general revenue fund 81967  
and attributable to those costs in the current fiscal year 81968  
according to the applicable section of the Ohio Constitution under 81969  
which the bonds were originally issued. 81970

(3) On or before the thirtieth day of June of each fiscal 81971  
year beginning with fiscal year 2015, the director of budget and 81972  
management shall determine an amount up to but not exceeding the 81973  
amount certified under division (F)(2) of this section and shall 81974  
reserve that amount from the cash balance in the petroleum 81975  
activity tax public highways fund or the commercial activity tax 81976  
motor fuel receipts fund for transfer to the general revenue fund 81977  
at times and in amounts to be determined by the director. The 81978

director shall transfer the cash balance in the petroleum activity 81979  
tax public highways fund or the commercial activity tax motor fuel 81980  
receipts fund in excess of the amount so reserved to the highway 81981  
operating fund on or before the thirtieth day of June of the 81982  
current fiscal year. 81983

**Sec. 5751.20.** ~~(A)~~ No determinations, computations, 81984  
certifications, or payments shall be made under this section after 81985  
June 30, 2015. 81986

(A) As used in sections 5751.20 to 5751.22 of the Revised 81987  
Code: 81988

(1) "School district," "joint vocational school district," 81989  
"local taxing unit," "recognized valuation," "fixed-rate levy," 81990  
and "fixed-sum levy" have the same meanings as used in section 81991  
5727.84 of the Revised Code. 81992

(2) "State education aid" for a school district means the 81993  
following: 81994

(a) For fiscal years prior to fiscal year 2010, the sum of 81995  
state aid amounts computed for the district under the following 81996  
provisions, as they existed for the applicable fiscal year: 81997  
division (A) of section 3317.022 of the Revised Code, including 81998  
the amounts calculated under former section 3317.029 and section 81999  
3317.0217 of the Revised Code; divisions (C)(1), (C)(4), (D), (E), 82000  
and (F) of section 3317.022; divisions (B), (C), and (D) of 82001  
section 3317.023; divisions (L) and (N) of section 3317.024; 82002  
section 3317.0216; and any unit payments for gifted student 82003  
services paid under section 3317.05 and former sections 3317.052 82004  
and 3317.053 of the Revised Code; except that, for fiscal years 82005  
2008 and 2009, the amount computed for the district under Section 82006  
269.20.80 of H.B. 119 of the 127th general assembly and as that 82007  
section subsequently may be amended shall be substituted for the 82008  
amount computed under division (D) of section 3317.022 of the 82009

Revised Code, and the amount computed under Section 269.30.80 of 82010  
H.B. 119 of the 127th general assembly and as that section 82011  
subsequently may be amended shall be included. 82012

(b) For fiscal years 2010 and 2011, the sum of the amounts 82013  
computed under former sections 3306.052, 3306.12, 3306.13, 82014  
3306.19, 3306.191, and 3306.192 of the Revised Code; 82015

(c) For fiscal years 2012 and 2013, the sum of the amounts 82016  
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 82017  
153 of the 129th general assembly; 82018

(d) For fiscal year 2014 and each fiscal year thereafter, the 82019  
sum of state amounts computed for the district under section 82020  
3317.022 of the Revised Code; except that, for fiscal years 2014 82021  
and 2015, the amount computed for the district under the section 82022  
of this act entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND 82023  
EXEMPTED VILLAGE SCHOOL DISTRICTS" shall be included. 82024

(3) "State education aid" for a joint vocational school 82025  
district means the following: 82026

(a) For fiscal years prior to fiscal year 2010, the sum of 82027  
the state aid computed for the district under division (N) of 82028  
section 3317.024 and former section 3317.16 of the Revised Code, 82029  
except that, for fiscal years 2008 and 2009, the amount computed 82030  
under Section 269.30.80 of H.B. 119 of the 127th general assembly 82031  
and as that section subsequently may be amended shall be included. 82032

(b) For fiscal years 2010 and 2011, the amount paid in 82033  
accordance with Section 265.30.50 of H.B. 1 of the 128th general 82034  
assembly. 82035

(c) For fiscal years 2012 and 2013, the amount paid in 82036  
accordance with Section 267.30.60 of H.B. 153 of the 129th general 82037  
assembly. 82038

(d) For fiscal year 2014 and each fiscal year thereafter, the 82039

amount computed for the district under section 3317.16 of the Revised Code; except that, for fiscal years 2014 and 2015, the amount computed for the district under the section of this act entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" shall be included.

(4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code.

(5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section.

(6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section.

(7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section.

(8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section.

(9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section.

(10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section.

(11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss.

(12) "Fixed-sum levy loss" means the amount determined under division (E) of this section.

(13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code.

(14) "Inventory" means personal property subject to the

assessment rate specified in division (E) of section 5711.22 of 82070  
the Revised Code. 82071

(15) "Furniture and fixtures" means personal property subject 82072  
to the assessment rate specified in division (G) of section 82073  
5711.22 of the Revised Code. 82074

(16) "Qualifying levies" are levies in effect for tax year 82075  
2004 or applicable to tax year 2005 or approved at an election 82076  
conducted before September 1, 2005. For the purpose of determining 82077  
the rate of a qualifying levy authorized by section 5705.212 or 82078  
5705.213 of the Revised Code, the rate shall be the rate that 82079  
would be in effect for tax year 2010. 82080

(17) "Telephone property" means tangible personal property of 82081  
a telephone, telegraph, or interexchange telecommunications 82082  
company subject to an assessment rate specified in section 82083  
5727.111 of the Revised Code in tax year 2004. 82084

(18) "Telephone property tax value loss" means the amount 82085  
determined under division (C)(4) of this section. 82086

(19) "Telephone property fixed-rate levy loss" means the 82087  
amount determined under division (D)(4) of this section. 82088

(20) "Taxes charged and payable" means taxes charged and 82089  
payable after the reduction required by section 319.301 of the 82090  
Revised Code but before the reductions required by sections 82091  
319.302 and 323.152 of the Revised Code. 82092

(21) "Median estate tax collections" means, in the case of a 82093  
municipal corporation to which revenue from the taxes levied in 82094  
Chapter 5731. of the Revised Code was distributed in each of 82095  
calendar years 2006, 2007, 2008, and 2009, the median of those 82096  
distributions. In the case of a municipal corporation to which no 82097  
distributions were made in one or more of those years, "median 82098  
estate tax collections" means zero. 82099

(22) "Total resources," in the case of a school district,	82100
means the sum of the amounts in divisions (A)(22)(a) to (h) of	82101
this section less any reduction required under division (A)(32) or	82102
(33) of this section.	82103
(a) The state education aid for fiscal year 2010;	82104
(b) The sum of the payments received by the school district	82105
in fiscal year 2010 for current expense levy losses pursuant to	82106
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of	82107
section 5751.21 of the Revised Code, excluding the portion of such	82108
payments attributable to levies for joint vocational school	82109
district purposes;	82110
(c) The sum of fixed-sum levy loss payments received by the	82111
school district in fiscal year 2010 pursuant to division (E)(1) of	82112
section 5727.85 and division (E)(1) of section 5751.21 of the	82113
Revised Code for fixed-sum levies charged and payable for a	82114
purpose other than paying debt charges;	82115
(d) Fifty per cent of the school district's taxes charged and	82116
payable against all property on the tax list of real and public	82117
utility property for current expense purposes for tax year 2008,	82118
including taxes charged and payable from emergency levies charged	82119
and payable under section 5709.194 of the Revised Code and	82120
excluding taxes levied for joint vocational school district	82121
purposes;	82122
(e) Fifty per cent of the school district's taxes charged and	82123
payable against all property on the tax list of real and public	82124
utility property for current expenses for tax year 2009, including	82125
taxes charged and payable from emergency levies and excluding	82126
taxes levied for joint vocational school district purposes;	82127
(f) The school district's taxes charged and payable against	82128
all property on the general tax list of personal property for	82129
current expenses for tax year 2009, including taxes charged and	82130

payable from emergency levies;	82131
(g) The amount certified for fiscal year 2010 under division	82132
(A)(2) of section 3317.08 of the Revised Code;	82133
(h) Distributions received during calendar year 2009 from	82134
taxes levied under section 718.09 of the Revised Code.	82135
(23) "Total resources," in the case of a joint vocational	82136
school district, means the sum of amounts in divisions (A)(23)(a)	82137
to (g) of this section less any reduction required under division	82138
(A)(32) of this section.	82139
(a) The state education aid for fiscal year 2010;	82140
(b) The sum of the payments received by the joint vocational	82141
school district in fiscal year 2010 for current expense levy	82142
losses pursuant to division (C)(2) of section 5727.85 and	82143
divisions (C)(8) and (9) of section 5751.21 of the Revised Code;	82144
(c) Fifty per cent of the joint vocational school district's	82145
taxes charged and payable against all property on the tax list of	82146
real and public utility property for current expense purposes for	82147
tax year 2008;	82148
(d) Fifty per cent of the joint vocational school district's	82149
taxes charged and payable against all property on the tax list of	82150
real and public utility property for current expenses for tax year	82151
2009;	82152
(e) Fifty per cent of a city, local, or exempted village	82153
school district's taxes charged and payable against all property	82154
on the tax list of real and public utility property for current	82155
expenses of the joint vocational school district for tax year	82156
2008;	82157
(f) Fifty per cent of a city, local, or exempted village	82158
school district's taxes charged and payable against all property	82159
on the tax list of real and public utility property for current	82160

expenses of the joint vocational school district for tax year 2009; (g) The joint vocational school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009. (24) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(24)(a) and (b) of this section less any reduction required under division (A)(32) of this section. (a) The sum of the payments received by the county for mental health and developmental disability related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; (b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009. (25) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(25)(a) and (b) of this section less any reduction required under division (A)(32) of this section. (a) The sum of the payments received by the county for senior services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; (b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.



(26) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(26)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for children's services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(27) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(27)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for public health related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(28) "Total resources," in the case of all county functions not included in divisions (A)(24) to (27) of this section, means the sum of the amounts in divisions (A)(28)(a) to (d) of this section less any reduction required under division (A)(32) or (33) of this section.

(a) The sum of the payments received by the county for all other purposes in calendar year 2010 under division (A)(1) of

section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of 82222  
the Revised Code as they existed at that time; 82223

(b) The county's percentage share of county undivided local 82224  
government fund allocations as certified to the tax commissioner 82225  
for calendar year 2010 by the county auditor under division (J) of 82226  
section 5747.51 of the Revised Code or division (F) of section 82227  
5747.53 of the Revised Code multiplied by the total amount 82228  
actually distributed in calendar year 2010 from the county 82229  
undivided local government fund; 82230

(c) With respect to taxes levied by the county for all other 82231  
purposes, the taxes charged and payable for such purposes against 82232  
all property on the tax list of real and public utility property 82233  
for tax year 2009, excluding taxes charged and payable for the 82234  
purpose of paying debt charges; 82235

(d) The sum of the amounts distributed to the county in 82236  
calendar year 2010 for the taxes levied pursuant to sections 82237  
5739.021 and 5741.021 of the Revised Code. 82238

(29) "Total resources," in the case of a municipal 82239  
corporation, means the sum of the amounts in divisions (A)(29)(a) 82240  
to (g) of this section less any reduction required under division 82241  
(A)(32) or (33) of this section. 82242

(a) The sum of the payments received by the municipal 82243  
corporation in calendar year 2010 for current expense levy losses 82244  
under division (A)(1) of section 5727.86 and divisions (A)(1) and 82245  
(2) of section 5751.22 of the Revised Code as they existed at that 82246  
time; 82247

(b) The municipal corporation's percentage share of county 82248  
undivided local government fund allocations as certified to the 82249  
tax commissioner for calendar year 2010 by the county auditor 82250  
under division (J) of section 5747.51 of the Revised Code or 82251  
division (F) of section 5747.53 of the Revised Code multiplied by 82252

the total amount actually distributed in calendar year 2010 from 82253  
the county undivided local government fund; 82254

(c) The sum of the amounts distributed to the municipal 82255  
corporation in calendar year 2010 pursuant to section 5747.50 of 82256  
the Revised Code; 82257

(d) With respect to taxes levied by the municipal 82258  
corporation, the taxes charged and payable against all property on 82259  
the tax list of real and public utility property for current 82260  
expenses, defined in division (A)(35) of this section, for tax 82261  
year 2009; 82262

(e) The amount of admissions tax collected by the municipal 82263  
corporation in calendar year 2008, or if such information has not 82264  
yet been reported to the tax commissioner, in the most recent year 82265  
before 2008 for which the municipal corporation has reported data 82266  
to the commissioner; 82267

(f) The amount of income taxes collected by the municipal 82268  
corporation in calendar year 2008, or if such information has not 82269  
yet been reported to the tax commissioner, in the most recent year 82270  
before 2008 for which the municipal corporation has reported data 82271  
to the commissioner; 82272

(g) The municipal corporation's median estate tax 82273  
collections. 82274

(30) "Total resources," in the case of a township, means the 82275  
sum of the amounts in divisions (A)(30)(a) to (c) of this section 82276  
less any reduction required under division (A)(32) or (33) of this 82277  
section. 82278

(a) The sum of the payments received by the township in 82279  
calendar year 2010 pursuant to division (A)(1) of section 5727.86 82280  
of the Revised Code and divisions (A)(1) and (2) of section 82281  
5751.22 of the Revised Code as they existed at that time, 82282  
excluding payments received for debt purposes; 82283

(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the township, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding taxes charged and payable for the purpose of paying debt charges.

(31) "Total resources," in the case of a local taxing unit that is not a county, municipal corporation, or township, means the sum of the amounts in divisions (A)(31)(a) to (e) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the local taxing unit in calendar year 2010 pursuant to division (A)(1) of section 5727.86 of the Revised Code and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) The local taxing unit's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the local taxing unit, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding taxes charged and payable for the purpose of paying debt charges;

(d) The amount received from the tax commissioner during 82315  
calendar year 2010 for sales or use taxes authorized under 82316  
sections 5739.023 and 5741.022 of the Revised Code; 82317

(e) For institutions of higher education receiving tax 82318  
revenue from a local levy, as identified in section 3358.02 of the 82319  
Revised Code, the final state share of instruction allocation for 82320  
fiscal year 2010 as calculated by the ~~board of regents~~ director of 82321  
higher education and reported to the state controlling board. 82322

(32) If a fixed-rate levy that is a qualifying levy is not 82323  
charged and payable in any year after tax year 2010, "total 82324  
resources" used to compute payments to be made under division 82325  
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 82326  
5751.22 of the Revised Code in the tax years following the last 82327  
year the levy is charged and payable shall be reduced to the 82328  
extent that the payments are attributable to the fixed-rate levy 82329  
loss of that levy as would be computed under division (C)(2) of 82330  
section 5727.85, division (A)(1) of section 5727.85, divisions 82331  
(C)(8) and (9) of section 5751.21, or division (A)(1) of section 82332  
5751.22 of the Revised Code. 82333

(33) In the case of a county, municipal corporation, school 82334  
district, or township with fixed-rate levy losses attributable to 82335  
a tax levied under section 5705.23 of the Revised Code, "total 82336  
resources" used to compute payments to be made under division 82337  
(C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, 82338  
division (C)(12) of section 5751.21, or division (A)(1)(c) of 82339  
section 5751.22 of the Revised Code shall be reduced by the 82340  
amounts described in divisions (A)(34)(a) to (c) of this section 82341  
to the extent that those amounts were included in calculating the 82342  
"total resources" of the school district or local taxing unit 82343  
under division (A)(22), (28), (29), or (30) of this section. 82344

(34) "Total library resources," in the case of a county, 82345  
municipal corporation, school district, or township public library 82346

that receives the proceeds of a tax levied under section 5705.23 82347  
of the Revised Code, means the sum of the amounts in divisions 82348  
(A)(34)(a) to (c) of this section less any reduction required 82349  
under division (A)(32) of this section. 82350

(a) The sum of the payments received by the county, municipal 82351  
corporation, school district, or township public library in 82352  
calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the 82353  
Revised Code, as they existed at that time, for fixed-rate levy 82354  
losses attributable to a tax levied under section 5705.23 of the 82355  
Revised Code for the benefit of the public library; 82356

(b) The public library's percentage share of county undivided 82357  
local government fund allocations as certified to the tax 82358  
commissioner for calendar year 2010 by the county auditor under 82359  
division (J) of section 5747.51 of the Revised Code or division 82360  
(F) of section 5747.53 of the Revised Code multiplied by the total 82361  
amount actually distributed in calendar year 2010 from the county 82362  
undivided local government fund; 82363

(c) With respect to a tax levied pursuant to section 5705.23 82364  
of the Revised Code for the benefit of the public library, the 82365  
amount of such tax that is charged and payable against all 82366  
property on the tax list of real and public utility property for 82367  
tax year 2009 excluding any tax that is charged and payable for 82368  
the purpose of paying debt charges. 82369

(35) "Municipal current expense property tax levies" means 82370  
all property tax levies of a municipality, except those with the 82371  
following levy names: airport resurfacing; bond or any levy name 82372  
including the word "bond"; capital improvement or any levy name 82373  
including the word "capital"; debt or any levy name including the 82374  
word "debt"; equipment or any levy name including the word 82375  
"equipment," unless the levy is for combined operating and 82376  
equipment; employee termination fund; fire pension or any levy 82377  
containing the word "pension," including police pensions; 82378

fireman's fund or any practically similar name; sinking fund; road 82379  
improvements or any levy containing the word "road"; fire truck or 82380  
apparatus; flood or any levy containing the word "flood"; 82381  
conservancy district; county health; note retirement; sewage, or 82382  
any levy containing the words "sewage" or "sewer"; park 82383  
improvement; parkland acquisition; storm drain; street or any levy 82384  
name containing the word "street"; lighting, or any levy name 82385  
containing the word "lighting"; and water. 82386

(36) "Current expense TPP allocation" means, in the case of a 82387  
school district or joint vocational school district, the sum of 82388  
the payments received by the school district in fiscal year 2011 82389  
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 82390  
Revised Code to the extent paid for current expense levies. In the 82391  
case of a municipal corporation, "current expense TPP allocation" 82392  
means the sum of the payments received by the municipal 82393  
corporation in calendar year 2010 pursuant to divisions (A)(1) and 82394  
(2) of section 5751.22 of the Revised Code to the extent paid for 82395  
municipal current expense property tax levies as defined in 82396  
division (A)(35) of this section, excluding any such payments 82397  
received for current expense levy losses attributable to a tax 82398  
levied under section 5705.23 of the Revised Code. If a fixed-rate 82399  
levy that is a qualifying levy is not charged and payable in any 82400  
year after tax year 2010, "current expense TPP allocation" used to 82401  
compute payments to be made under division (C)(12) of section 82402  
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 82403  
Revised Code in the tax years following the last year the levy is 82404  
charged and payable shall be reduced to the extent that the 82405  
payments are attributable to the fixed-rate levy loss of that levy 82406  
as would be computed under divisions (C)(10) and (11) of section 82407  
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 82408

(37) "TPP allocation" means the sum of payments received by a 82409  
local taxing unit in calendar year 2010 pursuant to divisions 82410

(A)(1) and (2) of section 5751.22 of the Revised Code, excluding 82411  
any such payments received for fixed-rate levy losses attributable 82412  
to a tax levied under section 5705.23 of the Revised Code. If a 82413  
fixed-rate levy that is a qualifying levy is not charged and 82414  
payable in any year after tax year 2010, "TPP allocation" used to 82415  
compute payments to be made under division (A)(1)(b) or (c) of 82416  
section 5751.22 of the Revised Code in the tax years following the 82417  
last year the levy is charged and payable shall be reduced to the 82418  
extent that the payments are attributable to the fixed-rate levy 82419  
loss of that levy as would be computed under division (A)(1) of 82420  
that section. 82421

(38) "Total TPP allocation" means, in the case of a school 82422  
district or joint vocational school district, the sum of the 82423  
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 82424  
and (11) and (D) of section 5751.21 of the Revised Code. In the 82425  
case of a local taxing unit, "total TPP allocation" means the sum 82426  
of payments received by the unit in calendar year 2010 pursuant to 82427  
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 82428  
Code. If a fixed-rate levy that is a qualifying levy is not 82429  
charged and payable in any year after tax year 2010, "total TPP 82430  
allocation" used to compute payments to be made under division 82431  
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 82432  
5751.22 of the Revised Code in the tax years following the last 82433  
year the levy is charged and payable shall be reduced to the 82434  
extent that the payments are attributable to the fixed-rate levy 82435  
loss of that levy as would be computed under divisions (C)(10) and 82436  
(11) of section 5751.21 or division (A)(1) of section 5751.22 of 82437  
the Revised Code. 82438

(39) "Non-current expense TPP allocation" means the 82439  
difference of total TPP allocation minus the sum of current 82440  
expense TPP allocation and the portion of total TPP allocation 82441  
constituting reimbursement for debt levies, pursuant to division 82442



(D) of section 5751.21 of the Revised Code in the case of a school 82443  
district or joint vocational school district and pursuant to 82444  
division (A)(3) of section 5751.22 of the Revised Code in the case 82445  
of a municipal corporation. 82446

(40) "TPP allocation for library purposes" means the sum of 82447  
payments received by a county, municipal corporation, school 82448  
district, or township public library in calendar year 2010 82449  
pursuant to section 5751.22 of the Revised Code for fixed-rate 82450  
levy losses attributable to a tax levied under section 5705.23 of 82451  
the Revised Code. If a fixed-rate levy authorized under section 82452  
5705.23 of the Revised Code that is a qualifying levy is not 82453  
charged and payable in any year after tax year 2010, "TPP 82454  
allocation for library purposes" used to compute payments to be 82455  
made under division (A)(1)(d) of section 5751.22 of the Revised 82456  
Code in the tax years following the last year the levy is charged 82457  
and payable shall be reduced to the extent that the payments are 82458  
attributable to the fixed-rate levy loss of that levy as would be 82459  
computed under division (A)(1) of section 5751.22 of the Revised 82460  
Code. 82461

(41) "Threshold per cent" means, in the case of a school 82462  
district or joint vocational school district, two per cent for 82463  
fiscal year 2012 and four per cent for fiscal years 2013 and 82464  
thereafter. In the case of a local taxing unit or public library 82465  
that receives the proceeds of a tax levied under section 5705.23 82466  
of the Revised Code, "threshold per cent" means two per cent for 82467  
tax year 2011, four per cent for tax year 2012, and six per cent 82468  
for tax years 2013 and thereafter. 82469

(B)(1) The commercial activities tax receipts fund is hereby 82470  
created in the state treasury and shall consist of money arising 82471  
from the tax imposed under this chapter. Eighty-five 82472  
one-hundredths of one per cent of the money credited to that fund 82473  
shall be credited to the revenue enhancement fund and shall be 82474

used to defray the costs incurred by the department of taxation in 82475  
administering the tax imposed by this chapter and in implementing 82476  
tax reform measures. The remainder of the money in the commercial 82477  
activities tax receipts fund shall first be credited to the 82478  
commercial activity tax motor fuel receipts fund, pursuant to 82479  
division (B)(2) of this section, and the remainder shall be 82480  
credited in the following percentages each fiscal year to the 82481  
general revenue fund, to the school district tangible property tax 82482  
replacement fund, which is hereby created in the state treasury 82483  
for the purpose of making the payments described in section 82484  
5751.21 of the Revised Code, and to the local government tangible 82485  
property tax replacement fund, which is hereby created in the 82486  
state treasury for the purpose of making the payments described in 82487  
section 5751.22 of the Revised Code, in the following percentages: 82488

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	82490
2007	0%	70.0%	30.0%	82491
2008	0%	70.0%	30.0%	82492
2009	0%	70.0%	30.0%	82493
2010	0%	70.0%	30.0%	82494
2011	0%	70.0%	30.0%	82495
2012	25.0%	52.5%	22.5%	82496
2013 and thereafter	50.0%	35.0%	15.0%	82497

(2) Not later than the twentieth day of February, May, 82498  
August, and November of each year, the commissioner shall provide 82499  
for payment from the commercial activities tax receipts fund to 82500  
the commercial activity tax motor fuel receipts fund an amount 82501  
that bears the same ratio to the balance in the commercial 82502  
activities tax receipts fund that (a) the taxable gross receipts 82503

attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, for a tax period ending before July 1, 2014, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;

(d) For tax year 2009 and thereafter, one hundred per cent.

(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;

(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;

(c) For tax year 2008, a fraction, the numerator of which is

thirteen and one-fourth and the denominator of which is 82534  
twenty-three; 82535

(d) For tax year 2009 and thereafter a fraction, the 82536  
numerator of which is seventeen and the denominator of which is 82537  
twenty-three. 82538

(3) Furniture and fixtures property tax value loss is the 82539  
taxable value of furniture and fixture property as reported by 82540  
taxpayers for tax year 2004 multiplied by: 82541

(a) For tax year 2006, twenty-five per cent; 82542

(b) For tax year 2007, fifty per cent; 82543

(c) For tax year 2008, seventy-five per cent; 82544

(d) For tax year 2009 and thereafter, one hundred per cent. 82545

The taxable value of property reported by taxpayers used in 82546  
divisions (C)(1), (2), and (3) of this section shall be such 82547  
values as determined to be final by the tax commissioner as of 82548  
August 31, 2005. Such determinations shall be final except for any 82549  
correction of a clerical error that was made prior to August 31, 82550  
2005, by the tax commissioner. 82551

(4) Telephone property tax value loss is the taxable value of 82552  
telephone property as taxpayers would have reported that property 82553  
for tax year 2004 if the assessment rate for all telephone 82554  
property for that year were twenty-five per cent, multiplied by: 82555

(a) For tax year 2006, zero per cent; 82556

(b) For tax year 2007, zero per cent; 82557

(c) For tax year 2008, zero per cent; 82558

(d) For tax year 2009, sixty per cent; 82559

(e) For tax year 2010, eighty per cent; 82560

(f) For tax year 2011 and thereafter, one hundred per cent. 82561

(5) Division (C)(5) of this section applies to any school district, joint vocational school district, or local taxing unit in a county in which is located a facility currently or formerly devoted to the enrichment or commercialization of uranium or uranium products, and for which the total taxable value of property listed on the general tax list of personal property for any tax year from tax year 2001 to tax year 2004 was fifty per cent or less of the taxable value of such property listed on the general tax list of personal property for the next preceding tax year.

In computing the fixed-rate levy losses under divisions (D)(1), (2), and (3) of this section for any school district, joint vocational school district, or local taxing unit to which division (C)(5) of this section applies, the taxable value of such property as listed on the general tax list of personal property for tax year 2000 shall be substituted for the taxable value of such property as reported by taxpayers for tax year 2004, in the taxing district containing the uranium facility, if the taxable value listed for tax year 2000 is greater than the taxable value reported by taxpayers for tax year 2004. For the purpose of making the computations under divisions (D)(1), (2), and (3) of this section, the tax year 2000 valuation is to be allocated to machinery and equipment, inventory, and furniture and fixtures property in the same proportions as the tax year 2004 values. For the purpose of the calculations in division (A) of section 5751.21 of the Revised Code, the tax year 2004 taxable values shall be used.

To facilitate the calculations required under division (C) of this section, the county auditor, upon request from the tax commissioner, shall provide by August 1, 2005, the values of machinery and equipment, inventory, and furniture and fixtures for all single-county personal property taxpayers for tax year 2004.

(D) Not later than September 15, 2005, the tax commissioner shall determine for each tax year from 2006 through 2009 for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory, and furniture and fixtures fixed-rate levy losses, and for each tax year from 2006 through 2011 its telephone property fixed-rate levy loss. Except as provided in division (F) of this section, such losses are the applicable amounts described in divisions (D)(1), (2), (3), and (4) of this section:

(1) The machinery and equipment fixed-rate levy loss is the machinery and equipment property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(2) The inventory fixed-rate loss is the inventory property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(3) The furniture and fixtures fixed-rate levy loss is the furniture and fixture property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(4) The telephone property fixed-rate levy loss is the telephone property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies.

(E) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss. The fixed-sum levy loss is the amount obtained by subtracting the amount described in division (E)(2) of this section from the amount described in division (E)(1) of this section:

(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 through 2010, the telephone property tax value loss of the district or unit

multiplied by the sum of the fixed-sum tax rates of qualifying 82625  
levies. For 2006 through 2010, this computation shall include all 82626  
qualifying levies remaining in effect for the current tax year and 82627  
any school district levies charged and payable under section 82628  
5705.194 or 5705.213 of the Revised Code that are qualifying 82629  
levies not remaining in effect for the current year. For 2011 82630  
through 2017 in the case of school district levies charged and 82631  
payable under section 5705.194 or 5705.213 of the Revised Code and 82632  
for all years after 2010 in the case of other fixed-sum levies, 82633  
this computation shall include only qualifying levies remaining in 82634  
effect for the current year. For purposes of this computation, a 82635  
qualifying school district levy charged and payable under section 82636  
5705.194 or 5705.213 of the Revised Code remains in effect in a 82637  
year after 2010 only if, for that year, the board of education 82638  
levies a school district levy charged and payable under section 82639  
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 82640  
an annual sum at least equal to the annual sum levied by the board 82641  
in tax year 2004 less the amount of the payment certified under 82642  
this division for 2006. 82643

(2) The total taxable value in tax year 2004 less the sum of 82644  
the machinery and equipment, inventory, furniture and fixtures, 82645  
and telephone property tax value losses in each school district, 82646  
joint vocational school district, and local taxing unit multiplied 82647  
by one-half of one mill per dollar. 82648

(3) For the calculations in divisions (E)(1) and (2) of this 82649  
section, the tax value losses are those that would be calculated 82650  
for tax year 2009 under divisions (C)(1), (2), and (3) of this 82651  
section and for tax year 2011 under division (C)(4) of this 82652  
section. 82653

(4) To facilitate the calculation under divisions (D) and (E) 82654  
of this section, not later than September 1, 2005, any school 82655  
district, joint vocational school district, or local taxing unit 82656

that has a qualifying levy that was approved at an election 82657  
conducted during 2005 before September 1, 2005, shall certify to 82658  
the tax commissioner a copy of the county auditor's certificate of 82659  
estimated property tax millage for such levy as required under 82660  
division (B) of section 5705.03 of the Revised Code, which is the 82661  
rate that shall be used in the calculations under such divisions. 82662

If the amount determined under division (E) of this section 82663  
for any school district, joint vocational school district, or 82664  
local taxing unit is greater than zero, that amount shall equal 82665  
the reimbursement to be paid pursuant to division (E) of section 82666  
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 82667  
and the one-half of one mill that is subtracted under division 82668  
(E)(2) of this section shall be apportioned among all contributing 82669  
fixed-sum levies in the proportion that each levy bears to the sum 82670  
of all fixed-sum levies within each school district, joint 82671  
vocational school district, or local taxing unit. 82672

(F) If a school district levies a tax under section 5705.219 82673  
of the Revised Code, the fixed-rate levy loss for qualifying 82674  
levies, to the extent repealed under that section, shall equal the 82675  
sum of the following amounts in lieu of the amounts computed for 82676  
such levies under division (D) of this section: 82677

(1) The sum of the rates of qualifying levies to the extent 82678  
so repealed multiplied by the sum of the machinery and equipment, 82679  
inventory, and furniture and fixtures tax value losses for 2009 as 82680  
determined under that division; 82681

(2) The sum of the rates of qualifying levies to the extent 82682  
so repealed multiplied by the telephone property tax value loss 82683  
for 2011 as determined under that division. 82684

The fixed-rate levy losses for qualifying levies to the 82685  
extent not repealed under section 5705.219 of the Revised Code 82686  
shall be as determined under division (D) of this section. The 82687



revised fixed-rate levy losses determined under this division and 82688  
division (D) of this section first apply in the year following the 82689  
first year the district levies the tax under section 5705.219 of 82690  
the Revised Code. 82691

(G) Not later than October 1, 2005, the tax commissioner 82692  
shall certify to the department of education for every school 82693  
district and joint vocational school district the machinery and 82694  
equipment, inventory, furniture and fixtures, and telephone 82695  
property tax value losses determined under division (C) of this 82696  
section, the machinery and equipment, inventory, furniture and 82697  
fixtures, and telephone fixed-rate levy losses determined under 82698  
division (D) of this section, and the fixed-sum levy losses 82699  
calculated under division (E) of this section. The calculations 82700  
under divisions (D) and (E) of this section shall separately 82701  
display the levy loss for each levy eligible for reimbursement. 82702

(H) Not later than October 1, 2005, the tax commissioner 82703  
shall certify the amount of the fixed-sum levy losses to the 82704  
county auditor of each county in which a school district, joint 82705  
vocational school district, or local taxing unit with a fixed-sum 82706  
levy loss reimbursement has territory. 82707

(I) Not later than the twenty-eighth day of February each 82708  
year beginning in 2011 and ending in 2014, the tax commissioner 82709  
shall certify to the department of education for each school 82710  
district first levying a tax under section 5705.219 of the Revised 82711  
Code in the preceding year the revised fixed-rate levy losses 82712  
determined under divisions (D) and (F) of this section. 82713

(J)(1) There is hereby created in the state treasury the 82714  
commercial activity tax motor fuel receipts fund. 82715

(2)(a) On or before June 15, 2014, the director of the Ohio 82716  
public works commission shall certify to the director of budget 82717  
and management the amount of debt service paid from the general 82718

revenue fund in fiscal years 2013 and 2014 on bonds issued to 82719  
finance or assist in the financing of the cost of local 82720  
subdivision public infrastructure capital improvement projects, as 82721  
provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio 82722  
Constitution, that are attributable to costs for construction, 82723  
reconstruction, maintenance, or repair of public highways and 82724  
bridges and other statutory highway purposes. That certification 82725  
shall allocate the total amount of debt service paid from the 82726  
general revenue fund and attributable to those costs in each of 82727  
fiscal years 2013 and 2014 according to the applicable section of 82728  
the Ohio Constitution under which the bonds were originally 82729  
issued. 82730

(b) On or before June 30, 2014, the director of budget and 82731  
management shall determine an amount up to but not exceeding the 82732  
amount certified under division (J)(2)(a) of this section and 82733  
shall reserve that amount from the cash balance in the commercial 82734  
activity tax motor fuel receipts fund for transfer to the general 82735  
revenue fund at times and in amounts to be determined by the 82736  
director. The director shall transfer the cash balance in the 82737  
commercial activity tax motor fuel receipts fund in excess of the 82738  
amount so reserved to the highway operating fund on or before June 82739  
30, 2014. 82740

(3)(a) On or before the fifteenth day of June of each fiscal 82741  
year beginning with fiscal year 2015, the director of the Ohio 82742  
public works commission shall certify to the director of budget 82743  
and management the amount of debt service paid from the general 82744  
revenue fund in the current fiscal year on bonds issued to finance 82745  
or assist in the financing of the cost of local subdivision public 82746  
infrastructure capital improvement projects, as provided for in 82747  
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 82748  
are attributable to costs for construction, reconstruction, 82749  
maintenance, or repair of public highways and bridges and other 82750

statutory highway purposes. That certification shall allocate the 82751  
total amount of debt service paid from the general revenue fund 82752  
and attributable to those costs in the current fiscal year 82753  
according to the applicable section of the Ohio Constitution under 82754  
which the bonds were originally issued. 82755

(b) On or before the thirtieth day of June of each fiscal 82756  
year beginning with fiscal year 2015, the director of budget and 82757  
management shall determine an amount up to but not exceeding the 82758  
amount certified under division (J)(3)(a) of this section and 82759  
shall reserve that amount from the cash balance in the petroleum 82760  
activity tax public highways fund or the commercial activity tax 82761  
motor fuel receipts fund for transfer to the general revenue fund 82762  
at times and in amounts to be determined by the director. The 82763  
director shall transfer the cash balance in the petroleum activity 82764  
tax public highways fund or the commercial activity tax motor fuel 82765  
receipts fund in excess of the amount so reserved to the highway 82766  
operating fund on or before the thirtieth day of June of the 82767  
current fiscal year. 82768

**Sec. 5751.21.** ~~(A) No determinations, computations,~~ 82769  
~~certifications, or payments shall be made under this section after~~ 82770  
~~June 30, 2015.~~ 82771

(A) Not later than the thirtieth day of July of 2007 through 82772  
2010, the department of education shall consult with the director 82773  
of budget and management and determine the following for each 82774  
school district and each joint vocational school district eligible 82775  
for payment under division (B) of this section: 82776

(1) The state education aid offset, which, except as provided 82777  
in division (A)(1)(c) of this section, is the difference obtained 82778  
by subtracting the amount described in division (A)(1)(b) of this 82779  
section from the amount described in division (A)(1)(a) of this 82780  
section: 82781

(a) The state education aid computed for the school district 82782  
or joint vocational school district for the current fiscal year as 82783  
of the thirtieth day of July; 82784

(b) The state education aid that would be computed for the 82785  
school district or joint vocational school district for the 82786  
current fiscal year as of the thirtieth day of July if the 82787  
valuation used in the calculation in division (B)(1) of section 82788  
3306.13 of the Revised Code as that division existed for fiscal 82789  
years 2010 and 2011 included the machinery and equipment, 82790  
inventory, furniture and fixtures, and telephone property tax 82791  
value losses for the school district or joint vocational school 82792  
district for the second preceding tax year, and if taxes charged 82793  
and payable associated with the tax value losses are accounted for 82794  
in any state education aid computation dependent on taxes charged 82795  
and payable. 82796

(c) The state education aid offset for fiscal year 2010 and 82797  
fiscal year 2011 equals the greater of the state education aid 82798  
offset calculated for that fiscal year under divisions (A)(1)(a) 82799  
and (b) of this section and the state education aid offset 82800  
calculated for fiscal year 2009. For fiscal ~~year~~ years 2012 and 82801  
2013, the state education aid offset equals the state education 82802  
aid offset for fiscal year 2011. 82803

(2) For fiscal years 2008 through 2011, the greater of zero 82804  
or the difference obtained by subtracting the state education aid 82805  
offset determined under division (A)(1) of this section from the 82806  
sum of the machinery and equipment fixed-rate levy loss, the 82807  
inventory fixed-rate levy loss, furniture and fixtures fixed-rate 82808  
levy loss, and telephone property fixed-rate levy loss certified 82809  
under divisions (G) and (I) of section 5751.20 of the Revised Code 82810  
for all taxing districts in each school district and joint 82811  
vocational school district for the second preceding tax year. 82812

By the thirtieth day of July of each such year, the 82813

department of education and the director of budget and management 82814  
shall agree upon the amount to be determined under division (A)(1) 82815  
of this section. 82816

(B) On or before the thirty-first day of August of 2008, 82817  
2009, and 2010, the department of education shall recalculate the 82818  
offset described under division (A) of this section for the 82819  
previous fiscal year and recalculate the payments made under 82820  
division (C) of this section in the preceding fiscal year using 82821  
the offset calculated under this division. If the payments 82822  
calculated under this division differ from the payments made under 82823  
division (C) of this section in the preceding fiscal year, the 82824  
difference shall either be paid to a school district or recaptured 82825  
from a school district through an adjustment at the same times 82826  
during the current fiscal year that the payments under division 82827  
(C) of this section are made. In August and October of the current 82828  
fiscal year, the amount of each adjustment shall be three-sevenths 82829  
of the amount calculated under this division. In May of the 82830  
current fiscal year, the adjustment shall be one-seventh of the 82831  
amount calculated under this division. 82832

(C) The department of education shall pay from the school 82833  
district tangible property tax replacement fund to each school 82834  
district and joint vocational school district all of the following 82835  
for fixed-rate levy losses certified under divisions (G) and (I) 82836  
of section 5751.20 of the Revised Code: 82837

(1) On or before May 31, 2006, one-seventh of the total 82838  
fixed-rate levy loss for tax year 2006; 82839

(2) On or before August 31, 2006, and October 31, 2006, 82840  
one-half of six-sevenths of the total fixed-rate levy loss for tax 82841  
year 2006; 82842

(3) On or before May 31, 2007, one-seventh of the total 82843  
fixed-rate levy loss for tax year 2007; 82844

(4) On or before August 31, 2007, and October 31, 2007, 82845  
forty-three per cent of the amount determined under division 82846  
(A)(2) of this section for fiscal year 2008, but not less than 82847  
zero, plus one-half of six-sevenths of the difference between the 82848  
total fixed-rate levy loss for tax year 2007 and the total 82849  
fixed-rate levy loss for tax year 2006. 82850

(5) On or before May 31, 2008, fourteen per cent of the 82851  
amount determined under division (A)(2) of this section for fiscal 82852  
year 2008, but not less than zero, plus one-seventh of the 82853  
difference between the total fixed-rate levy loss for tax year 82854  
2008 and the total fixed-rate levy loss for tax year 2006. 82855

(6) On or before August 31, 2008, and October 31, 2008, 82856  
forty-three per cent of the amount determined under division 82857  
(A)(2) of this section for fiscal year 2009, but not less than 82858  
zero, plus one-half of six-sevenths of the difference between the 82859  
total fixed-rate levy loss in tax year 2008 and the total 82860  
fixed-rate levy loss in tax year 2007. 82861

(7) On or before May 31, 2009, fourteen per cent of the 82862  
amount determined under division (A)(2) of this section for fiscal 82863  
year 2009, but not less than zero, plus one-seventh of the 82864  
difference between the total fixed-rate levy loss for tax year 82865  
2009 and the total fixed-rate levy loss for tax year 2007. 82866

(8) On or before August 31, 2009, and October 31, 2009, 82867  
forty-three per cent of the amount determined under division 82868  
(A)(2) of this section for fiscal year 2010, but not less than 82869  
zero, plus one-half of six-sevenths of the difference between the 82870  
total fixed-rate levy loss in tax year 2009 and the total 82871  
fixed-rate levy loss in tax year 2008. 82872

(9) On or before May 31, 2010, fourteen per cent of the 82873  
amount determined under division (A)(2) of this section for fiscal 82874  
year 2010, but not less than zero, plus one-seventh of the 82875

difference between the total fixed-rate levy loss in tax year 2010 82876  
and the total fixed-rate levy loss in tax year 2008. 82877

(10) On or before August 31, 2010, and October 31, 2010, 82878  
forty-three per cent of the amount determined under division 82879  
(A)(2) of this section for fiscal year 2011, but not less than 82880  
zero, plus one-half of six-sevenths of the difference between the 82881  
telephone property fixed-rate levy loss for tax year 2010 and the 82882  
telephone property fixed-rate levy loss for tax year 2009. 82883

(11) On or before May 31, 2011, fourteen per cent of the 82884  
amount determined under division (A)(2) of this section for fiscal 82885  
year 2011, but not less than zero, plus one-seventh of the 82886  
difference between the telephone property fixed-rate levy loss for 82887  
tax year 2011 and the telephone property fixed-rate levy loss for 82888  
tax year 2009. 82889

(12) For fiscal years 2012 and thereafter, the sum of the 82890  
amounts in divisions (C)(12)(a) or (b) and (c) of this section 82891  
shall be paid on or before the last day of November and the last 82892  
day of May: 82893

(a) If the ratio of current expense TPP allocation to total 82894  
resources is equal to or less than the threshold per cent, zero; 82895

(b) If the ratio of current expense TPP allocation to total 82896  
resources is greater than the threshold per cent, fifty per cent 82897  
of the difference of current expense TPP allocation minus the 82898  
product of total resources multiplied by the threshold per cent; 82899

(c) Fifty per cent of the product of non-current expense TPP 82900  
allocation multiplied by seventy-five per cent for fiscal year 82901  
2012 and fifty per cent for fiscal years 2013 and thereafter. 82902

The department of education shall report to each school 82903  
district and joint vocational school district the apportionment of 82904  
the payments among the school district's or joint vocational 82905  
school district's funds based on the certifications under 82906

divisions (G) and (I) of section 5751.20 of the Revised Code. 82907

(D) For taxes levied within the ten-mill limitation for debt 82908  
purposes in tax year 2005, payments shall be made equal to one 82909  
hundred per cent of the loss computed as if the tax were a 82910  
fixed-rate levy, but those payments shall extend from fiscal year 82911  
2006 through fiscal year 2018, as long as the qualifying levy 82912  
continues to be used for debt purposes. If the purpose of such a 82913  
qualifying levy is changed, that levy becomes subject to the 82914  
payments determined in division (C) of this section. 82915

(E)(1) Not later than January 1, 2006, for each fixed-sum 82916  
levy of each school district or joint vocational school district 82917  
and for each year for which a determination is made under division 82918  
(E) of section 5751.20 of the Revised Code that a fixed-sum levy 82919  
loss is to be reimbursed, the tax commissioner shall certify to 82920  
the department of education the fixed-sum levy loss determined 82921  
under that division. The certification shall cover a time period 82922  
sufficient to include all fixed-sum levies for which the 82923  
commissioner made such a determination. On or before the last day 82924  
of May of the current year, the department shall pay from the 82925  
school district property tax replacement fund to the school 82926  
district or joint vocational school district one-third of the 82927  
fixed-sum levy loss so certified, plus one-third of the amount 82928  
certified under division (I) of section 5751.20 of the Revised 82929  
Code, and on or before the last day of November, two-thirds of the 82930  
fixed-sum levy loss so certified, plus two-thirds of the amount 82931  
certified under division (I) of section 5751.20 of the Revised 82932  
Code. Payments under this division of the amounts certified under 82933  
division (I) of section 5751.20 of the Revised Code shall continue 82934  
until the levy adopted under section 5705.219 of the Revised Code 82935  
expires. 82936

(2) Beginning in 2006, by the first day of January of each 82937  
year, the tax commissioner shall review the certification 82938



originally made under division (E)(1) of this section. If the commissioner determines that a debt levy that had been scheduled to be reimbursed in the current year has expired, a revised certification for that and all subsequent years shall be made to the department of education.

(F) Beginning in September 2007 and through June 2013, the director of budget and management shall transfer from the school district tangible property tax replacement fund to the general revenue fund each of the following:

(1) On the first day of September, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section;

(2) On the first day of December, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section;

(3) On the first day of March, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section;

(4) On the first day of June, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section.

If, when a transfer is required under division (F)(1), (2), (3), or (4) of this section, there is not sufficient money in the school district tangible property tax replacement fund to make the transfer in the required amount, the director shall transfer the balance in the fund to the general revenue fund and may make additional transfers on later dates as determined by the director in a total amount that does not exceed one-fourth of the amount determined for the fiscal year.

(G) If the total amount in the school district tangible property tax replacement fund is insufficient to make all payments

under divisions (C), (D), and (E) of this section at the times the 82970  
payments are to be made, the director of budget and management 82971  
shall transfer from the general revenue fund to the school 82972  
district tangible property tax replacement fund the difference 82973  
between the total amount to be paid and the amount in the school 82974  
district tangible property tax replacement fund. 82975

(H) On the fifteenth day of June of each year, the director 82976  
of budget and management may transfer any balance in the school 82977  
district tangible property tax replacement fund to the general 82978  
revenue fund. 82979

(I) If all of the territory of a school district or joint 82980  
vocational school district is merged with another district, or if 82981  
a part of the territory of a school district or joint vocational 82982  
school district is transferred to an existing or newly created 82983  
district, the department of education, in consultation with the 82984  
tax commissioner, shall adjust the payments made under this 82985  
section as follows: 82986

(1) For a merger of two or more districts, the fixed-sum levy 82987  
losses, total resources, current expense TPP allocation, total TPP 82988  
allocation, and non-current expense TPP allocation of the 82989  
successor district shall be the sum of such items for each of the 82990  
districts involved in the merger. 82991

(2) If property is transferred from one district to a 82992  
previously existing district, the amount of total resources, 82993  
current expense TPP allocation, total TPP allocation, and 82994  
non-current expense TPP allocation that shall be transferred to 82995  
the recipient district shall be an amount equal to total 82996  
resources, current expense TPP allocation, total TPP allocation, 82997  
and non-current expense TPP allocation of the transferor district 82998  
times a fraction, the numerator of which is the number of pupils 82999  
being transferred to the recipient district, measured, in the case 83000  
of a school district, by formula ADM as that term is defined in 83001

section 3317.02 of the Revised Code or, in the case of a joint 83002  
vocational school district, by formula ADM as defined for a joint 83003  
vocational school district in that section, and the denominator of 83004  
which is the formula ADM of the transferor district. 83005

(3) After December 31, 2010, if property is transferred from 83006  
one or more districts to a district that is newly created out of 83007  
the transferred property, the newly created district shall be 83008  
deemed not to have any total resources, current expense TPP 83009  
allocation, total TPP allocation, or non-current expense TPP 83010  
allocation. 83011

(4) If the recipient district under division (I)(2) of this 83012  
section or the newly created district under division (I)(3) of 83013  
this section is assuming debt from one or more of the districts 83014  
from which the property was transferred and any of the districts 83015  
losing the property had fixed-sum levy losses, the department of 83016  
education, in consultation with the tax commissioner, shall make 83017  
an equitable division of the fixed-sum levy loss reimbursements. 83018

**Sec. 5751.22.** ~~(A) No determinations, computations,~~ 83019  
~~certifications, or payments shall be made under this section after~~ 83020  
~~June 30, 2015.~~ 83021

~~(A)~~ Not later than January 1, 2006, the tax commissioner 83022  
shall compute the payments to be made to each local taxing unit, 83023  
and to each public library that receives the proceeds of a tax 83024  
levied under section 5705.23 of the Revised Code, for each year 83025  
according to divisions (A)(1), (2), (3), and (4) of this section 83026  
as this section existed on that date, and shall distribute the 83027  
payments in the manner prescribed by division (C) of this section. 83028  
The calculation of the fixed-sum levy loss shall cover a time 83029  
period sufficient to include all fixed-sum levies for which the 83030  
commissioner determined, pursuant to division (E) of section 83031  
5751.20 of the Revised Code, that a fixed-sum levy loss is to be 83032

reimbursed. 83033

(1) Except as provided in division (A)(3) of this section, 83034  
for fixed-rate levy losses determined under division (D) of 83035  
section 5751.20 of the Revised Code, payments shall be made in an 83036  
amount equal to the following: 83037

(a) For tax years 2006 through 2010, one hundred per cent of 83038  
such losses; 83039

(b) For the payment in tax year 2011 to be made on or before 83040  
the twentieth day of November, the sum of the amount in division 83041  
(A)(1)(b)(i) or (ii) and division (A)(1)(b)(iii) of this section: 83042

(i) If the ratio of six-sevenths of the TPP allocation to 83043  
total resources is equal to or less than the threshold per cent, 83044  
zero; 83045

(ii) If the ratio of six-sevenths of the TPP allocation to 83046  
total resources is greater than the threshold per cent, the 83047  
difference of six-sevenths of the TPP allocation minus the product 83048  
of total resources multiplied by the threshold per cent; 83049

(iii) In the case of a municipal corporation, six-sevenths of 83050  
the product of the non-current expense TPP allocation multiplied 83051  
by seventy-five per cent. 83052

(c) For tax years 2012 and thereafter, the sum of the amount 83053  
in division (A)(1)(c)(i) or (ii) and division (A)(1)(c)(iii) of 83054  
this section: 83055

(i) If the ratio of TPP allocation to total resources is 83056  
equal to or less than the threshold per cent, zero; 83057

(ii) If the ratio of TPP allocation to total resources is 83058  
greater than the threshold per cent, the TPP allocation minus the 83059  
product of total resources multiplied by the threshold per cent; 83060

(iii) In the case of a municipal corporation, non-current 83061  
expense TPP allocation multiplied by fifty per cent for tax year 83062

2012 and twenty-five per cent for tax years 2013 and thereafter; 83063

(d) For tax years 2012 and thereafter, in the case of a 83064  
county, school district, municipal corporation, or township public 83065  
library, the amount in division (A)(1)(d)(i) or (ii) of this 83066  
section: 83067

(i) If the ratio of TPP allocation for library purposes to 83068  
total library resources is equal to or less than the threshold per 83069  
cent, zero; 83070

(ii) If the ratio of TPP allocation for library purposes to 83071  
total library resources is greater than the threshold per cent, 83072  
the TPP allocation for library purposes minus the product of total 83073  
library resources multiplied by the threshold per cent. 83074

(2) For fixed-sum levy losses determined under division (E) 83075  
of section 5751.20 of the Revised Code, payments shall be made in 83076  
the amount of one hundred per cent of the fixed-sum levy loss for 83077  
payments required to be made in 2006 through 2011, except that no 83078  
payments shall be made for qualifying levies that have expired. 83079  
For payments required to be made in 2012 and thereafter, payments 83080  
shall be made in the amount of fifty per cent of the fixed-sum 83081  
levy loss until the qualifying levy has expired. 83082

(3) For taxes levied within the ten-mill limitation or 83083  
pursuant to a municipal charter for debt purposes in tax year 83084  
2005, payments shall be made based on the schedule in division 83085  
(A)(1) of this section for each of the calendar years 2006 through 83086  
2010. For each of the calendar years 2011 through 2017, the 83087  
percentages for calendar year 2010 shall be used for taxes levied 83088  
within the ten-mill limitation or pursuant to a municipal charter 83089  
for debt purposes in tax year 2010, as long as such levies 83090  
continue to be used for debt purposes. If the purpose of such a 83091  
qualifying levy is changed, that levy becomes subject to the 83092  
payment schedules in divisions (A)(1)(a) to (h) of this section. 83093

No payments shall be made for such levies after calendar year 83094  
2017. For the purposes of this division, taxes levied pursuant to 83095  
a municipal charter refer to taxes levied pursuant to a provision 83096  
of a municipal charter that permits the tax to be levied without 83097  
prior voter approval. 83098

(B) Beginning in 2007, by the thirty-first day of January of 83099  
each year, the tax commissioner shall review the calculation 83100  
originally made under division (A) of this section of the 83101  
fixed-sum levy losses determined under division (E) of section 83102  
5751.20 of the Revised Code. If the commissioner determines that a 83103  
fixed-sum levy that had been scheduled to be reimbursed in the 83104  
current year has expired, a revised calculation for that and all 83105  
subsequent years shall be made. 83106

(C) Payments to local taxing units and public libraries 83107  
required to be made under division (A) of this section shall be 83108  
paid from the local government tangible property tax replacement 83109  
fund to the county undivided income tax fund in the proper county 83110  
treasury. From May 2006 through November 2010, one-seventh of the 83111  
amount determined under that division shall be paid by the last 83112  
day of May each year, and three-sevenths shall be paid by the last 83113  
day of August and October each year. From May 2011 through 83114  
November 2013, one-seventh of the amount determined under that 83115  
division shall be paid on or before the last day of May each year, 83116  
and six-sevenths shall be paid on or before the thirtieth day of 83117  
November each year, except that in November 2011, the payment 83118  
shall equal one hundred per cent of the amount calculated for that 83119  
payment. Beginning in May 2014, one-half of the amount determined 83120  
under that division shall be paid on or before the last day of May 83121  
each year, and one-half shall be paid on or before the thirtieth 83122  
day of November each year. Within thirty days after receipt of 83123  
such payments, the county treasurer shall distribute amounts 83124  
determined under division (A) of this section to the proper local 83125

taxing unit or public library as if they had been levied and 83126  
collected as taxes, and the local taxing unit or public library 83127  
shall apportion the amounts so received among its funds in the 83128  
same proportions as if those amounts had been levied and collected 83129  
as taxes. 83130

(D) For each of the fiscal years 2006 through 2018, if the 83131  
total amount in the local government tangible property tax 83132  
replacement fund is insufficient to make all payments under 83133  
division (C) of this section at the times the payments are to be 83134  
made, the director of budget and management shall transfer from 83135  
the general revenue fund to the local government tangible property 83136  
tax replacement fund the difference between the total amount to be 83137  
paid and the amount in the local government tangible property tax 83138  
replacement fund. For each fiscal year after 2018, at the time 83139  
payments under division (A)(2) of this section are to be made, the 83140  
director of budget and management shall transfer from the general 83141  
revenue fund to the local government property tax replacement fund 83142  
the amount necessary to make such payments. 83143

(E) On the fifteenth day of June of each year from 2006 83144  
through 2018, the director of budget and management may transfer 83145  
any balance in the local government tangible property tax 83146  
replacement fund to the general revenue fund. 83147

(F) If all or a part of the territories of two or more local 83148  
taxing units are merged, or unincorporated territory of a township 83149  
is annexed by a municipal corporation, the tax commissioner shall 83150  
adjust the payments made under this section to each of the local 83151  
taxing units in proportion to the square mileage of the merged or 83152  
annexed territory as a percentage of the total square mileage of 83153  
the jurisdiction from which the territory originated, or as 83154  
otherwise provided by a written agreement between the legislative 83155  
authorities of the local taxing units certified to the 83156  
commissioner not later than the first day of June of the calendar 83157

year in which the payment is to be made. 83158

**Sec. 5751.50.** (A) For tax periods beginning on or after 83159  
January 1, 2008, a refundable credit granted by the tax credit 83160  
authority under section 122.17 or former division (B)(2) or (3) of 83161  
section 122.171 of the Revised Code, as those divisions existed 83162  
before the effective date of the amendment of this section by H.B. 83163  
64 of the 131st general assembly, may be claimed under this 83164  
chapter in the order required under section 5751.98 of the Revised 83165  
Code. For purposes of making tax payments under this chapter, 83166  
taxes equal to the amount of the refundable credit shall be 83167  
considered to be paid to this state on the first day of the tax 83168  
period. A credit claimed in calendar year 2008 may not be applied 83169  
against the tax otherwise due for a tax period beginning before 83170  
July 1, 2008. The refundable credit shall not be claimed against 83171  
the tax otherwise due for any tax period beginning after the date 83172  
on which a relocation of employment positions occurs in violation 83173  
of an agreement entered into under section 122.17 or 122.171 of 83174  
the Revised Code. 83175

(B) For tax periods beginning on or after January 1, 2008, a 83176  
nonrefundable credit granted by the tax credit authority under 83177  
division (B)~~(1)~~ of section 122.171 of the Revised Code may be 83178  
claimed under this chapter in the order required under section 83179  
5751.98 of the Revised Code. A credit claimed in calendar year 83180  
2008 may not be applied against the tax otherwise due under this 83181  
chapter for a tax period beginning before July 1, 2008. The credit 83182  
shall not be claimed against the tax otherwise due for any tax 83183  
period beginning after the date on which a relocation of 83184  
employment positions occurs in violation of an agreement entered 83185  
into under section 122.17 or 122.171 of the Revised Code. No 83186  
credit shall be allowed under this chapter if the credit was 83187  
available against the tax imposed by section 5733.06 or 5747.02 of 83188  
the Revised Code, except to the extent the credit was not applied 83189



against such tax. 83190

**Sec. 5902.02.** The duties of the director of veterans services 83191  
shall include the following: 83192

(A) Furnishing the veterans service commissions of all 83193  
counties of the state copies of the state laws, rules, and 83194  
legislation relating to the operation of the commissions and their 83195  
offices; 83196

(B) Upon application, assisting the general public in 83197  
obtaining records of vital statistics pertaining to veterans or 83198  
their dependents; 83199

(C) Adopting rules pursuant to Chapter 119. of the Revised 83200  
Code pertaining to minimum qualifications for hiring, certifying, 83201  
and accrediting county veterans service officers, pertaining to 83202  
their required duties, and pertaining to revocation of the 83203  
certification of county veterans service officers; 83204

(D) Adopting rules pursuant to Chapter 119. of the Revised 83205  
Code for the education, training, certification, and duties of 83206  
veterans service commissioners and for the revocation of the 83207  
certification of a veterans service commissioner; 83208

(E) Developing and monitoring programs and agreements 83209  
enhancing employment and training for veterans in single or 83210  
multiple county areas; 83211

(F) Developing and monitoring programs and agreements to 83212  
enable county veterans service commissions to address 83213  
homelessness, indigency, and other veteran-related issues 83214  
individually or jointly; 83215

(G) Developing and monitoring programs and agreements to 83216  
enable state agencies, individually or jointly, that provide 83217  
services to veterans, including the veterans' homes operated under 83218  
Chapter 5907. of the Revised Code and the director of job and 83219

family services, to address homelessness, indigency, employment, 83220  
and other veteran-related issues; 83221

(H) Establishing and providing statistical reporting formats 83222  
and procedures for county veterans service commissions; 83223

(I) Publishing electronically a listing of county veterans 83224  
service offices and county veterans service commissioners. The 83225  
listing shall include the expiration dates of commission members' 83226  
terms of office and the organizations they represent; the names, 83227  
addresses, and telephone numbers of county veterans service 83228  
offices; and the addresses and telephone numbers of the Ohio 83229  
offices and headquarters of state and national veterans service 83230  
organizations. 83231

(J) Establishing a veterans advisory committee to advise and 83232  
assist the department of veterans services in its duties. Members 83233  
shall include a member of the national guard association of the 83234  
United States who is a resident of this state, a member of the 83235  
military officers association of America who is a resident of this 83236  
state, a state representative of congressionally chartered 83237  
veterans organizations referred to in section 5901.02 of the 83238  
Revised Code, a representative of any other congressionally 83239  
chartered state veterans organization that has at least one 83240  
veterans service commissioner in the state, three representatives 83241  
of the Ohio state association of county veterans service 83242  
commissioners, who shall have a combined vote of one, three 83243  
representatives of the state association of county veterans 83244  
service officers, who shall have a combined vote of one, one 83245  
representative of the county commissioners association of Ohio, 83246  
who shall be a county commissioner not from the same county as any 83247  
of the other county representatives, a representative of the 83248  
advisory committee on women veterans, a representative of a labor 83249  
organization, and a representative of the office of the attorney 83250  
general. The department of veterans services shall submit to the 83251

advisory committee proposed rules for the committee's operation. 83252  
The committee may review and revise these proposed rules prior to 83253  
submitting them to the joint committee on agency rule review. 83254

(K) Adopting, with the advice and assistance of the veterans 83255  
advisory committee, policy and procedural guidelines that the 83256  
veterans service commissions shall adhere to in the development 83257  
and implementation of rules, policies, procedures, and guidelines 83258  
for the administration of Chapter 5901. of the Revised Code. The 83259  
department of veterans services shall adopt no guidelines or rules 83260  
regulating the purposes, scope, duration, or amounts of financial 83261  
assistance provided to applicants pursuant to sections 5901.01 to 83262  
5901.15 of the Revised Code. The director of veterans services may 83263  
obtain opinions from the office of the attorney general regarding 83264  
rules, policies, procedures, and guidelines of the veterans 83265  
service commissions and may enforce compliance with Chapter 5901. 83266  
of the Revised Code. 83267

(L) Receiving copies of form DD214 filed in accordance with 83268  
the director's guidelines adopted under division (L) of this 83269  
section from members of veterans service commissions appointed 83270  
under section 5901.02 and from county veterans service officers 83271  
employed under section 5901.07 of the Revised Code; 83272

(M) Developing and maintaining and improving a resource, such 83273  
as a telephone answering point or a web site, by means of which 83274  
veterans and their dependents, through a single portal, can access 83275  
multiple sources of information and interaction with regard to the 83276  
rights of, and the benefits available to, veterans and their 83277  
dependents. The director of veterans services may enter into 83278  
agreements with state and federal agencies, with agencies of 83279  
political subdivisions, with state and local instrumentalities, 83280  
and with private entities as necessary to make the resource as 83281  
complete as is possible. 83282

(N) Planning, organizing, advertising, and conducting 83283

outreach efforts, such as conferences and fairs, at which veterans 83284  
and their dependents may meet, learn about the organization and 83285  
operation of the department of veterans services and of veterans 83286  
service commissions, and obtain information about the rights of, 83287  
and the benefits and services available to, veterans and their 83288  
dependents; 83289

(O) Advertising, in print, on radio and television, and 83290  
otherwise, the rights of, and the benefits and services available 83291  
to, veterans and their dependents; 83292

(P) Developing and advocating improved benefits and services 83293  
for, and improved delivery of benefits and services to, veterans 83294  
and their dependents; 83295

(Q) Searching for, identifying, and reviewing statutory and 83296  
administrative policies that relate to veterans and their 83297  
dependents and reporting to the general assembly statutory and 83298  
administrative policies that should be consolidated in whole or in 83299  
part within the organization of the department of veterans 83300  
services to unify funding, delivery, and accounting of statutory 83301  
and administrative policy expressions that relate particularly to 83302  
veterans and their dependents; 83303

(R) Encouraging veterans service commissions to innovate and 83304  
otherwise to improve efficiency in delivering benefits and 83305  
services to veterans and their dependents and to report successful 83306  
innovations and efficiencies to the director of veterans services; 83307

(S) Publishing and encouraging adoption of successful 83308  
innovations and efficiencies veterans service commissions have 83309  
achieved in delivering benefits and services to veterans and their 83310  
dependents; 83311

(T) Establishing advisory committees, in addition to the 83312  
veterans advisory committee established under division (K) of this 83313  
section, on veterans issues; 83314

(U) Developing and maintaining a relationship with the United States department of veterans affairs, seeking optimal federal benefits and services for Ohio veterans and their dependents, and encouraging veterans service commissions to maximize the federal benefits and services to which veterans and their dependents are entitled;

(V) Developing and maintaining relationships with the several veterans organizations, encouraging the organizations in their efforts at assisting veterans and their dependents, and advocating for adequate state subsidization of the organizations;

(W) Requiring the several veterans organizations that receive funding from the state annually, not later than the thirtieth day of July, to report to the director of veterans services and prescribing the form and content of the report;

(X) Reviewing the reports submitted to the director under division (W) of this section within thirty days of receipt and informing the veterans organization of any deficiencies that exist in the organization's report and that funding will not be released until the deficiencies have been corrected and a satisfactory report submitted;

(Y) Advising the director of budget and management when a report submitted to the director under division (W) of this section has been reviewed and determined to be satisfactory;

(Z) Furnishing copies of all reports that the director of veterans services has determined have been submitted satisfactorily under division (W) of this section to the chairperson of the finance committees of the general assembly;

(AA) Investigating complaints against county veterans services commissioners and county veterans service officers if the director reasonably believes the investigation to be appropriate and necessary;

(BB) Developing and maintaining a web site that is accessible 83346  
by veterans and their dependents and provides a link to the web 83347  
site of each state agency that issues a license, certificate, or 83348  
other authorization permitting an individual to engage in an 83349  
occupation or occupational activity; 83350

(CC) Encouraging state agencies to conduct outreach efforts 83351  
through which veterans and their dependents can learn about 83352  
available job and education benefits; 83353

(DD) Informing state agencies about changes in statutes and 83354  
rules that affect veterans and their dependents; 83355

(EE) Assisting licensing agencies in adopting rules under 83356  
section 5903.03 of the Revised Code; 83357

(FF) Administering the provision of grants from the military 83358  
injury relief fund under section 5902.05 of the Revised Code; 83359

(GG) Taking any other actions required by this chapter. 83360

**Sec. ~~5101.98~~ 5902.05.** (A) There is hereby created in the 83361  
state treasury the military injury relief fund, which shall 83362  
consist of money contributed to it under sections 4503.535 and 83363  
5747.113 of the Revised Code, ~~of incentive grants authorized by~~ 83364  
~~the "Jobs for Veterans Act," 116 Stat. 2033 (2002),~~ and of 83365  
contributions made directly to it. Any person or entity may 83366  
contribute directly to the fund in addition to or independently of 83367  
the income tax refund contribution system established in section 83368  
5747.113 of the Revised Code. 83369

(B) Upon application, the director of ~~job and family~~ veterans 83370  
services shall grant money in the fund to individuals injured 83371  
while in active service as a member of the armed forces of the 83372  
United States while serving ~~under operation Iraqi freedom,~~ 83373  
~~operation new dawn, or operation enduring freedom~~ after October 7, 83374  
2001, and to individuals diagnosed with post-traumatic stress 83375

disorder while serving, or after having served, ~~in operation Iraqi~~ 83376  
~~freedom, operation new dawn, or operation enduring freedom~~ after 83377  
October 7, 2001. 83378

(C) An individual who receives a grant under this section is 83379  
precluded from receiving additional grants under this section 83380  
during the same state fiscal year but is not precluded from being 83381  
considered for or receiving other assistance offered by the 83382  
department of ~~job and family~~ veterans services. 83383

(D) The director shall adopt rules under Chapter 119. of the 83384  
Revised Code establishing: 83385

(1) Forms and procedures by which individuals may apply for a 83386  
grant under this section; 83387

(2) Criteria for reviewing, evaluating, and approving or 83388  
denying grant applications; 83389

(3) Criteria for determining the amount of grants awarded 83390  
under this section; 83391

(4) Definitions and standards applicable to determining 83392  
whether an individual meets the requirements established in 83393  
division (B) of this section; 83394

(5) The process for appealing eligibility determinations; and 83395

(6) Any other rules necessary to administer the grant program 83396  
established in this section. 83397

(E) An eligibility determination, a grant approval, or a 83398  
grant denial made under this section may not be appealed under 83399  
Chapter 119., ~~section 5101.35,~~ or any other provision of the 83400  
Revised Code. 83401

**Sec. 5903.12.** (A) As used in this section: 83402

"Continuing education" means continuing education required of 83403  
a licensee by law and includes, but is not limited to, the 83404

continuing education required of licensees under sections 83405  
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 83406  
4725.16, 4725.51, 4730.14, 4730.49, ~~4731.281~~ 4731.282, 4734.25, 83407  
4735.141, 4736.11, 4741.16, 4741.19, 4751.07, 4755.63, 4757.33, 83408  
4759.06, 4761.06, and 4763.07 of the Revised Code. 83409

"Reporting period" means the period of time during which a 83410  
licensee must complete the number of hours of continuing education 83411  
required of the licensee by law. 83412

(B) A licensee may submit an application to a licensing 83413  
agency, stating that the licensee requires an extension of the 83414  
current reporting period because the licensee has served on active 83415  
duty during the current or a prior reporting period. The licensee 83416  
shall submit proper documentation certifying the active duty 83417  
service and the length of that active duty service. Upon receiving 83418  
the application and proper documentation, the licensing agency 83419  
shall extend the current reporting period by an amount of time 83420  
equal to the total number of months that the licensee spent on 83421  
active duty during the current reporting period. For purposes of 83422  
this division, any portion of a month served on active duty shall 83423  
be considered one full month. 83424

**Sec. 5910.08.** There is hereby created in the state treasury 83425  
the war orphans scholarship reserve fund. ~~Not later than the first~~ 83426  
~~day of July~~ As soon as possible following the end of each fiscal 83427  
year, the ~~chancellor of the Ohio board of regents~~ director of 83428  
higher education shall certify to the director of budget and 83429  
management the unencumbered balance of the general revenue fund 83430  
appropriations made in the immediately preceding fiscal year for 83431  
purposes of the war orphans scholarship program created in Chapter 83432  
5910. of the Revised Code. Upon receipt of the certification, the 83433  
director of budget and management may transfer an amount not 83434  
exceeding the certified amount from the general revenue fund to 83435



the war orphans scholarship reserve fund. Moneys in the war 83436  
orphans scholarship reserve fund shall be used to pay scholarship 83437  
obligations in excess of the general revenue fund appropriations 83438  
made for that purpose. 83439

The director of budget and management may transfer any 83440  
unencumbered balance from the war orphans scholarship reserve fund 83441  
to the general revenue fund. 83442

If it is determined that general revenue fund appropriations 83443  
are insufficient to meet the obligations of the war orphans 83444  
scholarship in a fiscal year, the director of budget and 83445  
management may transfer funds from the war orphans scholarship 83446  
reserve fund to the general revenue fund in order to meet those 83447  
obligations. The amount transferred is hereby appropriated. If the 83448  
funds transferred from the war orphans scholarship reserve fund 83449  
are not needed, the director of budget and management may transfer 83450  
the unexpended balance from the general revenue fund back to the 83451  
war orphans scholarship reserve fund. 83452

**Sec. 5919.341.** There is hereby created in the state treasury 83453  
the national guard scholarship reserve fund. ~~Not later than the~~ 83454  
~~first day of July~~ As soon as possible following the end of each 83455  
fiscal year, the ~~chancellor of the Ohio board of regents~~ director 83456  
of higher education shall certify to the director of budget and 83457  
management the unencumbered balance of the general revenue fund 83458  
appropriations made in the immediately preceding fiscal year for 83459  
purposes of the Ohio national guard scholarship program created 83460  
under division (B) of section 5919.34 of the Revised Code. Upon 83461  
receipt of the certification, the director of budget and 83462  
management may transfer an amount not exceeding the certified 83463  
amount from the general revenue fund to the national guard 83464  
scholarship reserve fund. Moneys in the national guard scholarship 83465  
reserve fund shall be used to pay scholarship obligations in 83466

excess of the general revenue fund appropriations made for that 83467  
purpose. ~~Upon request of the chancellor, the director may seek~~ 83468  
~~controlling board approval to establish appropriations as~~ 83469  
~~necessary.~~ 83470

The director of budget and management may transfer any 83471  
unencumbered balance from the national guard scholarship reserve 83472  
fund to the general revenue fund. 83473

If it is determined that general revenue fund appropriations 83474  
are insufficient to meet the obligations of the national guard 83475  
scholarship in a fiscal year, the director of budget and 83476  
management may transfer funds from the national guard scholarship 83477  
reserve fund to the general revenue fund in order to meet those 83478  
obligations. The amount transferred is hereby appropriated. If the 83479  
funds transferred from the national guard scholarship reserve fund 83480  
are not needed, the director of budget and management may transfer 83481  
the unexpended balance from the general revenue fund back to the 83482  
national guard scholarship reserve fund. 83483

**Sec. 6101.16.** When it is determined to let the work relating 83484  
to the improvements for which a conservancy district was 83485  
established by contract, contracts in amounts to exceed 83486  
~~twenty-five~~ fifty thousand dollars shall be advertised after 83487  
notice calling for bids has been published once a week for two 83488  
consecutive weeks or as provided in section 7.16 of the Revised 83489  
Code, with the last publication to occur at least eight days prior 83490  
to the date on which bids will be accepted, in a newspaper of 83491  
general circulation within the conservancy district where the work 83492  
is to be done. If the bids are for a contract for the 83493  
construction, demolition, alteration, repair, or reconstruction of 83494  
an improvement, the board of directors of the conservancy district 83495  
may let the contract to the lowest responsive and most responsible 83496  
bidder who meets the requirements of section 153.54 of the Revised 83497

Code. If the bids are for a contract for any other work relating 83498  
to the improvements for which a conservancy district was 83499  
established, the board of directors of the district may let the 83500  
contract to the lowest responsive and most responsible bidder who 83501  
gives a good and approved bond, with ample security, conditioned 83502  
on the carrying out of the contract. The contract shall be in 83503  
writing and shall be accompanied by or refer to plans and 83504  
specifications for the work to be done prepared by the chief 83505  
engineer. The plans and specifications shall at all times be made 83506  
and considered a part of the contract. The contract shall be 83507  
approved by the board and signed by the president of the board and 83508  
by the contractor and shall be executed in duplicate. In case of 83509  
sudden emergency when it is necessary in order to protect the 83510  
district, the advertising of contracts may be waived upon the 83511  
consent of the board, with the approval of the court or a judge of 83512  
the court of common pleas of the county in which the office of the 83513  
district is located. 83514

**Sec. 6109.30.** (A) There is hereby created in the state 83515  
treasury the drinking water protection fund, which shall be 83516  
administered by the director of environmental protection. The fund 83517  
shall consist of moneys distributed to it and shall be used for 83518  
all of the following purposes: 83519

(1) Administration of this chapter and rules adopted under 83520  
it; 83521

(2) Administration in this state of the "Safe Drinking Water 83522  
Act"; 83523

(3) Provision of technical assistance to public water systems 83524  
in this state for the purposes of this chapter and rules adopted 83525  
under it; 83526

(4) Special studies conducted by the director for the 83527  
monitoring and testing of drinking water quality in this state; 83528

(5) Support of programs for the prevention of contamination 83529  
of surface and ground water supplies in this state that are 83530  
sources of drinking water. 83531

~~Moneys in the fund shall not be used to meet any state 83532  
matching requirements that are necessary to obtain federal grants. 83533~~

(B) The director may expend not more than two hundred 83534  
thousand dollars from the fund in each fiscal year for the purpose 83535  
of making loans to owners and operators of public water systems 83536  
for emergency remediation of threats of contamination to public 83537  
water supplies. The director shall not loan more than twenty-five 83538  
thousand dollars to the owner or operator of any single public 83539  
water system. The director shall adopt, and may amend and rescind, 83540  
rules in accordance with Chapter 119. of the Revised Code 83541  
establishing application procedures and requirements for those 83542  
loans. The rules shall require that an owner or operator receiving 83543  
a loan under this division repay the loan to the fund not later 83544  
than twelve months after receiving it. 83545

**Sec. 6111.01.** As used in this chapter: 83546

(A) "Pollution" means the placing of any sewage, sludge, 83547  
sludge materials, industrial waste, or other wastes in any waters 83548  
of the state. 83549

(B) "Sewage" means any liquid waste containing sludge, sludge 83550  
materials, or animal or vegetable matter in suspension or 83551  
solution, and may include household wastes as commonly discharged 83552  
from residences and from commercial, institutional, or similar 83553  
facilities. 83554

(C) "Industrial waste" means any liquid, gaseous, or solid 83555  
waste substance resulting from any process of industry, 83556  
manufacture, trade, or business, or from the development, 83557  
processing, or recovery of any natural resource, together with 83558

such sewage as is present. "Industrial waste" does not include 83559  
either of the following: 83560

(1) Shale and clay products regardless of whether they are 83561  
placed on the ground, placed below grade, or used in products that 83562  
come into contact with the ground or are placed below grade; 83563

(2) Slag regardless of whether it is placed on the ground, 83564  
placed below grade, or used in products that come into contact 83565  
with the ground or are placed below grade. 83566

(D) "Other wastes" means garbage, refuse, decayed wood, 83567  
sawdust, shavings, bark, and other wood debris, lime, sand, ashes, 83568  
offal, night soil, oil, tar, coal dust, dredged or fill material, 83569  
or silt, other substances that are not sewage, sludge, sludge 83570  
materials, or industrial waste, and any other "pollutants" or 83571  
"toxic pollutants" as defined in the Federal Water Pollution 83572  
Control Act that are not sewage, sludge, sludge materials, or 83573  
industrial waste. 83574

(E) "Sewerage system" means pipelines or conduits, pumping 83575  
stations, and force mains, and all other constructions, devices, 83576  
appurtenances, and facilities used for collecting or conducting 83577  
water-borne sewage, industrial waste, or other wastes to a point 83578  
of disposal or treatment, but does not include plumbing fixtures, 83579  
building drains and subdrains, building sewers, and building storm 83580  
sewers. 83581

(F) "Treatment works" means any plant, disposal field, 83582  
lagoon, dam, pumping station, building sewer connected directly to 83583  
treatment works, incinerator, or other works used for the purpose 83584  
of treating, stabilizing, blending, composting, or holding sewage, 83585  
sludge, sludge materials, industrial waste, or other wastes, 83586  
except as otherwise defined. 83587

(G) "Disposal system" means a system for disposing of sewage, 83588  
sludge, sludge materials, industrial waste, or other wastes and 83589

includes sewerage systems and treatment works. 83590

(H) "Waters of the state" means all streams, lakes, ponds, 83591  
marshes, watercourses, waterways, wells, springs, irrigation 83592  
systems, drainage systems, and other bodies or accumulations of 83593  
water, surface and underground, natural or artificial, regardless 83594  
of the depth of the strata in which underground water is located, 83595  
that are situated wholly or partly within, or border upon, this 83596  
state, or are within its jurisdiction, except those private waters 83597  
that do not combine or effect a junction with natural surface or 83598  
underground waters. 83599

(I) "Person" means the state, any municipal corporation, any 83600  
other political subdivision of the state, any person as defined in 83601  
section 1.59 of the Revised Code, any interstate body created by 83602  
compact, or the federal government or any department, agency, or 83603  
instrumentality thereof. 83604

(J) "Industrial water pollution control facility" means any 83605  
disposal system or any treatment works, pretreatment works, 83606  
appliance, equipment, machinery, pipeline or conduit, pumping 83607  
station, force main, or installation constructed, used, or placed 83608  
in operation primarily for the purpose of collecting or conducting 83609  
industrial waste to a point of disposal or treatment; reducing, 83610  
controlling, or eliminating water pollution caused by industrial 83611  
waste; or reducing, controlling, or eliminating the discharge into 83612  
a disposal system of industrial waste or what would be industrial 83613  
waste if discharged into the waters of the state. 83614

(K) "Schedule of compliance" means a schedule of remedial 83615  
measures including an enforceable sequence of actions or 83616  
operations leading to compliance with standards and rules adopted 83617  
under sections 6111.041 and 6111.042 of the Revised Code or 83618  
compliance with terms and conditions of permits set under division 83619  
(J) of section 6111.03 of the Revised Code. 83620

(L) "Federal Water Pollution Control Act" means the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean Water Act of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, and all other amendments to that act.

(M) "Historically channelized watercourse" means the portion of a watercourse on which an improvement, as defined in divisions (C)(2) to (4) of section 6131.01 of the Revised Code, was constructed pursuant to Chapter 1515., 6131., or 6133. of the Revised Code or a similar state law that preceded any of those chapters and authorized such an improvement.

(N) "Sludge" means sewage sludge and a solid, semi-solid, or liquid residue that is generated from an industrial wastewater treatment process and that is applied to land for agronomic benefit. "Sludge" does not include ash generated during the firing of sludge in a sludge incinerator, grit and screening generated during preliminary treatment of sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(O) "Sludge materials" means solid, semi-solid, or liquid materials derived from sludge and includes products from a treatment works that result from the treatment, blending, or composting of sludge.

(P) "Storage of sludge" means the placement of sludge on land on which the sludge remains for not longer than two years, but does not include the placement of sludge on land for treatment.

(Q) "Sludge disposal program" means any program used by an entity that begins with the generation of sludge and includes treatment or disposal of the sludge, as "treatment" and "disposal" are defined in division (Y) of section 3745.11 of the Revised Code.

(R) "Agronomic benefit" means any process that promotes or enhances plant growth and includes, but is not limited to, a process that increases soil fertility and moisture retention.

(S) "Sludge management" means the use, storage, treatment, or disposal of, and management practices related to, sludge and sludge materials.

(T) "Sludge management permit" means a permit for sludge management that is issued under division (J) of section 6111.03 of the Revised Code.

(U) "Sewage sludge" has the same meaning as in division (Y) of section 3745.11 of the Revised Code.

(V) "Shale and clay products" means nontoxic, nonhazardous, unwanted fired and unfired, glazed and unglazed, structural shale and clay products.

(W) "Slag" means nonmetallic product resulting from melting or smelting operations for iron or steel.

**Sec. 6111.02.** As used in this section and sections 6111.021 to 6111.028 of the Revised Code:

(A) "Category 1 wetland," "category 2 wetland," or "category 3 wetland" means a category 1 wetland, category 2 wetland, or category 3 wetland, respectively, as described in rule 3745-1-54 of the Administrative Code, as that rule existed on July 17, 2001, and as determined to be a category 1, category 2, or category 3 wetland, respectively, through application of the "Ohio rapid assessment method for wetlands version 5.0," including the Ohio rapid assessment method for wetlands version 5.0 quantitative score calibration dated August 15, 2000, unless an application for a section 401 water quality certification was submitted prior to February 28, 2001, in which case the applicant for the permit may elect to proceed in accordance with Ohio rapid assessment method



for wetlands version 4.1. 83682

(B) "Creation" means the establishment of a wetland where one 83683  
did not formerly exist and that involves wetland construction on 83684  
nonhydraulic soils. 83685

(C) "Enhancement" means activities conducted in an existing 83686  
wetland to improve or repair existing or natural wetland functions 83687  
and values of that wetland. 83688

(D) "Fill material" means any material that is used to fill 83689  
an aquatic area, to replace an aquatic area with dry land, or to 83690  
change the bottom elevation of a wetland for any purpose and that 83691  
consists of suitable material that is free from toxic contaminants 83692  
in other than trace quantities. "Fill material" does not include 83693  
either of the following: 83694

(1) Material resulting from normal farming, silviculture, and 83695  
ranching activities, such as plowing, cultivating, seeding, and 83696  
harvesting, for the production of food, fiber, and forest 83697  
products; 83698

(2) Material placed for the purpose of maintenance of 83699  
existing structures, including emergency reconstruction of 83700  
recently damaged parts of currently serviceable structures such as 83701  
dikes, dams, levees, groins, riprap, breakwaters, causeways, and 83702  
bridge abutments or approaches, and transportation structures. 83703

(E) "Filling" means the addition of fill material into a 83704  
wetland for the purpose of creating upland, changing the bottom 83705  
elevation of the wetland, or creating impoundments of water. 83706  
"Filling" includes, without limitation, the placement of the 83707  
following in wetlands: fill material that is necessary for the 83708  
construction of any structure; structures or impoundments 83709  
requiring rock, sand, dirt, or other material for its 83710  
construction; site-development fills for recreational, industrial, 83711  
commercial, residential, or other uses; causeways or road fills; 83712

dams and dikes; artificial islands, property protection, or 83713  
reclamation devices such as riprap, groins, seawalls, breakwalls, 83714  
and bulkheads and fills; beach nourishment; levees; sanitary 83715  
landfills; fill material for structures such as sewage treatment 83716  
facilities, intake and outfall pipes associated with power plants, 83717  
and underwater utility lines; and artificial reefs. 83718

(F) "Isolated wetland" means a wetland that is not subject to 83719  
regulation under the Federal Water Pollution Control Act. 83720

(G) "Mitigation" means the restoration, creation, 83721  
enhancement, or, in exceptional circumstances, preservation of 83722  
wetlands expressly for the purpose of compensating for wetland 83723  
impacts. 83724

(H) "Mitigation bank service area" means the designated area 83725  
where a mitigation bank can reasonably be expected to provide 83726  
appropriate compensation for impacts to wetlands and other aquatic 83727  
resources and that is designated as such in accordance with the 83728  
process established in 33 C.F.R. 332.8 and 40 C.F.R. 230.98. 83729

(I) "Off-site mitigation" means wetland restoration, 83730  
creation, enhancement, or preservation occurring farther than one 83731  
mile from a project boundary, but within the same watershed. 83732

(J) "On-site mitigation" means wetland restoration, creation, 83733  
enhancement, or preservation occurring within and not more than 83734  
one mile from the project boundary and within the same watershed. 83735

(K) "Practicable" means available and capable of being 83736  
executed with existing technology and without significant adverse 83737  
effect on the economic feasibility of the project in light of the 83738  
overall project purposes and in consideration of the relative 83739  
environmental benefit. 83740

(L) "Preservation" means the long-term protection of 83741  
ecologically important wetlands ~~in perpetuity~~ through the 83742  
implementation of appropriate legal mechanisms to prevent harm to 83743

the wetlands. "Preservation" may include protection of adjacent upland areas as necessary to ensure protection of a wetland.

(M) "Restoration" means the reestablishment of a previously existing wetland at a site where it has ceased to exist.

(N) "State isolated wetland permit" means a permit issued in accordance with sections 6111.02 to 6111.027 of the Revised Code authorizing the filling of an isolated wetland.

(O) "Watershed" means an eight-digit hydrologic unit.

(P) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. "Wetlands" includes swamps, marshes, bogs, and similar areas that are delineated in accordance with the 1987 United States army corps of engineers wetland delineation manual and any other procedures and requirements adopted by the United States army corps of engineers for delineating wetlands.

(Q) "Wetland mitigation bank" means a site where wetlands have been restored, created, enhanced, or, in exceptional circumstances, preserved expressly for the purpose of providing mitigation for impacts to wetlands and that has been approved in accordance with the process established in 33 C.F.R. 332.8 and 40 C.F.R. 230.98.

(R) "Eight-digit hydrologic unit" means a common surface drainage area corresponding to one from the list of thirty-seven adapted from the forty-four cataloging units as depicted on the hydrologic unit map of Ohio, United States geological survey, 1988, and as described in division (F)(2) of rule 3745-1-54 of the Administrative Code or as otherwise shown on map number 1 found in rule 3745-1-54 of the Administrative Code. "Eight-digit hydrologic

unit" is limited to those parts of the cataloging units that 83775  
geographically lie within the borders of this state. 83776

(S) "In-lieu fee mitigation" means a payment made by an 83777  
applicant to satisfy a wetland mitigation requirement established 83778  
in sections 6111.02 to 6111.027 of the Revised Code. 83779

**Sec. 6111.027.** (A) Mitigation for impacts to isolated 83780  
wetlands under sections 6111.02 to 6111.027 shall be conducted in 83781  
accordance with the following ratios: 83782

(1) For category 1 and category 2 isolated wetlands, other 83783  
than forested category 2 isolated wetlands, mitigation located at 83784  
an approved wetland mitigation bank shall be conducted, or 83785  
mitigation shall be paid for under an in-lieu fee mitigation 83786  
program, at a rate of two times the size of the area of isolated 83787  
wetland that is being impacted. 83788

(2) For forested category 2 isolated wetlands, mitigation 83789  
located at an approved wetland mitigation bank shall be conducted, 83790  
or mitigation shall be paid for under an in-lieu fee mitigation 83791  
program, at a rate of two and one-half times the size of the area 83792  
of isolated wetland that is being impacted. 83793

(3) All other mitigation shall be subject to mitigation 83794  
ratios established in division (F) of rule 3745-1-54 of the 83795  
Administrative Code. 83796

(B) Mitigation that involves the enhancement or preservation 83797  
of isolated wetlands shall be calculated and performed in 83798  
accordance with rule 3745-1-54 of the Administrative Code. 83799

(C) An applicant for coverage under a general state isolated 83800  
wetland permit or for an individual state isolated wetland permit 83801  
under sections 6111.022 to 6111.024 of the Revised Code shall 83802  
demonstrate that the mitigation site will be protected ~~in~~ 83803  
~~perpetuity~~ long term and that appropriate practicable management 83804

measures are, or will be, in place to restrict harmful activities 83805  
that jeopardize the mitigation. 83806

**Sec. 6111.30.** (A) Applications for a section 401 water 83807  
quality certification required under division (P) of section 83808  
6111.03 of the Revised Code shall be submitted on forms provided 83809  
by the director of environmental protection and shall include all 83810  
information required on those forms as well as all of the 83811  
following: 83812

(1) A copy of a letter from the United States army corps of 83813  
engineers documenting its jurisdiction over the wetlands, streams, 83814  
or other waters of the state that are the subject of the section 83815  
401 water quality certification application; 83816

(2) If the project involves impacts to a wetland, a wetland 83817  
characterization analysis consistent with the Ohio rapid 83818  
assessment method; 83819

(3) If the project involves a stream for which a specific 83820  
aquatic life use designation has not been made, ~~a use~~ 83821  
~~attainability analysis~~ data sufficient to determine the existing 83822  
aquatic life use; 83823

(4) A specific and detailed mitigation proposal, including 83824  
the location and proposed ~~legal~~ real estate instrument or other 83825  
available mechanism for protecting the property ~~in perpetuity~~ long 83826  
term; 83827

(5) Applicable fees; 83828

(6) Site photographs; 83829

(7) Adequate documentation confirming that the applicant has 83830  
requested comments from the department of natural resources and 83831  
the United States fish and wildlife service regarding threatened 83832  
and endangered species, including the presence or absence of 83833  
critical habitat; 83834

(8) Descriptions, schematics, and appropriate economic information concerning the applicant's preferred alternative, nondegradation alternatives, and minimum degradation alternatives for the design and operation of the project;

(9) The applicant's investigation report of the waters of the United States in support of a section 404 permit application concerning the project;

(10) A copy of the United States army corps of engineers' public notice regarding the section 404 permit application concerning the project.

(B) Not later than fifteen business days after the receipt of an application for a section 401 water quality certification, the director shall review the application to determine if it is complete and shall notify the applicant in writing as to whether the application is complete. If the director fails to notify the applicant within fifteen business days regarding the completeness of the application, the application is considered complete. If the director determines that the application is not complete, the director shall include with the written notification an itemized list of the information or materials that are necessary to complete the application. If the applicant fails to provide the information or materials within sixty days after the director's receipt of the application, the director may return the incomplete application to the applicant and take no further action on the application. If the application is returned to the applicant because it is incomplete, the director shall return the review fee levied under division (A)(1), (2), or (3) of section 3745.114 of the Revised Code to the applicant, but shall retain the application fee levied under that section.

(C) Not later than twenty-one days after a determination that an application is complete under division (B) of this section, the applicant shall publish public notice of the director's receipt of

the complete application in a newspaper of general circulation in 83867  
the county in which the project that is the subject of the 83868  
application is located. The public notice shall be in a form 83869  
acceptable to the director. The applicant shall promptly provide 83870  
the director with proof of publication. The applicant may choose, 83871  
subject to review by and approval of the director, to include in 83872  
the public notice an advertisement for an antidegradation public 83873  
hearing on the application pursuant to section 6111.12 of the 83874  
Revised Code. There shall be a public comment period of thirty 83875  
days following the publication of the public notice. 83876

(D) If the director determines that there is significant 83877  
public interest in a public hearing as evidenced by the public 83878  
comments received concerning the application and by other requests 83879  
for a public hearing on the application, the director or the 83880  
director's representative shall conduct a public hearing 83881  
concerning the application. Notice of the public hearing shall be 83882  
published by the applicant, subject to review and approval by the 83883  
director, at least thirty days prior to the date of the hearing in 83884  
a newspaper of general circulation in the county in which the 83885  
project that is the subject of the application is to take place. 83886  
If a public hearing is requested concerning an application, the 83887  
director shall accept comments concerning the application until 83888  
five business days after the public hearing. A public hearing 83889  
conducted under this division shall take place not later than one 83890  
hundred days after the application is determined to be complete. 83891

(E) The director shall forward all public comments concerning 83892  
an application submitted under this section that are received 83893  
through the public involvement process required by rules adopted 83894  
under this chapter to the applicant not later than five business 83895  
days after receipt of the comments by the director. 83896

(F) The applicant shall respond in writing to written 83897  
comments or to deficiencies identified by the director during the 83898

course of reviewing the application not later than fifteen days 83899  
after receiving or being notified of them. 83900

(G) The director shall issue or deny a section 401 water 83901  
quality certification not later than one hundred eighty days after 83902  
the complete application for the certification is received. The 83903  
director shall provide an applicant for a section 401 water 83904  
quality certification with an opportunity to review the 83905  
certification prior to its issuance. 83906

(H) The director shall maintain an accessible database that 83907  
includes environmentally beneficial water restoration and 83908  
protection projects that may serve as potential mitigation 83909  
projects for projects in the state for which a section 401 water 83910  
quality certification is required. A project's inclusion in the 83911  
database does not constitute an approval of the project. 83912

(I) Mitigation required by a section 401 water quality 83913  
certification may be accomplished by any of the following: 83914

(1) Purchasing credits at a mitigation bank approved in 83915  
accordance with 33 C.F.R. 332.8; 83916

(2) Participating in an in-lieu fee mitigation program 83917  
approved in accordance with 33 C.F.R. 332.8; 83918

(3) Constructing individual mitigation projects. 83919

Notwithstanding the mitigation hierarchy specified in section 83920  
3745-1-54 of the Administrative Code, mitigation projects shall be 83921  
approved in accordance with the hierarchy specified in 33 C.F.R. 83922  
332.3 unless the director determines that the size or quality of 83923  
the impacted resource necessitates reasonably identifiable, 83924  
available, and practicable mitigation conducted by the applicant. 83925  
The director shall adopt rules in accordance with Chapter 119. of 83926  
the Revised Code consistent with the mitigation hierarchy 83927  
specified in 33 C.F.R. 332.3. 83928



(J) The director may establish a program and adopt rules in accordance with Chapter 119. of the Revised Code for the purpose of certifying water quality professionals to assess streams to determine existing aquatic life use and to categorize wetlands in support of applications for section 401 water quality certification under divisions (A)(2) and (3) of this section and isolated wetland permits under sections 6111.022 to 6111.024 of the Revised Code. The director shall use information submitted by certified water quality professionals in the review of those applications. 83929  
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Rules adopted under this division shall do all of the following: 83939  
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(1) Provide for the certification of water quality professionals to conduct activities in support of applications for section 401 water quality certification and isolated wetland permits, including work necessary to determine existing aquatic life use of streams and categorize wetlands. Rules adopted under division (J)(1) of this section shall do at least all of the following: 83941  
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(a) Authorize the director to require an applicant for water quality professional certification to submit information considered necessary by the director to assess a water quality professional's experience in conducting stream assessments and wetlands categorizations; 83948  
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(b) Authorize the director to establish experience requirements and to use tests to determine the competency of applicants for water quality professional certification; 83953  
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(c) Authorize the director to approve applicants for water quality professional certification who comply with the requirements established in rules and deny applicants that do not comply with those requirements; 83956  
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(d) Require the director to revoke the certification of a water quality professional if the director finds that the professional falsified any information on the professional's application for certification regarding the professional's credentials; 83960  
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(e) Require periodic renewal of a water quality professional's certification and establish continuing education requirements for purposes of that renewal. 83965  
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(2) Establish an annual fee to be paid by water quality professionals certified under rules adopted under division (J)(1) of this section in an amount calculated to defray the costs incurred by the environmental protection agency for reviewing applications for water quality professional certification and for issuing those certifications; 83968  
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(3) Authorize the director to suspend or revoke the certification of a water quality professional if the director finds that the professional's performance has resulted in submission of documentation that is inconsistent with standards established in rules adopted under division (J)(7) of this section; 83974  
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(4) Authorize the director to review documentation submitted by a certified water quality professional to ensure compliance with requirements established in rules adopted under division (J)(7) of this section; 83980  
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(5) Require a certified water quality professional to submit any documentation developed in support of an application for a section 401 water quality certification or an isolated wetland permit upon the request of the director; 83984  
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(6) Authorize random audits by the director of documentation developed or submitted by certified water quality professionals to ensure compliance with requirements established in rules adopted 83988  
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under division (J)(7) of this section; 83991

(7) Establish technical standards to be used by certified 83992  
water quality professionals in conducting stream assessments and 83993  
wetlands categorizations. 83994

(K) As used in this section and section 6111.31 of the 83995  
Revised Code, "section 401 water quality certification" means 83996  
certification pursuant to section 401 of the Federal Water 83997  
Pollution Control Act and this chapter and rules adopted under it 83998  
that any discharge, as set forth in section 401, will comply with 83999  
sections 301, 302, 303, 306, and 307 of the Federal Water 84000  
Pollution Control Act. 84001

**Sec. 6111.99.** (A) Whoever purposely violates section 6111.04, 84002  
6111.042, 6111.05, or division (A) or (C) of section 6111.07 of 84003  
the Revised Code is guilty of a felony and shall be fined not more 84004  
than twenty-five thousand dollars or imprisoned not more than ~~one~~ 84005  
~~year~~ four years, or both. Each day of violation is a separate 84006  
offense. 84007

(B) Whoever knowingly violates section 6111.04, 6111.042, 84008  
6111.045 ~~or~~, 6111.047, 6111.05, 6111.45, or division (A) or (C) of 84009  
section 6111.07 of the Revised Code is guilty of a misdemeanor and 84010  
shall be fined not more than ten thousand dollars or imprisoned 84011  
not more than one year, or both. Each day of violation is a 84012  
separate offense. 84013

(C) Whoever violates section ~~6111.45 or~~ 6111.46 of the 84014  
Revised Code shall be fined not more than five hundred dollars. 84015

(D) ~~Whoever violates division (C) of section 6111.07 of the~~ 84016  
~~Revised Code shall be fined not more than twenty-five thousand~~ 84017  
~~dollars.~~ 84018

~~(E)~~ Whoever violates section 6111.42 of the Revised Code 84019  
shall be fined not more than one hundred dollars for a first 84020

offense; for each subsequent offense, the person shall be fined 84021  
not more than one hundred fifty dollars. 84022

~~(F)~~(E) Whoever violates section 6111.44 of the Revised Code 84023  
shall be fined not more than ~~one hundred~~ ten thousand dollars. 84024  
Each day of violation is a separate offense. 84025

(F) If a person is convicted of or pleads guilty to a 84026  
violation of any section of this chapter, in addition to the 84027  
financial sanctions authorized by this chapter or section 2929.18 84028  
or 2929.28 or any other section of the Revised Code, the court 84029  
imposing the sentence on the person may order the person to 84030  
reimburse the state agency or a political subdivision for any 84031  
actual costs that it incurred in responding to the violation, 84032  
including the cost of restoring affected aquatic resources or 84033  
otherwise compensating for adverse impact to aquatic resources 84034  
directly caused by the violation, but not including the costs of 84035  
prosecution. 84036

**Sec. 6301.16.** (A) Beginning January 1, 2016, each participant 84037  
in an adult training or education program funded under the 84038  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101, shall 84039  
create an account with OhioMeansJobs at the time of enrollment in 84040  
the program. 84041

(B) Division (A) of this section does not apply to any 84042  
individual who is legally prohibited from using a computer, has a 84043  
physical or visual impairment that makes the individual unable to 84044  
use a computer, or has a limited ability to read, write, speak, or 84045  
understand a language in which OhioMeansJobs is available. 84046

**Section 101.02.** That existing sections 1.05, 9.312, 9.333, 84047  
9.83, 9.833, 9.90, 9.901, 103.412, 105.41, 109.57, 109.572, 84048  
109.77, 109.79, 113.07, 118.023, 118.04, 119.12, 121.03, 121.22, 84049  
121.36, 121.372, 121.40, 122.121, 122.17, 122.171, 122.174, 84050

122.175, 122.177, 122.64, 122.85, 122.87, 122.95, 122.951, 123.10, 84051  
123.28, 123.281, 124.14, 124.15, 124.181, 124.392, 125.02, 125.04, 84052  
125.041, 125.05, 125.07, 125.08, 125.081, 125.082, 125.10, 125.11, 84053  
125.112, 125.13, 125.27, 125.28, 125.31, 125.36, 125.38, 125.39, 84054  
125.42, 125.43, 125.45, 125.49, 125.51, 125.58, 125.601, 125.607, 84055  
125.609, 125.76, 125.901, 128.021, 128.40, 128.54, 128.55, 128.57, 84056  
131.34, 131.35, 133.01, 133.04, 133.05, 133.34, 140.01, 149.04, 84057  
149.43, 153.08, 153.70, 156.01, 156.02, 156.04, 173.391, 173.47, 84058  
173.48, 173.522, 173.523, 173.543, 173.544, 173.545, 174.02, 84059  
191.04, 191.06, 319.63, 339.06, 340.03, 340.034, 340.04, 340.05, 84060  
340.07, 340.12, 340.15, 355.02, 355.03, 355.04, 505.101, 718.01, 84061  
718.05, 718.07, 718.37, 737.41, 902.01, 903.01, 903.03, 903.07, 84062  
903.09, 903.10, 903.11, 903.12, 903.13, 903.16, 903.17, 903.25, 84063  
918.41, 955.12, 955.121, 955.14, 955.15, 955.20, 955.27, 1306.20, 84064  
1309.528, 1321.20, 1347.08, 1349.04, 1501.01, 1501.011, 1505.10, 84065  
1509.01, 1509.06, 1509.11, 1509.23, 1509.27, 1509.33, 1513.07, 84066  
1513.16, 1531.35, 1533.10, 1533.11, 1533.12, 1548.11, 1561.04, 84067  
1707.01, 1707.14, 1711.15, 1711.16, 1713.02, 1713.03, 1713.031, 84068  
1713.04, 1713.05, 1713.06, 1713.09, 1713.25, 1724.04, 1739.02, 84069  
1739.03, 1739.05, 1739.07, 1739.12, 1739.13, 1739.20, 1739.21, 84070  
1751.18, 1751.65, 2106.19, 2113.35, 2151.011, 2151.3514, 2151.421, 84071  
2301.03, 2305.231, 2925.03, 2929.13, 2929.18, 2929.20, 2935.33, 84072  
2951.041, 2967.14, 2969.14, 2981.12, 2981.13, 3105.171, 3107.0611, 84073  
3107.0612, 3119.27, 3121.03, 3301.078, 3301.0711, 3301.0712, 84074  
3301.52, 3301.53, 3301.541, 3301.55, 3301.56, 3301.57, 3301.58, 84075  
3302.02, 3302.03, 3302.036, 3302.05, 3302.15, 3310.03, 3310.09, 84076  
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3313.72, 3313.751, 3313.902, 3313.976, 3313.981, 3314.02, 3314.03, 84079  
3314.05, 3314.06, 3314.08, 3314.091, 3314.38, 3317.01, 3317.013, 84080  
3317.014, 3317.016, 3317.017, 3317.02, 3317.022, 3317.0212, 84081  
3317.0213, 3317.0214, 3317.0217, 3317.051, 3317.06, 3317.16, 84082

3317.20, 3317.23, 3317.231, 3317.24, 3318.02, 3318.024, 3318.054, 84083  
3318.30, 3318.40, 3319.22, 3319.223, 3319.301, 3319.303, 3319.51, 84084  
3319.57, 3323.13, 3326.11, 3326.33, 3327.01, 3327.02, 3328.24, 84085  
3332.10, 3333.01, 3333.011, 3333.021, 3333.03, 3333.031, 3333.032, 84086  
3333.04, 3333.041, 3333.042, 3333.043, 3333.044, 3333.045, 84087  
3333.047, 3333.048, 3333.049, 3333.0410, 3333.0411, 3333.0412, 84088  
3333.0413, 3333.05, 3333.06, 3333.07, 3333.071, 3333.08, 3333.09, 84089  
3333.10, 3333.11, 3333.12, 3333.121, 3333.122, 3333.123, 3333.124, 84090  
3333.13, 3333.14, 3333.15, 3333.16, 3333.161, 3333.162, 3333.163, 84091  
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3333.372, 3333.373, 3333.374, 3333.375, 3333.39, 3333.391, 84095  
3333.392, 3333.43, 3333.44, 3333.50, 3333.55, 3333.58, 3333.59, 84096  
3333.61, 3333.611, 3333.612, 3333.613, 3333.62, 3333.63, 3333.64, 84097  
3333.65, 3333.66, 3333.67, 3333.68, 3333.69, 3333.71, 3333.72, 84098  
3333.73, 3333.731, 3333.74, 3333.75, 3333.76, 3333.77, 3333.78, 84099  
3333.79, 3333.82, 3333.83, 3333.84, 3333.86, 3333.87, 3333.90, 84100  
3333.91, 3334.08, 3335.02, 3335.09, 3337.10, 3345.022, 3345.05, 84101  
3345.06, 3345.061, 3345.32, 3345.421, 3345.45, 3345.48, 3345.50, 84102  
3345.51, 3345.54, 3345.692, 3345.70, 3345.72, 3345.73, 3345.74, 84103  
3345.75, 3345.76, 3345.81, 3345.86, 3354.01, 3354.09, 3357.01, 84104  
3357.09, 3357.19, 3358.01, 3358.08, 3365.02, 3365.07, 3365.15, 84105  
3381.01, 3701.045, 3701.60, 3701.65, 3702.74, 3702.91, 3704.05, 84106  
3704.14, 3705.08, 3714.051, 3714.07, 3714.08, 3714.09, 3717.49, 84107  
3734.01, 3734.02, 3734.021, 3734.07, 3734.50, 3734.551, 3734.57, 84108  
3734.822, 3734.901, 3736.03, 3736.05, 3736.06, 3737.17, 3737.84, 84109  
3745.015, 3745.11, 3750.081, 3750.13, 3769.03, 3769.08, 3769.083, 84110  
3769.087, 3769.101, 3769.21, 3770.01, 3770.05, 3770.07, 3772.02, 84111  
3772.03, 3772.99, 3794.06, 3794.07, 3903.81, 3905.33, 3959.01, 84112  
4116.01, 4116.02, 4116.03, 4116.04, 4117.01, 4121.03, 4121.121, 84113  
4123.322, 4301.01, 4301.102, 4301.12, 4301.422, 4301.423, 4301.43, 84114

4301.46, 4301.49, 4301.50, 4301.61, 4301.639, 4303.071, 4303.181, 84115  
4303.182, 4303.184, 4303.232, 4305.131, 4307.04, 4307.05, 84116  
4503.181, 4503.535, 4505.06, 4505.102, 4511.191, 4513.611, 84117  
4513.67, 4707.02, 4723.06, 4723.08, 4723.482, 4723.50, 4723.88, 84118  
4725.40, 4725.411, 4725.51, 4727.01, 4727.02, 4727.03, 4727.04, 84119  
4727.06, 4727.07, 4727.08, 4727.09, 4727.11, 4727.12, 4727.13, 84120  
4727.19, 4727.20, 4727.99, 4729.51, 4729.53, 4729.541, 4729.56, 84121  
4729.80, 4729.86, 4730.14, 4731.15, 4731.22, 4731.222, 4731.225, 84122  
4731.24, 4731.281, 4731.282, 4731.293, 4731.295, 4731.296, 84123  
4731.297, 4731.299, 4731.41, 4735.06, 4735.13, 4735.141, 4736.12, 84124  
4741.03, 4741.11, 4741.12, 4741.17, 4741.19, 4763.01, 4763.07, 84125  
4778.06, 4905.71, 4905.81, 4923.04, 4927.01, 4927.02, 4927.07, 84126  
4927.11, 4927.15, 4929.164, 5101.073, 5101.54, 5101.60, 5101.61, 84127  
5101.611, 5101.62, 5101.69, 5101.71, 5101.72, 5101.91, 5101.92, 84128  
5101.98, 5101.99, 5103.02, 5104.01, 5104.013, 5104.015, 5104.016, 84129  
5104.017, 5104.018, 5104.03, 5104.036, 5104.04, 5104.09, 5104.30, 84130  
5104.37, 5104.38, 5104.99, 5107.05, 5107.64, 5108.01, 5108.03, 84131  
5108.04, 5108.05, 5108.06, 5108.07, 5108.09, 5108.11, 5115.04, 84132  
5119.01, 5119.10, 5119.11, 5119.161, 5119.186, 5119.21, 5119.23, 84133  
5119.25, 5119.28, 5119.31, 5119.33, 5119.34, 5119.341, 5119.36, 84134  
5119.361, 5119.365, 5119.41, 5119.44, 5119.61, 5119.94, 5119.99, 84135  
5120.112, 5120.135, 5120.28, 5120.38, 5120.381, 5120.382, 5122.31, 84136  
5122.36, 5123.032, 5123.033, 5123.16, 5123.161, 5123.162, 84137  
5123.163, 5123.164, 5123.166, 5123.167, 5123.169, 5123.1610, 84138  
5123.19, 5123.196, 5123.198, 5123.62, 5123.86, 5124.101, 5124.15, 84139  
5124.33, 5124.60, 5124.61, 5124.67, 5126.042, 5126.0510, 5126.15, 84140  
5126.201, 5139.03, 5139.50, 5147.07, 5160.37, 5162.01, 5162.11, 84141  
5162.36, 5162.361, 5162.363, 5163.03, 5163.06, 5163.30, 5163.33, 84142  
5164.01, 5164.36, 5164.37, 5164.38, 5164.57, 5165.15, 5165.151, 84143  
5165.152, 5165.192, 5165.23, 5166.16, 5167.03, 5168.01, 5168.06, 84144  
5168.07, 5168.10, 5168.11, 5168.40, 5168.44, 5168.45, 5168.47, 84145  
5168.48, 5168.49, 5168.53, 5168.60, 5168.63, 5168.64, 5168.67, 84146

5513.01, 5703.057, 5703.36, 5705.19, 5705.21, 5705.212, 5709.17, 84147  
5709.62, 5709.63, 5709.632, 5709.67, 5709.73, 5713.30, 5725.22, 84148  
5725.98, 5726.50, 5727.031, 5727.111, 5727.80, 5727.81, 5727.811, 84149  
5727.84, 5727.85, 5727.86, 5729.98, 5733.0610, 5735.40, 5736.50, 84150  
5739.01, 5739.02, 5739.021, 5739.023, 5739.025, 5739.026, 84151  
5739.027, 5739.029, 5739.03, 5739.031, 5739.033, 5739.034, 84152  
5739.04, 5739.05, 5739.051, 5739.061, 5739.09, 5739.10, 5739.12, 84153  
5739.13, 5739.16, 5739.17, 5739.21, 5739.211, 5739.34, 5739.36, 84154  
5739.99, 5740.01, 5740.09, 5741.01, 5741.02, 5741.021, 5741.022, 84155  
5741.023, 5741.03, 5741.031, 5741.04, 5741.05, 5741.06, 5741.08, 84156  
5741.11, 5741.12, 5741.15, 5741.16, 5741.19, 5741.21, 5741.23, 84157  
5743.021, 5747.01, 5747.02, 5747.05, 5747.055, 5747.058, 5747.08, 84158  
5747.113, 5747.50, 5747.51, 5747.53, 5747.71, 5747.98, 5751.02, 84159  
5751.20, 5751.21, 5751.22, 5751.50, 5902.02, 5903.12, 5910.08, 84160  
5919.341, 6101.16, 6109.30, 6111.01, 6111.02, 6111.027, 6111.30, 84161  
and 6111.99 of the Revised Code are hereby repealed. 84162

**Section 105.01.** That sections 103.132, 111.181, 122.26, 84163  
122.952, 125.021, 125.022, 125.023, 125.03, 125.051, 125.06, 84164  
125.17, 125.32, 125.37, 125.47, 125.48, 125.50, 125.52, 125.53, 84165  
125.54, 125.55, 125.56, 125.57, 125.68, 125.91, 125.92, 125.93, 84166  
125.96, 125.98, 149.13, 183.26, 901.61, 901.62, 901.63, 901.64, 84167  
903.04, 955.29, 955.30, 955.32, 955.35, 955.351, 955.36, 955.37, 84168  
955.38, 3302.05, 3313.473, 3318.33, 3326.29, 3337.11, 3734.51, 84169  
3736.04, 3769.086, 3770.061, 4731.283, 4741.09, 5101.90, 5104.012, 84170  
5104.037, 5108.051, 5108.10, 5119.411, 5163.061, 5163.08, 5164.37, 84171  
5165.25, 5165.26, 5168.12, 5739.212, and 5747.29 of the Revised 84172  
Code are hereby repealed. 84173

**Section 110.10.** That the versions of sections 340.01, 340.03, 84174  
340.15, and 5119.21 of the Revised Code that are scheduled to take 84175  
effect September 15, 2016, be amended to read as follows: 84176



**Sec. 340.01.** (A) As used in this chapter: 84177

(1) "Addiction," "addiction services," "alcohol and drug 84178  
addiction services," "alcoholism," "community addiction services 84179  
provider," "community mental health services provider," "drug 84180  
addiction," "gambling addiction services," "mental health 84181  
services," and "mental illness" have the same meanings as in 84182  
section 5119.01 of the Revised Code. 84183

(2) "Medication-assisted treatment" means alcohol and drug 84184  
addiction services that are accompanied by medication approved by 84185  
the United States food and drug administration for the treatment 84186  
of drug addiction, prevention of relapse of drug addiction, or 84187  
both. 84188

(3) "Recovery housing" means housing for individuals 84189  
recovering from alcoholism or drug addiction that provides an 84190  
alcohol and drug-free living environment, peer support, assistance 84191  
with obtaining alcohol and drug addiction services, and other 84192  
alcoholism and drug addiction recovery assistance. 84193

(B) An alcohol, drug addiction, and mental health service 84194  
district shall be established in any county or combination of 84195  
counties having a population of at least fifty thousand to provide 84196  
addiction services and mental health services. With the approval 84197  
of the director of mental health and addiction services, any 84198  
county or combination of counties having a population of less than 84199  
fifty thousand may establish such a district. Districts comprising 84200  
more than one county shall be known as joint-county districts. 84201

The board of county commissioners of any county participating 84202  
in a joint-county district may submit a resolution requesting 84203  
withdrawal from the district together with a comprehensive plan or 84204  
plans that are in compliance with rules adopted by the director of 84205  
mental health and addiction services under section 5119.22 of the 84206  
Revised Code, and that provide for the equitable adjustment and 84207

division of all services, assets, property, debts, and 84208  
obligations, if any, of the joint-county district to the board of 84209  
alcohol, drug addiction, and mental health services, to the boards 84210  
of county commissioners of each county in the district, and to the 84211  
director. No county participating in a joint-county service 84212  
district may withdraw from the district without the consent of the 84213  
director of mental health and addiction services nor earlier than 84214  
one year after the submission of such resolution unless all of the 84215  
participating counties agree to an earlier withdrawal. Any county 84216  
withdrawing from a joint-county district shall continue to have 84217  
levied against its tax list and duplicate any tax levied by the 84218  
district during the period in which the county was a member of the 84219  
district until such time as the levy expires or is renewed or 84220  
replaced. 84221

**Sec. 340.03.** (A) Subject to rules issued by the director of 84222  
mental health and addiction services after consultation with 84223  
relevant constituencies as required by division (A)(10) of section 84224  
5119.21 of the Revised Code, the board of alcohol, drug addiction, 84225  
and mental health services shall: 84226

(1) Serve as the community addiction and mental health 84227  
services planning agency for the county or counties under its 84228  
jurisdiction, and in so doing it shall: 84229

(a) Evaluate the need for facilities and community addiction 84230  
and mental health services; 84231

(b) In cooperation with other local and regional planning and 84232  
funding bodies and with relevant ethnic organizations, assess the 84233  
community addiction and mental health needs, evaluate strengths 84234  
and challenges, and set priorities for community addiction and 84235  
mental health services, including treatment and prevention. When 84236  
the board sets priorities for the operation of addiction services, 84237  
the board shall consult with the county commissioners of the 84238

counties in the board's service district regarding the services 84239  
described in section 340.15 of the Revised Code and shall give 84240  
priority to those services, except that those services shall not 84241  
have a priority over services provided to pregnant women under 84242  
programs developed in relation to the mandate established in 84243  
section 5119.17 of the Revised Code; 84244

(c) In accordance with guidelines issued by the director of 84245  
mental health and addiction services after consultation with board 84246  
representatives, annually develop and submit to the department of 84247  
mental health and addiction services a community addiction and 84248  
mental health services plan listing community addiction and mental 84249  
health services needs, including the needs of all residents of the 84250  
district currently receiving inpatient services in state-operated 84251  
hospitals, the needs of other populations as required by state or 84252  
federal law or programs, and the needs of all children subject to 84253  
a determination made pursuant to section 121.38 of the Revised 84254  
Code, and priorities for facilities and community addiction and 84255  
mental health services during the period for which the plan will 84256  
be in effect. 84257

In alcohol, drug addiction, and mental health service 84258  
districts that have separate alcohol and drug addiction services 84259  
and community mental health boards, the alcohol and drug addiction 84260  
services board shall submit a community addiction services plan 84261  
and the community mental health board shall submit a community 84262  
mental health services plan. Each board shall consult with its 84263  
counterpart in developing its plan and address the interaction 84264  
between the local addiction services and mental health services 84265  
systems and populations with regard to needs and priorities in 84266  
developing its plan. 84267

The department shall approve or disapprove the plan, in whole 84268  
or in part, according to the criteria developed pursuant to 84269  
section 5119.22 of the Revised Code. Eligibility for state and 84270

federal funding shall be contingent upon an approved plan or 84271  
relevant part of a plan. 84272

If a board determines that it is necessary to amend a plan 84273  
that has been approved under this division, the board shall submit 84274  
a proposed amendment to the director. The director may approve or 84275  
disapprove all or part of the amendment. The director shall inform 84276  
the board of the reasons for disapproval of all or part of an 84277  
amendment and of the criteria that must be met before the 84278  
amendment may be approved. The director shall provide the board an 84279  
opportunity to present its case on behalf of the amendment. The 84280  
director shall give the board a reasonable time in which to meet 84281  
the criteria, and shall offer the board technical assistance to 84282  
help it meet the criteria. 84283

The board shall operate in accordance with the plan approved 84284  
by the department. 84285

(d) Promote, arrange, and implement working agreements with 84286  
social agencies, both public and private, and with judicial 84287  
agencies. 84288

(2) Investigate, or request another agency to investigate, 84289  
any complaint alleging abuse or neglect of any person receiving 84290  
services from a community addiction or mental health services 84291  
provider ~~certified under section 5119.36 of the Revised Code~~ or 84292  
alleging abuse or neglect of a resident receiving addiction 84293  
services or with mental illness or severe mental disability 84294  
residing in a residential facility licensed under section 5119.34 84295  
of the Revised Code. If the investigation substantiates the charge 84296  
of abuse or neglect, the board shall take whatever action it 84297  
determines is necessary to correct the situation, including 84298  
notification of the appropriate authorities. Upon request, the 84299  
board shall provide information about such investigations to the 84300  
department. 84301

(3) For the purpose of section 5119.36 of the Revised Code, 84302  
cooperate with the director of mental health and addiction 84303  
services in visiting and evaluating whether the addiction or 84304  
mental health services of a community addiction or mental health 84305  
services provider satisfy the certification standards established 84306  
by rules adopted under that section; 84307

(4) In accordance with criteria established under division 84308  
(E) of section 5119.22 of the Revised Code, conduct program audits 84309  
that review and evaluate the quality, effectiveness, and 84310  
efficiency of addiction and mental health services provided 84311  
through its community addiction and mental health ~~contracted~~ 84312  
services providers and submit its findings and recommendations to 84313  
the department of mental health and addiction services; 84314

(5) In accordance with section 5119.34 of the Revised Code, 84315  
review an application for a residential facility license and 84316  
provide to the department of mental health and addiction services 84317  
any information about the applicant or facility that the board 84318  
would like the department to consider in reviewing the 84319  
application; 84320

(6) Audit, in accordance with rules adopted by the auditor of 84321  
state pursuant to section 117.20 of the Revised Code, at least 84322  
annually all programs and services provided under contract with 84323  
the board. In so doing, the board may contract for or employ the 84324  
services of private auditors. A copy of the fiscal audit report 84325  
shall be provided to the director of mental health and addiction 84326  
services, the auditor of state, and the county auditor of each 84327  
county in the board's district. 84328

(7) Recruit and promote local financial support for addiction 84329  
and mental health services from private and public sources; 84330

(8)(a) Enter into contracts with public and private 84331  
facilities for the operation of facility services and enter into 84332

contracts with public and private community addiction and mental 84333  
health ~~service~~ services providers for the provision of ~~community~~ 84334  
addiction and mental health services. The board may not contract 84335  
with a residential facility subject to section 5119.34 of the 84336  
Revised Code unless the facility is licensed by the director of 84337  
mental health and addiction services ~~and~~. The board may not 84338  
contract with a community addiction or mental health services 84339  
provider to provide ~~community~~ addiction or mental health services 84340  
unless the services are certified by the director of mental health 84341  
and addiction services under section 5119.36 of the Revised Code. 84342  
Section 307.86 of the Revised Code does not apply to contracts 84343  
entered into under this division. In contracting with a community 84344  
addiction or mental health services provider, a board shall 84345  
consider the cost effectiveness of addiction or mental health 84346  
services provided by that provider and the quality and continuity 84347  
of care, and may review cost elements, including salary costs, of 84348  
the services to be provided. A utilization review process may be 84349  
established as part of the contract for services entered into 84350  
between a board and a community addiction or mental health 84351  
services provider. The board may establish this process in a way 84352  
that is most effective and efficient in meeting local needs. 84353

If either the board or a facility or community addiction or 84354  
mental health services provider with which the board contracts 84355  
under this division proposes not to renew the contract or proposes 84356  
substantial changes in contract terms, the other party shall be 84357  
given written notice at least one hundred twenty days before the 84358  
expiration date of the contract. During the first sixty days of 84359  
this one hundred twenty-day period, both parties shall attempt to 84360  
resolve any dispute through good faith collaboration and 84361  
negotiation in order to continue to provide services to persons in 84362  
need. If the dispute has not been resolved sixty days before the 84363  
expiration date of the contract, either party may notify the 84364  
department of mental health and addiction services of the 84365

unresolved dispute. The director may require both parties to 84366  
submit the dispute to a third party with the cost to be shared by 84367  
the board and the facility or provider. The third party shall 84368  
issue to the board, the facility or provider, and the department 84369  
recommendations on how the dispute may be resolved twenty days 84370  
prior to the expiration date of the contract, unless both parties 84371  
agree to a time extension. The director shall adopt rules 84372  
establishing the procedures of this dispute resolution process. 84373

(b) With the prior approval of the director of mental health 84374  
and addiction services, a board may operate a facility or provide 84375  
~~a community~~ an addiction or mental health service as follows, if 84376  
there is no other qualified private or public facility or 84377  
community addiction or mental health services provider that is 84378  
immediately available and willing to operate such a facility or 84379  
provide the service: 84380

(i) In an emergency situation, any board may operate a 84381  
facility or provide ~~a community~~ an addiction or mental health 84382  
service in order to provide essential services for the duration of 84383  
the emergency~~+~~. 84384

(ii) In a service district with a population of at least one 84385  
hundred thousand but less than five hundred thousand, a board may 84386  
operate a facility or provide ~~a community~~ an addiction or mental 84387  
health service for no longer than one year~~+~~. 84388

(iii) In a service district with a population of less than 84389  
one hundred thousand, a board may operate a facility or provide ~~a~~ 84390  
~~community~~ an addiction or mental health service for no longer than 84391  
one year, except that such a board may operate a facility or 84392  
provide ~~a community~~ an addiction or mental health service for more 84393  
than one year with the prior approval of the director and the 84394  
prior approval of the board of county commissioners, or of a 84395  
majority of the boards of county commissioners if the district is 84396  
a joint-county district. 84397

The director shall not give a board approval to operate a facility or provide a ~~community~~ an addiction or mental health service under division (A)(8)(b)(ii) or (iii) of this section unless the director determines that it is not feasible to have the department operate the facility or provide the service.

The director shall not give a board approval to operate a facility or provide a ~~community~~ an addiction or mental health service under division (A)(8)(b)(iii) of this section unless the director determines that the board will provide greater administrative efficiency and more or better services than would be available if the board contracted with a private or public facility or community addiction or mental health services provider.

The director shall not give a board approval to operate a facility previously operated by a person or other government entity unless the board has established to the director's satisfaction that the person or other government entity cannot effectively operate the facility or that the person or other government entity has requested the board to take over operation of the facility. The director shall not give a board approval to provide a ~~community~~ an addiction or mental health service previously provided by a community addiction or mental health services provider unless the board has established to the director's satisfaction that the provider cannot effectively provide the service or that the provider has requested the board take over providing the service.

The director shall review and evaluate a board's operation of a facility and provision of ~~community~~ addiction or mental health ~~service~~ services under division (A)(8)(b) of this section.

Nothing in division (A)(8)(b) of this section authorizes a board to administer or direct the daily operation of any facility or community addiction or mental health services provider, but a



facility or provider may contract with a board to receive 84430  
administrative services or staff direction from the board under 84431  
the direction of the governing body of the facility or provider. 84432

(9) Approve fee schedules and related charges or adopt a unit 84433  
cost schedule or other methods of payment for contract services 84434  
provided by community addiction or mental health services 84435  
providers in accordance with guidelines issued by the department 84436  
as necessary to comply with state and federal laws pertaining to 84437  
financial assistance; 84438

(10) Submit to the director and the county commissioners of 84439  
the county or counties served by the board, and make available to 84440  
the public, an annual report of the services under the 84441  
jurisdiction of the board, including a fiscal accounting; 84442

(11) Establish, to the extent resources are available, a 84443  
continuum of care that provides for prevention, treatment, 84444  
support, and rehabilitation services and opportunities. The 84445  
essential elements of the continuum of care shall include the 84446  
following components: 84447

(a) To locate persons in need of addiction or mental health 84448  
services to inform them of available services and benefits; 84449

(b) Assistance for persons receiving addiction or mental 84450  
health services to obtain services necessary to meet basic human 84451  
needs for food, clothing, shelter, medical care, personal safety, 84452  
and income; 84453

(c) Addiction and mental health services, including all of 84454  
the following: 84455

(i) Outpatient; 84456

(ii) Residential; 84457

(iii) Partial hospitalization; 84458

(iv) Where appropriate, inpatient care; 84459

(v) Sub-acute detoxification;	84460
(vi) Intensive and other supports;	84461
(vii) Recovery support;	84462
(viii) Prevention and wellness management;	84463
(ix) In accordance with section 340.033 of the Revised Code, an array of treatment and support services for all levels of opioid and co-occurring drug addiction.	84464 84465 84466
(d) Emergency services and crisis intervention;	84467
(e) Assistance for persons receiving services to obtain vocational services and opportunities for jobs;	84468 84469
(f) The provision of services designed to develop social, community, and personal living skills;	84470 84471
(g) Access to a wide range of housing and the provision of residential treatment and support;	84472 84473
(h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health services, and others;	84474 84475 84476
(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and community employment as natural supports for persons receiving addiction or mental health services;	84477 84478 84479 84480 84481
(j) Grievance procedures and protection of the rights of persons receiving addiction or mental health services;	84482 84483
(k) Community psychiatric supportive treatment services, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured;	84484 84485 84486
(l) Any additional component the department, pursuant to section 5119.21 of the Revised Code, determines is necessary to	84487 84488

establish the continuum of care. 84489

(12) Establish a method for evaluating referrals for 84490  
~~involuntary commitment~~ court-ordered treatment and affidavits 84491  
filed pursuant to section 5122.11 of the Revised Code in order to 84492  
assist the probate division of the court of common pleas in 84493  
determining whether there is probable cause that a respondent is 84494  
subject to ~~involuntary hospitalization~~ court-ordered treatment and 84495  
~~what alternative treatment is~~ whether alternatives to 84496  
hospitalization are available and appropriate, ~~if any;~~ 84497

(13) Designate the treatment services, provider, facility, or 84498  
other placement for each person involuntarily committed to the 84499  
board pursuant to Chapter 5122. of the Revised Code. The board 84500  
shall provide the least restrictive and most appropriate 84501  
alternative that is available for any person involuntarily 84502  
committed to it and shall assure that the listed services 84503  
submitted and approved in accordance with division (B) of section 84504  
340.08 of the Revised Code are available to severely mentally 84505  
disabled persons residing within its service district. The board 84506  
shall establish the procedure for authorizing payment for 84507  
services, which may include prior authorization in appropriate 84508  
circumstances. The In accordance with division (A)(8)(b) of this 84509  
section, the board may provide for services directly to a severely 84510  
mentally disabled person when life or safety is endangered and 84511  
when no community mental health services provider is available to 84512  
provide the service. 84513

(14) Ensure that ~~apartments or rooms~~ housing built, 84514  
subsidized, renovated, rented, owned, or leased by the board or a 84515  
community addiction or mental health services provider ~~have~~ has 84516  
been approved as meeting minimum fire safety standards and that 84517  
persons residing in the ~~rooms or apartments are receiving~~ housing 84518  
have access to appropriate and necessary services, including 84519  
culturally relevant services, from a community addiction or mental 84520

health services provider. This division does not apply to 84521  
residential facilities licensed pursuant to section 5119.34 of the 84522  
Revised Code. 84523

(15) Establish a mechanism for obtaining advice and 84524  
involvement of persons receiving ~~publicly funded~~ addiction or 84525  
mental health services on matters pertaining to addiction and 84526  
mental health services in the alcohol, drug addiction, and mental 84527  
health service district; 84528

(16) Perform the duties required by rules adopted under 84529  
section 5119.22 of the Revised Code regarding referrals by the 84530  
board or mental health services providers under contract with the 84531  
board of individuals with mental illness or severe mental 84532  
disability to residential facilities ~~as defined in division~~ 84533  
~~(A)(9)(b)(iii)~~ of licensed under section 5119.34 of the Revised 84534  
Code and effective arrangements for ongoing mental health services 84535  
for the individuals. The board is accountable in the manner 84536  
specified in the rules for ensuring that the ongoing mental health 84537  
services are effectively arranged for the individuals. 84538

(B) The board shall establish such rules, operating 84539  
procedures, standards, and bylaws, and perform such other duties 84540  
as may be necessary or proper to carry out the purposes of this 84541  
chapter. 84542

(C) A board of alcohol, drug addiction, and mental health 84543  
services may receive by gift, grant, devise, or bequest any 84544  
moneys, lands, or property for the benefit of the purposes for 84545  
which the board is established, and may hold and apply it 84546  
according to the terms of the gift, grant, or bequest. All money 84547  
received, including accrued interest, by gift, grant, or bequest 84548  
shall be deposited in the treasury of the county, the treasurer of 84549  
which is custodian of the alcohol, drug addiction, and mental 84550  
health services funds to the credit of the board and shall be 84551  
available for use by the board for purposes stated by the donor or 84552

grantor. 84553

(D) No board member or employee of a board of alcohol, drug 84554  
addiction, and mental health services shall be liable for injury 84555  
or damages caused by any action or inaction taken within the scope 84556  
of the board member's official duties or the employee's 84557  
employment, whether or not such action or inaction is expressly 84558  
authorized by this section or any other section of the Revised 84559  
Code, unless such action or inaction constitutes willful or wanton 84560  
misconduct. Chapter 2744. of the Revised Code applies to any 84561  
action or inaction by a board member or employee of a board taken 84562  
within the scope of the board member's official duties or 84563  
employee's employment. For the purposes of this division, the 84564  
conduct of a board member or employee shall not be considered 84565  
willful or wanton misconduct if the board member or employee acted 84566  
in good faith and in a manner that the board member or employee 84567  
reasonably believed was in or was not opposed to the best 84568  
interests of the board and, with respect to any criminal action or 84569  
proceeding, had no reasonable cause to believe the conduct was 84570  
unlawful. 84571

(E) The meetings held by any committee established by a board 84572  
of alcohol, drug addiction, and mental health services shall be 84573  
considered to be meetings of a public body subject to section 84574  
121.22 of the Revised Code. 84575

**Sec. 340.15.** (A) A public children services agency that 84576  
identifies a child by a risk assessment conducted pursuant to 84577  
section 5153.16 of the Revised Code as being at imminent risk of 84578  
being abused or neglected because of an addiction of a parent, 84579  
guardian, or custodian of the child to a drug of abuse or alcohol 84580  
shall refer the child's addicted parent, guardian, or custodian 84581  
and, if the agency determines that the child needs alcohol or 84582  
other drug addiction services, the child to a community addiction 84583

services provider ~~certified by the department of mental health and~~ 84584  
~~addiction services under section 5119.36 of the Revised Code.~~ A 84585  
public children services agency that is sent a court order issued 84586  
pursuant to division (B) of section 2151.3514 of the Revised Code 84587  
shall refer the addicted parent or other caregiver of the child 84588  
identified in the court order to a community addiction services 84589  
provider ~~certified by the department of mental health and~~ 84590  
~~addiction services under section 5119.36 of the Revised Code.~~ On 84591  
receipt of a referral under this division and to the extent 84592  
funding identified under division (A)(2) of section 340.08 of the 84593  
Revised Code is available, the provider shall provide the 84594  
following services to the addicted parent, guardian, custodian, or 84595  
caregiver and child in need of addiction services: 84596

(1) If it is determined pursuant to an initial screening to 84597  
be needed, assessment and appropriate treatment; 84598

(2) Documentation of progress in accordance with a treatment 84599  
plan developed for the addicted parent, guardian, custodian, 84600  
caregiver, or child; 84601

(3) If the referral is based on a court order issued pursuant 84602  
to division (B) of section 2151.3514 of the Revised Code and the 84603  
order requires the specified parent or other caregiver of the 84604  
child to submit to alcohol or other drug testing during, after, or 84605  
both during and after, treatment, testing in accordance with the 84606  
court order. 84607

(B) The services described in division (A) of this section 84608  
shall have a priority as provided in the addiction and mental 84609  
health services plan and budget established pursuant to sections 84610  
340.03 and 340.08 of the Revised Code. Once a referral has been 84611  
received pursuant to this section, the public children services 84612  
agency and the addiction services provider shall, in accordance 84613  
with 42 C.F.R. Part 2, share with each other any information 84614  
concerning the persons and services described in that division 84615

that the agency and provider determine are necessary to share. If 84616  
the referral is based on a court order issued pursuant to division 84617  
(B) of section 2151.3514 of the Revised Code, the results and 84618  
recommendations of the addiction services provider also shall be 84619  
provided and used as described in division (D) of that section. 84620  
Information obtained or maintained by the agency or provider 84621  
pursuant to this section that could enable the identification of 84622  
any person described in division (A) of this section is not a 84623  
public record subject to inspection or copying under section 84624  
149.43 of the Revised Code. 84625

**Sec. 5119.21.** (A) The department of mental health and 84626  
addiction services shall: 84627

(1) To the extent the department has available resources and 84628  
in consultation with boards of alcohol, drug addiction, and mental 84629  
health services, support the continuum of care that the boards are 84630  
required by division (A)(11) of section 340.03 of the Revised Code 84631  
to establish. The department shall provide the support on a 84632  
district or multi-district basis. The department shall assist in 84633  
identifying resources, and may prioritize support, for one or more 84634  
of the elements of the continuum of care. For the purpose of 84635  
division (A)(11)~~(1)~~ of section 340.03 of the Revised Code and to 84636  
the extent the department determines is necessary, the department 84637  
shall define additional components to be included in the essential 84638  
elements of the continuum of care. 84639

(2) Provide training, consultation, and technical assistance 84640  
regarding ~~mental health and~~ addiction and mental health services 84641  
and appropriate prevention, recovery, and mental health promotion 84642  
activities, including those that are culturally competent, to 84643  
employees of the department, community mental health and addiction 84644  
services providers, boards of alcohol, drug addiction, and mental 84645  
health services, and other agencies providing ~~mental health and~~ 84646

addiction and mental health services; 84647

(3) To the extent the department has available resources, 84648  
promote and support a full range of ~~mental health and~~ addiction 84649  
and mental health services that are available and accessible to 84650  
all residents of this state, especially for severely ~~mentally~~ 84651  
~~disabled~~ emotionally disturbed children, and adolescents, severely 84652  
mentally disabled adults, pregnant women, parents, guardians or 84653  
custodians of children at risk of abuse or neglect, and other 84654  
special target populations, including racial and ethnic 84655  
minorities, as determined by the department; 84656

(4) Develop standards and measures for evaluating the 84657  
effectiveness of ~~mental health and~~ addiction and mental health 84658  
services, including services that use methadone treatment, of 84659  
gambling addiction services, and for increasing the accountability 84660  
of community mental health and ~~alcohol and~~ addiction services 84661  
providers ~~and of gambling addiction services providers~~; 84662

(5) Design and set criteria for the determination of priority 84663  
populations; 84664

(6) Promote, direct, conduct, and coordinate scientific 84665  
research, taking ethnic and racial differences into consideration, 84666  
concerning the causes and prevention of mental illness and 84667  
addiction, methods of providing effective services and treatment, 84668  
and means of enhancing the mental health of and recovery from 84669  
addiction of all residents of this state; 84670

(7) Foster the establishment and availability of vocational 84671  
rehabilitation services and the creation of employment 84672  
opportunities for ~~consumers of mental health and~~ individuals with 84673  
addiction ~~services~~ and mental health needs, including members of 84674  
racial and ethnic minorities; 84675

(8) Establish a program to protect and promote the rights of 84676  
persons receiving ~~mental health and~~ addiction and mental health 84677



services, including the issuance of guidelines on informed consent 84678  
and other rights; 84679

(9) Promote the involvement of persons who are receiving or 84680  
have received ~~mental health and addiction~~ and mental health 84681  
services, including families and other persons having a close 84682  
relationship to a person receiving those services, in the 84683  
planning, evaluation, delivery, and operation of ~~mental health and~~ 84684  
addiction and mental health services; 84685

(10) Notify and consult with the relevant constituencies that 84686  
may be affected by rules, standards, and guidelines issued by the 84687  
department of mental health and addiction services. These 84688  
constituencies shall include consumers of ~~mental health and~~ 84689  
addiction and mental health services and their families, and may 84690  
include public and private providers, employee organizations, and 84691  
others when appropriate. Whenever the department proposes the 84692  
adoption, amendment, or rescission of rules under Chapter 119. of 84693  
the Revised Code, the notification and consultation required by 84694  
this division shall occur prior to the commencement of proceedings 84695  
under Chapter 119. The department shall adopt rules under Chapter 84696  
119. of the Revised Code that establish procedures for the 84697  
notification and consultation required by this division. 84698

(11) Provide consultation to the department of rehabilitation 84699  
and correction concerning the delivery of ~~mental health and~~ 84700  
addiction and mental health services in state correctional 84701  
institutions-; 84702

(12) Promote and coordinate efforts in the provision of 84703  
alcohol and drug addiction services and of gambling addiction 84704  
services by other state agencies, as defined in section 1.60 of 84705  
the Revised Code; courts; hospitals; clinics; physicians in 84706  
private practice; public health authorities; boards of alcohol, 84707  
drug addiction, and mental health services; ~~alcohol and drug~~ 84708  
community addiction services providers; law enforcement agencies; 84709

~~gambling addiction services providers;~~ and related groups; 84710

(13) Provide to each court of record, and biennially update, 84711  
a list of the treatment and education programs within that court's 84712  
jurisdiction that the court may require an offender, sentenced 84713  
pursuant to section 4511.19 of the Revised Code, to attend; 84714

(14) Make the warning sign described in sections 3313.752, 84715  
3345.41, and 3707.50 of the Revised Code available on the 84716  
department's internet web site; 84717

(15) Provide a program of gambling addiction services on 84718  
behalf of the state lottery commission, pursuant to an agreement 84719  
entered into with the director of the commission under division 84720  
(K) of section 3770.02 of the Revised Code, and provide a program 84721  
of gambling addiction services on behalf of the Ohio casino 84722  
control commission, under an agreement entered into with the 84723  
executive director of the commission under section 3772.062 of the 84724  
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 84725  
Constitution, the department may enter into agreements with boards 84726  
of alcohol, drug addiction, and mental health services, including 84727  
boards with districts in which a casino facility is not located, 84728  
and nonprofit organizations to provide gambling addiction services 84729  
and ~~substance abuse~~ alcohol and drug addiction services, and with 84730  
state institutions of higher education or private nonprofit 84731  
institutions that possess a certificate of authorization issued 84732  
under Chapter 1713. of the Revised Code to perform related 84733  
research. 84734

(B) The department may accept and administer grants from 84735  
public or private sources for carrying out any of the duties 84736  
enumerated in this section. 84737

(C) ~~Pursuant to Chapter 119. of the Revised Code, the~~ 84738  
~~department shall adopt a rule defining the term "intervention" as~~ 84739  
~~it is used in this chapter in connection with alcohol and drug~~ 84740

~~addiction services and in connection with gambling addiction~~ 84741  
~~services.~~ The department may adopt ~~other~~ rules in accordance with 84742  
Chapter 119. of the Revised Code as necessary to implement the 84743  
requirements of this chapter. 84744

**Section 110.11.** That the existing versions of sections 84745  
340.01, 340.03, 340.15, and 5119.21 of the Revised Code that are 84746  
scheduled to take effect September 15, 2016, are hereby repealed. 84747

**Section 110.12.** Sections 110.10 and 110.11 of this act shall 84748  
take effect September 15, 2016. 84749

**Section 201.10.** Except as otherwise provided in this act, all 84750  
appropriation items in this act are appropriated out of any moneys 84751  
in the state treasury to the credit of the designated fund that 84752  
are not otherwise appropriated. For all appropriations made in 84753  
this act, the amounts in the first column are for fiscal year 2016 84754  
and the amounts in the second column are for fiscal year 2017. 84755  
84756

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 84757

Dedicated Purpose Fund Group					84758
4J80 889601 CPA Education	\$	325,000	\$	325,000	84759
Assistance					
4K90 889609 Operating Expenses	\$	1,052,714	\$	1,074,173	84760
TOTAL DPF Dedicated Purpose Fund					84761
Group	\$	1,377,714	\$	1,399,173	84762
TOTAL ALL BUDGET FUND GROUPS	\$	1,377,714	\$	1,399,173	84763

**Section 205.10.** ADJ ADJUTANT GENERAL 84765

General Revenue Fund					84766
GRF 745401 Ohio Military Reserve	\$	12,308	\$	12,308	84767

GRF	745404	Air National Guard	\$	3,095,606	\$	3,095,606	84768
GRF	745407	National Guard	\$	400,000	\$	400,000	84769
		Benefits					
GRF	745409	Central	\$	2,682,098	\$	2,682,098	84770
		Administration					
GRF	745499	Army National Guard	\$	3,689,871	\$	3,689,871	84771
TOTAL GRF		General Revenue Fund	\$	9,879,883	\$	9,879,883	84772
		Dedicated Purpose Fund Group					84773
5340	745612	Property Operations	\$	534,304	\$	534,304	84774
		Management					
5360	745605	Marksmanship	\$	128,600	\$	128,600	84775
		Activities					
5360	745620	Camp Perry and	\$	978,846	\$	978,846	84776
		Buckeye Inn					
		Operations					
5370	745604	Ohio National Guard	\$	62,000	\$	62,000	84777
		Facilities					
		Maintenance					
5LY0	745626	Military Medal of	\$	5,000	\$	5,000	84778
		Distinction					
5QP0	745629	Patriot Inn Lodging	\$	200,000	\$	200,000	84779
		Operations					
5U80	745613	Community Match	\$	350,000	\$	350,000	84780
		Armories					
TOTAL DPF		Dedicated Purpose Fund	\$	2,258,750	\$	2,258,750	84781
		Group					
		Federal Fund Group					84782
3420	745616	Army National Guard	\$	26,000,000	\$	26,000,000	84783
		Service Agreement					
3E80	745628	Air National Guard	\$	15,642,000	\$	15,642,000	84784
		Operations and					
		Maintenance					

3R80 745603 Counter Drug	\$	15,000	\$	15,000	84785
Operations					
TOTAL FED Federal Fund Group	\$	41,657,000	\$	41,657,000	84786
TOTAL ALL BUDGET FUND GROUPS	\$	53,795,633	\$	53,795,633	84787

NATIONAL GUARD BENEFITS 84788

The foregoing appropriation item 745407, National Guard 84789  
Benefits, shall be used for purposes of sections 5919.31 and 84790  
5919.33 of the Revised Code, and for administrative costs of the 84791  
associated programs. 84792

If necessary, in order to pay benefits in a timely manner 84793  
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 84794  
Adjutant General may request the Director of Budget and Management 84795  
transfer appropriation from any appropriation item used by the 84796  
Adjutant General to appropriation item 745407, National Guard 84797  
Benefits. The Adjutant General may subsequently seek Controlling 84798  
Board approval to restore the appropriation in the appropriation 84799  
item from which such a transfer was made. 84800

For active duty members of the Ohio National Guard who died 84801  
after October 7, 2001, while performing active duty, the death 84802  
benefit, pursuant to section 5919.33 of the Revised Code, shall be 84803  
paid to the beneficiary or beneficiaries designated on the 84804  
member's Servicemembers' Group Life Insurance Policy. 84805

STATE ACTIVE DUTY COSTS 84806

Of the foregoing appropriation item 745409, Central 84807  
Administration, \$50,000 in each fiscal year shall be used for the 84808  
purpose of paying expenses related to state active duty of members 84809  
of the Ohio organized militia, in accordance with a proclamation 84810  
of the Governor. Expenses include, but are not limited to, the 84811  
cost of equipment, supplies, and services, as determined by the 84812  
Adjutant General's Department. 84813

<b>Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES</b>			84814
General Revenue Fund			84815
GRF 100413	Enterprise Data Center Solutions Lease Rental Payments	\$ 4,252,900 \$ 4,256,500	84816
GRF 100414	MARCS Lease Rental Payments	\$ 6,769,700 \$ 6,764,600	84817
GRF 100415	OAKS Lease Rental Payments	\$ 22,244,800 \$ 22,223,800	84818
GRF 100416	STARS Lease Rental Payments	\$ 5,393,700 \$ 7,437,400	84819
GRF 100447	Administrative Buildings Lease Rental Bond Payments	\$ 99,641,900 \$ 96,716,600	84820
GRF 100452	Lean Ohio	\$ 1,059,624 \$ 1,059,624	84821
GRF 100456	State IT Services	\$ 1,772,416 \$ 1,772,416	84822
GRF 100457	Equal Opportunity Services	\$ 2,174,661 \$ 2,174,661	84823
GRF 100459	Ohio Business Gateway	\$ 4,049,094 \$ 4,049,094	84824
GRF 130321	State Agency Support Services	\$ 18,768,016 \$ 18,878,171	84825
TOTAL GRF General Revenue Fund		\$ 166,126,811 \$ 165,332,866	84826
Dedicated Purpose Fund Group			84827
5L70 100610	Professional Development	\$ 2,100,000 \$ 2,100,000	84828
5MV0 100662	Theater Equipment Maintenance	\$ 80,891 \$ 80,891	84829
5NM0 100663	911 Program	\$ 290,000 290,000	84830
5V60 100619	Employee Educational Development	\$ 800,000 \$ 800,000	84831
TOTAL DPF Dedicated Purpose Fund		\$ 3,270,891 \$ 3,270,891	84832

Group

Internal Service Activity Fund Group				84833
1120	100616	DAS Administration	\$ 7,388,356 \$ 7,071,978	84834
1150	100632	Central Service Agency	\$ 1,096,906 \$ 1,111,099	84835
1170	100644	General Services	\$ 12,493,870 \$ 12,493,870	84836
Division - Operating				
1220	100637	Fleet Management	\$ 5,182,000 \$ 5,182,000	84837
1250	100622	Human Resources	\$ 17,249,839 \$ 17,249,839	84838
Division - Operating				
1250	100657	Benefits Communication	\$ 612,316 \$ 612,316	84839
1280	100620	Office of Collective Bargaining	\$ 3,479,507 \$ 3,379,507	84840
1300	100606	Risk Management Reserve	\$ 6,635,784 \$ 12,741,616	84841
1320	100631	DAS Building Management	\$ 51,157,818 \$ 51,157,818	84842
1330	100607	IT Services Delivery	\$ 121,336,868 \$ 121,336,868	84843
1880	100649	Equal Opportunity	\$ 991,613 \$ 953,613	84844
Division - Operating				
2100	100612	State Printing	\$ 21,568,075 \$ 21,688,106	84845
2290	100630	IT Governance	\$ 28,212,195 \$ 29,134,695	84846
2290	100640	Consolidated IT Purchases	\$ 6,565,639 \$ 6,565,639	84847
4270	100602	Investment Recovery	\$ 1,638,515 \$ 1,638,515	84848
4N60	100617	Major IT Purchases	\$ 56,888,635 \$ 56,888,635	84849
5C20	100605	MARCS Administration	\$ 14,940,712 \$ 14,953,307	84850
5C30	100608	Minor Construction Project Management	\$ 4,004,375 \$ 4,004,375	84851
5EB0	100635	OAKS Support Organization	\$ 19,813,077 \$ 19,813,077	84852
5EB0	100656	OAKS Updates and Developments	\$ 10,400,000 \$ 6,300,000	84853
5JQ0	100658	Professionals	\$ 990,000 \$ 990,000	84854

Licensing System				
5KZ0 100659	Building Improvement	\$	6,148,000	\$ 1,289,000 84855
5LJ0 100661	IT Development	\$	13,200,000	\$ 13,200,000 84856
5PC0 100665	Ohio Benefits	\$	80,475,949	\$ 80,475,949 84857
Operations				
TOTAL ISA Internal Service Activity				84858
Fund Group		\$	492,470,049	\$ 490,231,822 84859
Federal Fund Group				84860
3AJ0 100623	Information Technology	\$	1,237,909	\$ 1,237,909 84861
Grants				
TOTAL FED Federal Fund Group				\$ 1,237,909 \$ 1,237,909 84862
TOTAL ALL BUDGET FUND GROUPS				\$ 663,105,660 \$ 660,073,488 84863

**Section 207.20.** OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE 84865  
RENTAL PAYMENTS 84866

The foregoing appropriation item 100415, OAKS Lease Rental 84867  
Payments, shall be used for payments during the period from July 84868  
1, 2015, through June 30, 2017, pursuant to leases and agreements 84869  
entered into under Chapter 125. of the Revised Code, as 84870  
supplemented by Section 281.10 of Am. Sub. H.B. 562 of the 127th 84871  
General Assembly and other prior acts of the General Assembly, 84872  
with respect to financing the costs associated with the 84873  
acquisition, development, installation, and implementation of the 84874  
Ohio Administrative Knowledge System. If it is determined that 84875  
additional appropriations are necessary for this purpose, the 84876  
amounts are hereby appropriated. 84877

**Section 207.30.** STATE TAXATION ACCOUNTING AND REVENUE SYSTEM 84878  
LEASE RENTAL PAYMENTS 84879

The foregoing appropriation item 100416, STARS Lease Rental 84880  
Payments, shall be used for payments during the period from July 84881  
1, 2015, through June 30, 2017, pursuant to leases and agreements 84882



entered into under Chapter 125. of the Revised Code, as 84883  
supplemented by Section 701.40 of Am. Sub. H.B. 497 of the 130th 84884  
General Assembly and other prior acts of the General Assembly, 84885  
with respect to financing the cost for the acquisition, 84886  
development, installation, and implementation of the State 84887  
Taxation Accounting and Revenue System (STARS). If it is 84888  
determined that additional appropriations are necessary for this 84889  
purpose, the amounts are hereby appropriated. 84890

**Section 207.40. MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE 84891**  
RENTAL PAYMENTS 84892

The foregoing appropriation item 100414, MARCS Lease Rental 84893  
Payments, shall be used for payments during the period from July 84894  
1, 2015, through June 30, 2017, pursuant to leases and agreements 84895  
entered into under Chapter 125. of the Revised Code, as 84896  
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 84897  
General Assembly, with respect to financing the cost for the 84898  
acquisition, development, installation, and implementation of the 84899  
Multi-Agency Radio Communications System (MARCS) upgrade. If it is 84900  
determined that additional appropriations are necessary for this 84901  
purpose, the amounts are hereby appropriated. 84902

**Section 207.50. ENTERPRISE DATA CENTER SOLUTIONS LEASE RENTAL 84903**  
PAYMENTS 84904

The foregoing appropriation item 100413, EDCS Lease Rental 84905  
Payments, shall be used for payments during the period from July 84906  
1, 2015, through June 30, 2017, pursuant to leases and agreements 84907  
entered into under Chapter 125. of the Revised Code, as 84908  
supplemented by Section 701.30 of Am. Sub. H.B. 497 of the 130th 84909  
General Assembly, with respect to financing the costs associated 84910  
with the acquisition, development, installation, and 84911  
implementation of the Enterprise Data Center Solutions initiative. 84912

If it is determined that additional appropriations are necessary 84913  
for this purpose, the amounts are hereby appropriated. 84914

**Section 207.60.** ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND 84915  
PAYMENTS 84916

The foregoing appropriation item 100447, Administrative 84917  
Buildings Lease Rental Bond Payments, shall be used to meet all 84918  
payments during the period from July 1, 2015, through June 30, 84919  
2017, by the Department of Administrative Services pursuant to 84920  
leases and agreements under Chapters 152. and 154. of the Revised 84921  
Code. These appropriations are the source of funds pledged for 84922  
bond service charges on related obligations issued under Chapters 84923  
152. and 154. of the Revised Code. 84924

**Section 207.70.** DAS - BUILDING OPERATING PAYMENTS AND 84925  
BUILDING MANAGEMENT FUND 84926

Following the Director of Budget and Management's approval of 84927  
FY 2016 rental rates for buildings managed by the Department of 84928  
Administrative Services, the Director of Budget and Management may 84929  
adjust FY 2016 and FY 2017 General Revenue Fund appropriations of 84930  
the Department of Administrative Services and other state agencies 84931  
to reflect accurately the rental amounts agencies will pay for 84932  
occupied, vacant, or other space that is supported by the General 84933  
Revenue Fund. Total General Revenue Fund appropriations may 84934  
decrease but may not increase as a result of the appropriation 84935  
adjustments made under this section. The foregoing appropriation 84936  
item 130321, State Agency Support Services, shall be used to pay 84937  
the rent expenses of veterans organizations pursuant to section 84938  
123.024 of the Revised Code in fiscal years 2016 and 2017. 84939

The foregoing appropriation item, 130321, State Agency 84940  
Support Services, also may be used to provide funding for the cost 84941  
of property appraisals or building studies that the Department of 84942

Administrative Services may be required to obtain for property 84943  
that is being sold by the state or property under consideration to 84944  
be renovated or purchased by the state. 84945

Notwithstanding section 125.28 of the Revised Code, the 84946  
foregoing appropriation item 130321, State Agency Support 84947  
Services, also may be used to pay the operating expenses of state 84948  
facilities maintained by the Department of Administrative Services 84949  
that are not billed to building tenants, or other costs associated 84950  
with the Voinovich Center in Youngstown, Ohio. These expenses may 84951  
include, but are not limited to, the costs for vacant space and 84952  
space undergoing renovation, and the rent expenses of tenants that 84953  
are relocated because of building renovations. These payments may 84954  
be processed by the Department of Administrative Services through 84955  
intrastate transfer vouchers and placed into the Building 84956  
Management Fund (Fund 1320). 84957

At least once per year, the portion of appropriation item 84958  
130321, State Agency Support Services, that is not used for the 84959  
regular expenses of the appropriation item shall be processed by 84960  
the Department of Administrative Services through intrastate 84961  
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 84962

**Section 207.80. PROFESSIONAL DEVELOPMENT FUND** 84963

The foregoing appropriation item 100610, Professional 84964  
Development, shall be used to make payments from the Professional 84965  
Development Fund (Fund 5L70) under section 124.182 of the Revised 84966  
Code. If it is determined by the Director of Administrative 84967  
Services that additional amounts are necessary, the Director of 84968  
Administrative Services may request that the Director of Budget 84969  
and Management approve additional amounts. Such approved 84970  
additional amounts are hereby appropriated. 84971

**Section 207.90. 911 PROGRAM** 84972

The foregoing appropriation item 100663, 911 Program, shall 84973  
be used by the Department of Administrative Services to pay the 84974  
administrative costs of the Statewide Emergency Services Internet 84975  
Protocol Network Steering Committee. 84976

**Section 207.100. EMPLOYEE EDUCATIONAL DEVELOPMENT** 84977

The foregoing appropriation item 100619, Employee Educational 84978  
Development, shall be used to make payments from the Employee 84979  
Educational Development Fund (Fund 5V60) under section 124.86 of 84980  
the Revised Code. The fund shall be used to pay the costs of 84981  
administering educational programs under existing collective 84982  
bargaining agreements with District 1199, the Health Care and 84983  
Social Service Union; State Council of Professional Educators; 84984  
Ohio Education Association and National Education Association; the 84985  
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 84986  
State Troopers Association, Units 1 and 15. 84987

If it is determined by the Director of Administrative 84988  
Services that additional amounts are necessary, the Director of 84989  
Administrative Services may request that the Director of Budget 84990  
and Management approve additional amounts. Such approved 84991  
additional amounts are hereby appropriated. 84992

**Section 207.110. CENTRAL SERVICE AGENCY FUND** 84993

The foregoing appropriation item 100632, Central Service 84994  
Agency, shall be used to purchase the equipment, products, and 84995  
services that are needed to maintain existing automated 84996  
applications for the professional licensing boards and the Casino 84997  
Control Commission to support board licensing functions in fiscal 84998  
years 2016 and 2017 until these functions are replaced by the Ohio 84999  
Professionals Licensing System. The Department of Administrative 85000  
Services shall establish charges for recovering the costs of 85001  
carrying out these functions. The charges shall be billed to the 85002

professional licensing boards and the Casino Control Commission, 85003  
and deposited via intrastate transfer vouchers to the credit of 85004  
the Central Service Agency Fund (Fund 1150). 85005

Upon implementation of the replacement Ohio Professionals 85006  
Licensing System and the decommissioning of the existing automated 85007  
applications, the Director of Budget and Management may transfer 85008  
any cash balances that remain in the Central Service Agency Fund 85009  
(Fund 1150) and that are attributable to the operation of the 85010  
existing automated applications to the Professions Licensing 85011  
System Fund (Fund 5JQ0). 85012

**Section 207.120. GENERAL SERVICE CHARGES** 85013

The Department of Administrative Services, with the approval 85014  
of the Director of Budget and Management, shall establish charges 85015  
for recovering the costs of administering the programs funded by 85016  
the General Services Fund (Fund 1170) and the State Printing Fund 85017  
(Fund 2100). The charges may be used to recover the cost of paying 85018  
a vendor to establish reduced pricing for contracted supplies or 85019  
services. 85020

If the Director of Administrative Services determines that 85021  
additional amounts are necessary to pay for consulting and 85022  
administrative costs related to securing lower pricing, the 85023  
Director of Administrative Services may request that the Director 85024  
of Budget and Management approve additional expenditures. Such 85025  
approved additional amounts are appropriated to appropriation item 85026  
100644, General Services Division-Operating. 85027

**Section 207.130. COLLECTIVE BARGAINING ARBITRATION EXPENSES** 85028

With approval of the Director of Budget and Management, the 85029  
Department of Administrative Services may seek reimbursement from 85030  
state agencies for the actual costs and expenses the Department 85031  
incurs in the collective bargaining arbitration process. The 85032

reimbursements shall be processed through intrastate transfer 85033  
vouchers and credited to the Collective Bargaining Fund (Fund 85034  
1280). 85035

**Section 207.140. EQUAL OPPORTUNITY PROGRAM 85036**

The Department of Administrative Services, with the approval 85037  
of the Director of Budget and Management, shall establish charges 85038  
for recovering the costs of administering the activities supported 85039  
by the State EEO Fund (Fund 1880). These charges shall be 85040  
deposited to the credit of Fund 1880 upon payment made by state 85041  
agencies, state-supported or state-assisted institutions of higher 85042  
education, and tax-supported agencies, municipal corporations, and 85043  
other political subdivisions of the state, for services rendered. 85044

**Section 207.150. CONSOLIDATED IT PURCHASES 85045**

The foregoing appropriation item 100640, Consolidated IT 85046  
Purchases, shall be used by the Department of Administrative 85047  
Services acting as the purchasing agent for one or more government 85048  
entities under the authority of division (G) of section 125.18 of 85049  
the Revised Code to make information technology purchases at a 85050  
lower aggregate cost than each individual government entity could 85051  
have obtained independently for that information technology 85052  
purchase. If the Director of Administrative Services determines 85053  
that additional amounts are necessary to pay for pass-through 85054  
information technology purchases that will be billed to one or 85055  
more state agencies, the Director shall seek Controlling Board 85056  
approval for an increase in appropriation sufficient to pay for 85057  
the requested purchase. 85058

**Section 207.160. INVESTMENT RECOVERY FUND 85059**

Notwithstanding division (B) of section 125.14 of the Revised 85060  
Code, cash balances in the Investment Recovery Fund (Fund 4270) 85061

may be used to support the operating expenses of the Federal 85062  
Surplus Operating Program created in sections 125.84 to 125.90 of 85063  
the Revised Code. 85064

The Director of Administrative Services shall use the 85065  
foregoing appropriation item 100602, Investment Recovery, to pay 85066  
the operating expenses of the State Surplus Property Program and 85067  
the Surplus Federal Property Program, under Chapter 125. of the 85068  
Revised Code and this section. If additional appropriations are 85069  
necessary for the operations of these programs, the Director of 85070  
Administrative Services shall seek increased appropriations from 85071  
the Controlling Board under section 131.35 of the Revised Code. 85072

The Director of Administrative Services shall transfer 85073  
proceeds from the sale of surplus property from the Investment 85074  
Recovery Fund to non-General Revenue Funds under division (A)(2) 85075  
of section 125.14 of the Revised Code. 85076

**Section 207.170. MAJOR IT PURCHASES CHARGES** 85077

The Department of Administrative Services may bill agencies 85078  
for actual expenditures made for major IT purchases if those 85079  
expenditures are not recovered as part of the information 85080  
technology services rates the Department charges and deposits into 85081  
the Information Technology Fund (Fund 1330) created in section 85082  
125.15 of the Revised Code. These charges shall be deposited to 85083  
the credit of the Major IT Purchases Fund (Fund 4N60). 85084

**Section 207.180. CASH TRANSFER FROM THE MARCS ADMINISTRATION 85085  
FUND TO GRF** 85086

Upon the request of the Director of Administrative Services, 85087  
the Director of Budget and Management may transfer unobligated 85088  
cash in the MARCS Administration Fund (Fund 5C20) to the General 85089  
Revenue Fund to reimburse the General Revenue Fund for lease 85090  
rental payments made on behalf of the MARCS upgrade. 85091

**Section 207.190. PROFESSIONS LICENSING SYSTEM** 85092

The foregoing appropriation item, 100658, Ohio Professionals 85093  
Licensing System, shall be used to purchase the equipment, 85094  
products, and services necessary to develop and maintain a 85095  
replacement automated licensing system for the professional 85096  
licensing boards. 85097

Effective with the implementation of the replacement 85098  
licensing system, the Department of Administrative Services shall 85099  
establish charges for recovering the costs of ongoing maintenance 85100  
of the system. The charges shall be billed to the professional 85101  
licensing boards and the Casino Control Commission, and deposited 85102  
via intrastate transfer vouchers to the credit of the Professions 85103  
Licensing System Fund (Fund 5JQ0), which is hereby created in the 85104  
state treasury. 85105

**Section 207.200. BUILDING IMPROVEMENT FUND** 85106

The foregoing appropriation item 100659, Building 85107  
Improvement, shall be used to make payments from the Building 85108  
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 85109  
required in facilities maintained by the Department of 85110  
Administrative Services. The Department of Administrative Services 85111  
shall conduct or contract for regular assessments of these 85112  
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 85113  
the cost of the repairs and improvements that are recommended to 85114  
occur within the next five years, with the following exception 85115  
described below. 85116

Upon request of the Director of Administrative Services, the 85117  
Director of Budget and Management may permit a cash transfer from 85118  
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 85119  
of operating and maintaining facilities managed by the Department 85120  
of Administrative Services that are not charged to tenants during 85121



the same fiscal year. 85122

Should the cash balance in Fund 1320 be determined to be 85123  
sufficient, the Director of Administrative Services may request 85124  
that the Director of Budget and Management transfer cash from Fund 85125  
1320 to 5KZ0 in an amount equal to the initial cash transfer made 85126  
under this section plus applicable interest. 85127

On July 1, 2015, or as soon as possible thereafter, the 85128  
Director of Budget and Management shall transfer \$1,000,000 cash 85129  
from the General Revenue Fund to Fund 5KZ0. The cash transferred 85130  
is hereby appropriated for use under appropriation item 100659, 85131  
Building Improvement. 85132

**Section 207.210. INFORMATION TECHNOLOGY DEVELOPMENT** 85133

The foregoing appropriation item 100661, IT Development, 85134  
shall be used by the Department of Administrative Services to pay 85135  
the costs of modernizing the state's information technology 85136  
management and investment practices away from a limited, 85137  
agency-specific focus in favor of a statewide methodology 85138  
supporting development of enterprise solutions. 85139

The Department of Administrative Services, with the approval 85140  
of the Director of Budget and Management, may charge state 85141  
agencies an information technology development assessment based on 85142  
state agencies' information technology expenditures or other 85143  
methodology. The revenue from this assessment shall be deposited 85144  
in the Information Technology Development Fund (Fund 5LJ0), which 85145  
is hereby created. 85146

**Section 207.220. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT** 85147  
**SERVICE PAYMENTS** 85148

The Director of Administrative Services, in consultation with 85149  
the Multi-Agency Radio Communication System (MARCS) Steering 85150  
Committee and the Director of Budget and Management, shall 85151

determine the share of debt service payments attributable to 85152  
spending for MARCS components that are not specific to any one 85153  
agency and that shall be charged to agencies supported by the 85154  
motor fuel tax. Such share of debt service payments shall be 85155  
calculated for MARCS capital disbursements made beginning July 1, 85156  
1997. Within thirty days of any payment made from appropriation 85157  
item 100447, Administrative Buildings Lease Rental Bond Payments, 85158  
the Director of Administrative Services shall certify to the 85159  
Director of Budget and Management the amount of this share. The 85160  
Director of Budget and Management shall transfer such amounts to 85161  
the General Revenue Fund from the State Highway Safety Fund (Fund 85162  
7036) established in section 4501.06 of the Revised Code. 85163

The Director of Administrative Services shall consider 85164  
renting or leasing existing tower sites at reasonable or current 85165  
market rates, so long as these existing sites are equipped with 85166  
the technical capabilities to support the MARCS project. 85167

**Section 207.230. ENTERPRISE IT STRATEGY IMPLEMENTATION** 85168

The Director of Administrative Services shall determine and 85169  
implement strategies that benefit the enterprise by improving 85170  
efficiency, reducing costs or enhancing capacity of information 85171  
technology (IT) services. Such improvements and efficiencies may 85172  
result in the consolidation and transfer of such services. As 85173  
determined to be necessary for successful implementation of this 85174  
section and notwithstanding any provision of law to the contrary, 85175  
the Director of Administrative Services may request the Director 85176  
of Budget and Management to consolidate or transfer IT-specific 85177  
budget authority between agencies or within an agency as necessary 85178  
to implement enterprise IT cost containment strategies and related 85179  
efficiencies. Once the Director of Budget and Management is 85180  
satisfied that the proposed initiative is cost advantageous to the 85181  
enterprise, the Director of Budget and Management may transfer 85182

appropriations, funds and cash as needed to implement the proposed 85183  
initiative. The establishment of any new fund or additional 85184  
appropriation as a result of this section will be subject to 85185  
Controlling Board approval. 85186

The Director of Budget and Management and the Director of 85187  
Administrative Services may transfer any employees, assets, and 85188  
liabilities, including, but not limited to, records, contracts, 85189  
and agreements in order to facilitate the improvements determined 85190  
in accordance with this section. 85191

**Section 209.10. AGE DEPARTMENT OF AGING** 85192

General Revenue Fund 85193

GRF 490321 Operating Expenses \$ 1,487,418 \$ 1,487,418 85194

GRF 490410 Long-Term Care \$ 477,448 \$ 477,448 85195

Ombudsman

GRF 490411 Senior Community \$ 7,310,844 \$ 7,310,844 85196

Services

GRF 490414 Alzheimer's Respite \$ 1,995,245 \$ 1,995,245 85197

GRF 490506 National Senior \$ 241,413 \$ 241,413 85198

Service Corps

GRF 656423 Long-Term Care \$ 3,385,057 \$ 3,385,057 85199

Program Support -

State

TOTAL GRF General Revenue Fund \$ 14,897,425 \$ 14,897,425 85200

Dedicated Purpose Fund Group 85201

4800 490606 Senior Community \$ 372,523 \$ 372,523 85202

Outreach and

Education

4C40 490609 Regional Long-Term \$ 935,000 \$ 935,000 85203

Care Ombudsman

Program

5BA0 490620 Ombudsman Support \$ 1,250,000 \$ 1,250,000 85204

5K90	490613	Long-Term Care	\$	1,059,400	\$	1,059,400	85205
		Consumers Guide					
5MT0	490627	Board of Executives	\$	800,000	\$	800,000	85206
		of LTSS					
5W10	490616	Resident Services	\$	344,700	\$	344,700	85207
		Coordinator Program					
TOTAL DPF Dedicated Purpose							85208
Fund Group			\$	4,761,623	\$	4,761,623	85209
Federal Fund Group							85210
3220	490618	Federal Aging Grants	\$	8,700,000	\$	8,700,000	85211
3C40	656623	Long-Term Care	\$	3,385,057	\$	3,385,057	85212
		Program Support -					
		Federal					
3M40	490612	Federal Independence	\$	58,655,080	\$	58,655,080	85213
		Services					
TOTAL FED Federal Fund Group			\$	70,740,137	\$	70,740,137	85214
TOTAL ALL BUDGET FUND GROUPS			\$	90,399,185	\$	90,399,185	85215

**Section 209.20. LONG-TERM CARE** 85217

Pursuant to an interagency agreement, the Department of 85218  
 Medicaid may designate the Department of Aging to perform 85219  
 assessments under section 5165.04 of the Revised Code. The 85220  
 Department of Aging shall provide long-term care consultations 85221  
 under section 173.42 of the Revised Code to assist individuals in 85222  
 planning for their long-term health care needs. 85223

The Department of Aging shall administer the Medicaid 85224  
 waiver-funded PASSPORT Home Care Program, the Assisted Living 85225  
 Program, and PACE as delegated by the Department of Medicaid in an 85226  
 interagency agreement. The foregoing appropriation items 656423, 85227  
 Long-Term Care Program Support - State, and 656623, Long-Term Care 85228  
 Program Support - Federal, may be used to support the Department 85229  
 of Aging's administrative costs associated with operating the 85230

PASSPORT, Assisted Living, and PACE programs.	85231
PERFORMANCE-BASED REIMBURSEMENT	85232
The Department of Aging may design and utilize a payment	85233
method for PASSPORT administrative agency operations that includes	85234
a pay-for-performance incentive component that is earned by a	85235
PASSPORT administrative agency when defined consumer and policy	85236
outcomes are achieved.	85237
<b>Section 209.30. LONG-TERM CARE OMBUDSMAN</b>	85238
The State Ombudsman may explore the design of a payment	85239
method for the Ombudsman Program that includes a	85240
pay-for-performance incentive component that is earned by	85241
designated regional long-term care ombudsman programs.	85242
MYCARE OHIO	85243
The foregoing appropriation items 490410, Long-Term Care	85244
Ombudsman, 490618, Federal Aging Grants, 490612, Federal	85245
Independence Services, 490609, Regional Long-Term Care Ombudsman	85246
Program, and 490620, Ombudsman Support, may be used by the Office	85247
of the State Long-Term Care Ombudsman to provide ombudsman program	85248
activities as described in sections 173.14 to 173.27 and section	85249
173.99 of the Revised Code to consumers participating in MyCare	85250
Ohio.	85251
SENIOR COMMUNITY SERVICES	85252
Of the foregoing appropriation item 490411, Senior Community	85253
Services, \$7,060,844 in each fiscal year shall be used for	85254
services designated by the Department of Aging, including, but not	85255
limited to, home-delivered and congregate meals, transportation	85256
services, personal care services, respite services, adult day	85257
services, home repair, care coordination, prevention and disease	85258
self-management, and decision support systems. Service priority	85259
shall be given to low income, frail, and cognitively impaired	85260

persons 60 years of age and over. The department shall promote 85261  
cost sharing by service recipients for those services funded with 85262  
senior community services funds, including, when possible, 85263  
sliding-fee scale payment systems based on the income of service 85264  
recipients 85265

Of the foregoing appropriation item 490411, Senior Community 85266  
Services, \$250,000 in each fiscal year shall be allocated to the 85267  
Warrensville Senior Center. 85268

NATIONAL SENIOR SERVICE CORPS 85269

The foregoing appropriation item 490506, National Senior 85270  
Service Corps, shall be used by the Department of Aging to fund 85271  
grants for three Corporation for National and Community 85272  
Service/Senior Corps programs: the Foster Grandparents Program, 85273  
the Senior Companion Program, and the Retired Senior Volunteer 85274  
Program. A recipient of these grant funds shall use the funds to 85275  
support priorities established by the Department and the Ohio 85276  
State Office of the Corporation for National and Community 85277  
Service. The expenditure of these funds by any grant recipient 85278  
shall be in accordance with Senior Corps policies and procedures, 85279  
as stated in the Domestic Volunteer Service Act of 1973, as 85280  
amended. Neither the Department nor any area agencies on aging 85281  
that are involved in the distribution of these funds to 85282  
lower-tiered grant recipients may use any portion of these funds 85283  
to cover administrative costs. 85284

TRANSFER OF RESIDENT PROTECTION FUNDS 85285

In each fiscal year, the Director of Budget and Management 85286  
may transfer up to \$1,250,000 cash from the Resident Protection 85287  
Fund (Fund 4E30), which is used by the Department of Medicaid, to 85288  
the Ombudsman Support Fund (Fund 5BA0), which is used by the 85289  
Department of Aging. 85290

The Director of Aging and the Office of the State Long-Term 85291

Care Ombudsman may use moneys in the Ombudsman Support Fund (Fund 85292  
5BA0) to implement a nursing home quality initiative as specified 85293  
in section 173.60 of the Revised Code. 85294

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 85295  
AND FEDERAL AGING GRANTS 85296

At the request of the Director of Aging, the Director of 85297  
Budget and Management may transfer appropriation between 85298  
appropriation items 490612, Federal Independence Services, and 85299  
490618, Federal Aging Grants. The amounts transferred shall not 85300  
exceed 30 per cent of the appropriation from which the transfer is 85301  
made. Any transfers shall be reported by the Department of Aging 85302  
to the Controlling Board at the next scheduled meeting of the 85303  
board. 85304

**Section 209.40.** UPDATING AUTHORIZING STATUTE CITATIONS 85305

As used in this section, "authorizing statute" means a 85306  
Revised Code section or provision of a Revised Code section that 85307  
is cited in the Ohio Administrative Code as the statute that 85308  
authorizes the adoption of a rule. 85309

The Director of Aging is not required to amend any rule for 85310  
the sole purpose of updating the citation in the Ohio 85311  
Administrative Code to the rule's authorizing statute to reflect 85312  
that this act renumbers the authorizing statute or relocates it to 85313  
another Revised Code section. Such citations shall be updated as 85314  
the Director amends the rules for other purposes. 85315

**Section 209.50.** BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND 85316  
SUPPORTS 85317

The Board of Executives of Long-Term Services and Supports 85318  
may develop and conduct, or contract with a government or private 85319  
entity to develop and conduct, opportunities for education, 85320  
training, and credentialing of nursing home administrators, 85321

including persons interested in becoming licensed as nursing home administrators, and others in leadership positions who practice in long-term services and supports settings or who direct the practices of others in those settings.

All fees paid to the Board of Executives of Long-Term Services and Support by an applicant for education or training shall be used solely for the administration of the training program in division (A)(10) of section 4751.04 of the Revised Code. The fees may be used to support the education and training programs by paying for items including, but not limited to, instructor fees, venues where the education or training is conducted, books, materials and printing.

Training or education programs may be conducted in person or through electronic media. If the Board contracts with a government or private entity to administer the education or training programs, the contract may authorize the entity to pay any or all costs associated with the education or training programs and to collect and keep, as all or part of the entity's compensation under the contract, any fee an applicant for education or training pays to take the education or training program.

**Section 211.10.** AGR DEPARTMENT OF AGRICULTURE

General Revenue Fund

GRF 700401	Animal Health Programs	\$	3,686,687	\$	3,686,687	85344
GRF 700403	Dairy Division	\$	1,088,115	\$	1,088,115	85345
GRF 700404	Ohio Proud	\$	50,000	\$	50,000	85346
GRF 700406	Consumer Protection	\$	1,287,556	\$	1,287,556	85347
	Lab					
GRF 700407	Food Safety	\$	1,000,000	\$	1,000,000	85348
GRF 700409	Farmland Preservation	\$	72,750	\$	72,750	85349
GRF 700410	Plant Industry	\$	150,000	\$	150,000	85350
GRF 700412	Weights and Measures	\$	600,000	\$	600,000	85351



GRF 700415	Poultry Inspection	\$	592,978	\$	592,978	85352
GRF 700418	Livestock Regulation Program	\$	1,108,071	\$	1,108,071	85353
GRF 700424	Livestock Testing and Inspections	\$	92,493	\$	92,493	85354
GRF 700426	Dangerous and Restricted Animals	\$	800,000	\$	800,000	85355
GRF 700427	High Volume Breeder Kennel Control	\$	350,000	\$	350,000	85356
GRF 700499	Meat Inspection Program - State Share	\$	4,425,097	\$	4,425,097	85357
GRF 700501	County Agricultural Societies	\$	391,415	\$	391,415	85358
GRF 700505	Agricultural Society Facilities Grant	\$	0	\$	4,700,000	85359
TOTAL GRF	General Revenue Fund	\$	15,695,162	\$	20,395,162	85360
	Dedicated Purpose Fund Group					85361
4900 700651	License Plates - Sustainable Agriculture	\$	7,000	\$	7,000	85362
4940 700612	Agricultural Commodity Marketing Program	\$	213,000	\$	213,000	85363
4960 700626	Ohio Grape Industries	\$	970,000	\$	970,000	85364
4970 700627	Grain Warehouse Program	\$	332,672	\$	332,672	85365
4C90 700605	Commercial Feed and Seed	\$	1,760,000	\$	1,760,000	85366
4D20 700609	Auction Education	\$	35,000	\$	35,000	85367
4E40 700606	Utility Radiological Safety	\$	125,000	\$	125,000	85368
4P70 700610	Food Safety Inspection	\$	957,328	\$	957,328	85369

4R00	700636	Ohio Proud Marketing	\$	35,500	\$	35,500	85370
4R20	700637	Dairy Industry Inspection	\$	1,658,247	\$	1,658,247	85371
4T60	700611	Poultry and Meat Inspection	\$	120,000	\$	120,000	85372
5780	700620	Ride Inspection	\$	1,215,142	\$	1,215,142	85373
5880	700633	Brand Registration	\$	5,000	\$	5,000	85374
5B80	700629	Auctioneers	\$	340,000	\$	340,000	85375
5CP0	700652	License Plate Scholarships	\$	10,000	\$	10,000	85376
5FC0	700648	Plant Pest Program	\$	1,190,000	\$	1,190,000	85377
5H20	700608	Metrology Lab and Scale Certification	\$	552,000	\$	552,000	85378
5L80	700604	Livestock Management Program	\$	135,000	\$	135,000	85379
5MA0	700657	Dangerous and Restricted Animals	\$	50,000	\$	50,000	85380
5MR0	700658	High Volume Breeders and Kennels	\$	174,000	\$	174,000	85381
6520	700634	Animal, Consumer, and ATL Labs	\$	4,966,383	\$	4,966,383	85382
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	4,418,041	\$	4,418,041	85383
TOTAL DPF Dedicated Purpose							85384
Fund Group			\$	19,269,313	\$	19,269,313	85385
Internal Service Activity Fund Group							85386
5DA0	700644	Laboratory Administration Support	\$	1,164,000	\$	1,164,000	85387
5GH0	700655	Administrative Support	\$	4,404,073	\$	4,404,073	85388
TOTAL ISA Internal Service Activity							85389

Fund Group		\$	5,568,073		5,568,073	85390
Capital Projects Fund Group						85391
7057 700632	Clean Ohio	\$	310,000	\$	310,000	85392
	Agricultural Easement					
	Operating					
TOTAL CPF Capital Projects Fund		\$	310,000	\$	310,000	85393
Group						
Federal Fund Group						85394
3260 700618	Meat Inspection	\$	4,450,000	\$	4,450,000	85395
	Program - Federal					
	Share					
3360 700617	Ohio Farm Loan -	\$	101,000	\$	101,000	85396
	Revolving					
3820 700601	Federal Cooperative	\$	4,500,000	\$	4,500,000	85397
	Contracts					
3AB0 700641	Agricultural Easement	\$	150,000	\$	150,000	85398
3J40 700607	Federal	\$	1,100,000	\$	1,100,000	85399
	Administrative					
	Programs					
3R20 700614	Federal Plant	\$	6,000,000	\$	6,000,000	85400
	Industry					
TOTAL FED Federal Fund Group		\$	16,301,000	\$	16,301,000	85401
TOTAL ALL BUDGET FUND GROUPS		\$	57,143,548	\$	61,843,548	85402
	DANGEROUS AND RESTRICTED WILD ANIMALS					85403
	The foregoing appropriation item 700426, Dangerous and					85404
	Restricted Animals, shall be used to administer the Dangerous and					85405
	Restricted Wild Animal Permitting Program.					85406
	COUNTY AGRICULTURAL SOCIETIES					85407
	The foregoing appropriation item 700501, County Agricultural					85408
	Societies, shall be used to reimburse county and independent					85409
	agricultural societies for expenses related to Junior Fair					85410

activities.					85411
AGRICULTURAL SOCIETY FACILITIES GRANT					85412
The foregoing appropriation item 700505, Agricultural Society					85413
Facilities Grant, shall be used by the Director of Agriculture to					85414
administer the Agricultural Society Facilities Grant Program in					85415
accordance with Section 717.10 of this act.					85416
CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES					85417
The foregoing appropriation item 700632, Clean Ohio					85418
Agricultural Easement Operating, shall be used by the Department					85419
of Agriculture in administering Ohio Agricultural Easement Fund					85420
(Fund 7057) projects pursuant to sections 901.21, 901.22, and					85421
5301.67 to 5301.70 of the Revised Code.					85422
<b>Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY</b>					85423
Dedicated Purpose Fund Group					85424
4Z90 898602 Small Business	\$	288,232	\$	288,232	85425
Ombudsman					
5700 898601 Operating Expenses	\$	186,568	\$	189,590	85426
5A00 898603 Small Business	\$	450,000	\$	450,000	85427
Assistance					
5EG0 898608 Energy Strategy	\$	193,184	\$	176,394	85428
Development					
TOTAL DPF Dedicated Purpose Fund	\$	1,117,984	\$	1,104,216	85429
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,117,984	\$	1,104,216	85430
<b>Section 213.20. ENERGY STRATEGY DEVELOPMENT</b>					85432
(A) There is hereby created in the state treasury the Energy					85433
Strategy Development Fund (Fund 5EG0). The fund shall consist of					85434
money credited to it and money obtained for advanced energy					85435
projects from federal or private grants, loans, or other sources.					85436

Money in the fund shall be used to carry out the purposes of the 85437  
 Energy Strategy Development Program. Interest earned on the money 85438  
 in the fund shall be credited to the General Revenue Fund. 85439

(B) The Energy Strategy Development Program shall develop 85440  
 energy initiatives, projects, and policy that align with the 85441  
 energy policy for the state. Issues addressed by such initiatives, 85442  
 projects, and policy shall not be limited to those governed by 85443  
 Chapter 3706. of the Revised Code. The program also pays for costs 85444  
 associated with the administration of the outstanding loans and 85445  
 working with the outside parties associated with the loans. The 85446  
 Ohio Air Quality Development Authority shall be responsible for 85447  
 the monitoring of the program. 85448

(C) On July 1 of each fiscal year, or as soon as possible 85449  
 thereafter, the Director of Budget and Management may transfer 85450  
 cash from the funds specified below, up to the amounts specified 85451  
 below, to the Energy Strategy Development Fund. Fund 5EG0 may 85452  
 accept contributions and transfers made to the fund. On July 1, 85453  
 2017, or as soon as possible thereafter, the Director shall 85454  
 transfer to the General Revenue Fund all cash credited to Fund 85455  
 5EG0. Upon completion of the transfer, Fund 5EG0 is abolished. 85456

<u>Fund</u>	<u>Fund Name</u>	<u>User</u>	<u>FY 2016</u>	<u>FY 2017</u>	
1310	State Agency	Ohio Facilities	\$27,405	\$27,439	85457
	Construction	Construction			85458
	Project Service	Commission			
5GH0	Central Support	Department of	\$27,405	\$27,439	85459
	Indirect Cost	Agriculture			
1350	Supportive	Development	\$27,405	\$27,439	85460
	Services	Services Agency			
2190	Central Support	Environmental	\$27,405	\$27,439	85461
	Indirect Cost	Protection Agency			
1570	Central Support	Department of	\$27,405	\$27,439	85462
	Indirect	Natural Resources			

	Chargeback				
7002	Highway Operating Department of	\$39,150	\$39,199	85463	
	Transportation				

<b>Section 213.30.</b>	REIMBURSEMENT TO AIR QUALITY DEVELOPMENT			85464
	AUTHORITY TRUST ACCOUNT			85465

Notwithstanding any other provision of law to the contrary,	85466
the Air Quality Development Authority may reimburse the Air	85467
Quality Development Authority trust account established under	85468
section 3706.10 of the Revised Code from all operating funds of	85469
the agency for expenses pertaining to the administration and	85470
shared costs incurred by the Air Quality Development Authority in	85471
the execution of responsibilities as prescribed in Chapter 3706.	85472
of the Revised Code. The reimbursement shall be made by voucher	85473
and completed in accordance with the administrative indirect costs	85474
allocation plan approved by the Office of Budget and Management.	85475

<b>Section 215.10.</b>	ARC ARCHITECTS BOARDS			85476
	Dedicated Purpose Fund Group			85477
4K90 891609	Operating	\$ 507,614	\$ 517,912	85478
	TOTAL DPF Dedicated Purpose Fund			85479
	Group	\$ 507,614	\$ 517,912	85480
	TOTAL ALL BUDGET FUND GROUPS	\$ 507,614	\$ 517,912	85481

<b>Section 217.10.</b>	ART OHIO ARTS COUNCIL			85483
	General Revenue Fund			85484
GRF 370321	Operating Expenses	\$ 1,772,050	\$ 1,772,050	85485
GRF 370502	State Program	\$ 11,450,000	\$ 11,950,000	85486
	Subsidies			
	TOTAL GRF General Revenue Fund	\$ 13,222,050	\$ 13,722,050	85487
	Dedicated Purpose Fund Group			85488
4600 370602	Management Expenses	\$ 300,000	\$ 300,000	85489

		and Donations				
4B70	370603	Percent for Art	\$	225,000	\$	225,000 85490
		Acquisitions				
TOTAL DPF		Dedicated Purpose Fund	\$	525,000	\$	525,000 85491
Group						
Federal Fund Group						85492
3140	370601	Federal Support	\$	1,000,000	\$	1,000,000 85493
TOTAL FED		Federal Fund Group	\$	1,000,000	\$	1,000,000 85494
TOTAL ALL BUDGET FUND GROUPS			\$	14,747,050	\$	15,247,050 85495
FEDERAL SUPPORT						85496
Notwithstanding any provision of law to the contrary, the						85497
foregoing appropriation item 370601, Federal Support, shall be						85498
used by the Ohio Arts Council for subsidies only, and not for its						85499
administrative costs, unless the Council is required to use a						85500
portion of the funds for administrative costs under conditions of						85501
the federal grant.						85502
<b>Section 219.10. ATH ATHLETIC COMMISSION</b>						85503
Dedicated Purpose Fund Group						85504
4K90	175609	Operating Expenses	\$	320,000	\$	320,000 85505
TOTAL DPF		Dedicated Purpose Fund	\$	320,000	\$	320,000 85506
Group						
TOTAL ALL BUDGET FUND GROUPS			\$	320,000	\$	320,000 85507
<b>Section 221.10. AGO ATTORNEY GENERAL</b>						85509
General Revenue Fund						85510
GRF	055321	Operating Expenses	\$	43,114,169	\$	43,114,169 85511
GRF	055405	Law-Related Education	\$	100,000	\$	100,000 85512
GRF	055411	County Sheriffs' Pay	\$	757,921	\$	757,921 85513
Supplement						
GRF	055415	County Prosecutors'	\$	831,499	\$	831,499 85514
Pay Supplement						

GRF	055501	Rape Crisis Centers	\$	1,500,000	\$	1,500,000	85515
TOTAL GRF		General Revenue Fund	\$	46,303,589	\$	46,303,589	85516
Dedicated Purpose Fund Group							85517
1060	055612	Attorney General Operating	\$	64,008,182	\$	64,818,182	85518
4020	055616	Victims of Crime	\$	20,301,769	\$	20,301,769	85519
4180	055615	Charitable Foundations	\$	8,286,000	\$	8,286,000	85520
4190	055623	Claims Section	\$	58,437,133	\$	59,439,892	85521
4200	055603	Attorney General Antitrust	\$	2,392,074	\$	2,392,074	85522
4210	055617	Police Officers' Training Academy Fee	\$	1,701,545	\$	1,701,545	85523
4L60	055606	DARE Programs	\$	3,811,209	\$	3,811,209	85524
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000	85525
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	1,000,000	\$	1,000,000	85526
5900	055633	Peace Officer Private Security Training	\$	95,325	\$	95,325	85527
5A90	055618	Telemarketing Fraud Enforcement	\$	10,000	\$	10,000	85528
5L50	055619	Law Enforcement Assistance Program	\$	2,800,000	\$	2,800,000	85529
5LR0	055655	Peace Officer Training - Casino	\$	4,629,409	\$	4,629,409	85530
5MP0	055657	Peace Officer Training Commission	\$	250,000	\$	325,000	85531
6310	055637	Consumer Protection Enforcement	\$	8,834,000	\$	8,976,000	85532
6590	055641	Solid and Hazardous Waste Background Investigations	\$	310,730	\$	310,730	85533



U087	055402	Tobacco Settlement	\$	2,550,000	\$	2,650,000	85534
		Oversight,					
		Administration, and					
		Enforcement					
TOTAL DPF Dedicated Purpose Fund							85535
Group			\$	180,017,376	\$	182,147,135	85536
Internal Service Activity Fund Group							85537
1950	055660	Workers' Compensation	\$	8,415,504	\$	8,415,504	85538
		Section					
TOTAL ISA Internal Service Activity			\$	8,415,504	\$	8,415,504	85539
Fund Group							
Holding Account Fund Group							85540
R004	055631	General Holding	\$	1,000,000	\$	1,000,000	85541
		Account					
R005	055632	Antitrust Settlements	\$	1,000	\$	1,000	85542
R018	055630	Consumer Frauds	\$	750,000	\$	750,000	85543
R042	055601	Organized Crime	\$	25,025	\$	25,025	85544
		Commission					
		Distributions					
R054	055650	Collection Payment	\$	4,500,000	\$	4,500,000	85545
		Redistribution					
TOTAL HLD Holding Account							85546
Fund Group			\$	6,276,025	\$	6,276,025	85547
Federal Fund Group							85548
3060	055620	Medicaid Fraud	\$	8,461,419	\$	8,961,419	85549
		Control					
3830	055634	Crime Victims	\$	16,500,000	\$	16,500,000	85550
		Assistance					
3E50	055638	Attorney General	\$	2,320,999	\$	2,320,999	85551
		Pass-Through Funds					
3FV0	055656	Crime Victim	\$	3,155,000	\$	3,155,000	85552
		Compensation					

3R60 055613	Attorney General	\$	2,799,999	\$	2,799,999	85553
	Federal Funds					
TOTAL FED	Federal Fund Group	\$	33,237,417	\$	33,737,417	85554
TOTAL ALL BUDGET	FUND GROUPS	\$	274,249,911	\$	276,879,670	85555

OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 85556

Of the foregoing appropriation item 055321, Operating 85557  
Expenses, \$600,000 in each fiscal year shall be used for the Ohio 85558  
Center for the Future of Forensic Science at Bowling Green State 85559  
University. The purpose of the Center shall be to foster forensic 85560  
science research techniques (BCI Eminent Scholar) and to create 85561  
professional training opportunities to students (BCI Scholars) in 85562  
the forensic science fields. 85563

COUNTY SHERIFFS' PAY SUPPLEMENT 85564

The foregoing appropriation item 055411, County Sheriffs' Pay 85565  
Supplement, shall be used for the purpose of supplementing the 85566  
annual compensation of county sheriffs as required by section 85567  
325.06 of the Revised Code. 85568

At the request of the Attorney General, the Director of 85569  
Budget and Management may transfer appropriation from 85570  
appropriation item 055321, Operating Expenses, to appropriation 85571  
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 85572  
transferred shall be used to supplement the annual compensation of 85573  
county sheriffs as required by section 325.06 of the Revised Code. 85574

COUNTY PROSECUTORS' PAY SUPPLEMENT 85575

The foregoing appropriation item 055415, County Prosecutors' 85576  
Pay Supplement, shall be used for the purpose of supplementing the 85577  
annual compensation of certain county prosecutors as required by 85578  
section 325.111 of the Revised Code. 85579

At the request of the Attorney General, the Director of 85580  
Budget and Management may transfer appropriation from 85581  
appropriation item 055321, Operating Expenses, to appropriation 85582

item 055415, County Prosecutors' Pay Supplement. Any appropriation 85583  
so transferred shall be used to supplement the annual compensation 85584  
of county prosecutors as required by section 325.111 of the 85585  
Revised Code. 85586

WORKERS' COMPENSATION SECTION 85587

The Workers' Compensation Fund (Fund 1950) is entitled to 85588  
receive payments from the Bureau of Workers' Compensation and the 85589  
Ohio Industrial Commission at the beginning of each quarter of 85590  
each fiscal year to fund legal services to be provided to the 85591  
Bureau of Workers' Compensation and the Ohio Industrial Commission 85592  
during the ensuing quarter. The advance payment shall be subject 85593  
to adjustment. 85594

In addition, the Bureau of Workers' Compensation shall 85595  
transfer payments at the beginning of each quarter for the support 85596  
of the Workers' Compensation Fraud Unit. 85597

All amounts shall be mutually agreed upon by the Attorney 85598  
General, the Bureau of Workers' Compensation, and the Ohio 85599  
Industrial Commission. 85600

GENERAL HOLDING ACCOUNT 85601

The foregoing appropriation item 055631, General Holding 85602  
Account, shall be used to distribute moneys under the terms of 85603  
relevant court orders or other settlements received in a variety 85604  
of cases involving the Office of the Attorney General. If it is 85605  
determined that additional amounts are necessary for this purpose, 85606  
the amounts are hereby appropriated. 85607

ANTITRUST SETTLEMENTS 85608

The foregoing appropriation item 055632, Antitrust 85609  
Settlements, shall be used to distribute moneys under the terms of 85610  
relevant court orders or other out of court settlements in 85611  
antitrust cases or antitrust matters involving the Office of the 85612

Attorney General. If it is determined that additional amounts are 85613  
necessary for this purpose, the amounts are hereby appropriated. 85614

CONSUMER FRAUDS 85615

The foregoing appropriation item 055630, Consumer Frauds, 85616  
shall be used for distribution of moneys from court-ordered 85617  
judgments against sellers in actions brought by the Office of the 85618  
Attorney General under sections 1334.08 and 4549.48 and division 85619  
(B) of section 1345.07 of the Revised Code. These moneys shall be 85620  
used to provide restitution to consumers victimized by the fraud 85621  
that generated the court-ordered judgments. If it is determined 85622  
that additional amounts are necessary for this purpose, the 85623  
amounts are hereby appropriated. 85624

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 85625

The foregoing appropriation item 055601, Organized Crime 85626  
Commission Distributions, shall be used by the Organized Crime 85627  
Investigations Commission, as provided by section 177.011 of the 85628  
Revised Code, to reimburse political subdivisions for the expenses 85629  
the political subdivisions incur when their law enforcement 85630  
officers participate in an organized crime task force. If it is 85631  
determined that additional amounts are necessary for this purpose, 85632  
the amounts are hereby appropriated. 85633

COLLECTION PAYMENT REDISTRIBUTION 85634

The foregoing appropriation item 055650, Collection Payment 85635  
Redistribution, shall be used for the purpose of allocating the 85636  
revenue where debtors mistakenly paid the client agencies instead 85637  
of the Attorney General's Collections Enforcement Section. If it 85638  
is determined that additional amounts are necessary for this 85639  
purpose, the amounts are hereby appropriated. 85640

ATTORNEY GENERAL PASS-THROUGH FUNDS 85641

The foregoing appropriation item 055638, Attorney General 85642

Pass-Through Funds, shall be used to receive federal grant funds 85643  
 provided to the Attorney General by other state agencies, 85644  
 including, but not limited to, the Department of Youth Services 85645  
 and the Department of Public Safety. 85646

**Section 223.10. AUD AUDITOR OF STATE** 85647

General Revenue Fund 85648

GRF 070321 Operating Expenses \$ 27,679,072 \$ 27,679,072 85649

GRF 070403 Fiscal \$ 800,000 \$ 800,000 85650

Watch/Emergency  
 Technical Assistance

TOTAL GRF General Revenue Fund \$ 28,479,072 \$ 28,479,072 85651

Dedicated Purpose Fund Group 85652

1090 070601 Public Audit Expense \$ 9,396,081 \$ 9,396,081 85653

- Intra-State

4220 070602 Public Audit Expense \$ 32,937,044 \$ 33,143,044 85654

- Local Government

5840 070603 Training Program \$ 403,750 \$ 403,750 85655

5JZ0 070606 LEAP Revolving Loans \$ 400,000 \$ 400,000 85656

6750 070605 Uniform Accounting \$ 3,160,637 \$ 3,160,637 85657

Network

TOTAL DPF Dedicated Purpose Fund 85658

Group \$ 46,297,512 \$ 46,503,512 85659

TOTAL ALL BUDGET FUND GROUPS \$ 74,776,584 \$ 74,982,584 85660

**Section 225.10. BRB BOARD OF BARBER EXAMINERS** 85662

Dedicated Purpose Fund Group 85663

4K90 877609 Operating Expenses \$ 674,272 \$ 688,272 85664

TOTAL DPF Dedicated Purpose Fund 85665

Group \$ 674,272 \$ 688,272 85666

TOTAL ALL BUDGET FUND GROUPS \$ 674,272 \$ 688,272 85667

<b>Section 227.10. OBM OFFICE OF BUDGET AND MANAGEMENT</b>				85669
General Revenue Fund				85670
GRF	042321	Budget Development and Implementation	\$ 2,981,898 \$ 2,933,175	85671
GRF	042416	Office of Health Transformation	\$ 430,000 \$ 438,723	85672
GRF	042425	Shared Services Development	\$ 1,385,000 \$ 1,425,000	85673
TOTAL GRF General Revenue Fund				\$ 4,796,898 \$ 4,796,898 85674
Internal Service Activity Fund Group				85675
1050	042603	Financial Management	\$ 14,676,746 \$ 14,593,851	85676
1050	042620	Shared Services Operating	\$ 8,699,170 \$ 8,782,065	85677
TOTAL ISA Internal Service Activity Fund Group				\$ 23,375,916 \$ 23,375,916 85678
Fiduciary Fund Group				85680
5EH0	042604	Forgery Recovery	\$ 40,000 \$ 40,000	85681
TOTAL FID Fiduciary Fund Group				\$ 40,000 \$ 40,000 85682
Federal Fund Group				85683
3CM0	042606	Office of Health Transformation - Federal	\$ 430,000 \$ 438,723	85684
TOTAL FED Federal Fund Group				\$ 430,000 \$ 438,723 85685
TOTAL ALL BUDGET FUND GROUPS				\$ 28,642,814 \$ 28,651,537 85686
AUDIT COSTS AND DUES				85687
All centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally accepted accounting principles for the state shall be paid from the foregoing appropriation item 042603, Financial Management.				85688 85689 85690 85691 85692

Costs associated with the audit of the Auditor of State and national association dues shall be paid from the foregoing appropriation item 042321, Budget Development and Implementation.

SHARED SERVICES CENTER

The foregoing appropriation items 042425, Shared Services Development, and 042620, Shared Services Operating, shall be used by the Director of Budget and Management to support a Shared Services Center within the Office of Budget and Management for the purpose of consolidating statewide business functions and common transactional processes.

The Director of Budget and Management shall include the recovery of costs to operate the Shared Services Center in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers to agencies for services rendered. The Director of Budget and Management shall determine the cost recovery methodology. Such cost recovery revenues shall be deposited to the credit of the Accounting and Budgeting Fund (Fund 1050).

INTERNAL AUDIT

The Director of Budget and Management shall include the recovery of costs to operate the Internal Audit Program in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers to agencies reviewed by the program. The Director of Budget and Management, with advice from the Internal Audit Advisory Council, shall determine the cost recovery methodology. Such cost recovery revenues shall be deposited to the credit of Fund 1050.

FORGERY RECOVERY

The foregoing appropriation item 042604, Forgery Recovery, shall be used to reissue warrants that have been certified as forgeries by the rightful recipient as determined by the Bureau of

Criminal Identification and Investigation and the Treasurer of 85724  
 State. Upon receipt of funds to cover the reissuance of the 85725  
 warrant, the Director of Budget and Management shall reissue a 85726  
 state warrant of the same amount. Any additional amounts needed to 85727  
 reissue warrants backed by the receipt of funds are hereby 85728  
 appropriated. 85729

**Section 229.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 85730**

General Revenue Fund 85731

GRF 874100 Personal Services \$ 2,417,467 \$ 2,417,467 85732

GRF 874320 Maintenance and \$ 1,161,098 \$ 1,161,098 85733  
 Equipment

TOTAL GRF General Revenue Fund \$ 3,578,565 \$ 3,578,565 85734

Dedicated Purpose Fund Group 85735

2080 874601 Underground Parking \$ 3,496,740 \$ 3,496,740 85736  
 Garage Operations

4G50 874603 Capitol Square \$ 6,000 \$ 6,000 85737  
 Education Center and  
 Arts

TOTAL DPF Dedicated Purpose 85738

Fund Group \$ 3,502,740 \$ 3,502,740 85739

Internal Service Activity Fund Group 85740

4S70 874602 Statehouse Gift \$ 700,000 \$ 700,000 85741  
 Shop/Events

TOTAL ISA Internal Service Activity 85742

Fund Group \$ 700,000 \$ 700,000 85743

TOTAL ALL BUDGET FUND GROUPS \$ 7,781,305 \$ 7,781,305 85744

**WAREHOUSE PAYMENTS 85745**

Of the foregoing appropriation item 874601, Underground 85746  
 Parking Garage Operations, \$48,000 in each fiscal year shall be 85747  
 used to meet all payments at the times they are required to be 85748



made during the period from July 1, 2015, through June 30, 2017, 85749  
to the Department of Administrative Services for bond service 85750  
charges relating to the purchase and improvement of a warehouse 85751  
acquired pursuant to section 105.41 of the Revised Code, in which 85752  
to store items of the Capitol Collection Trust and, whenever 85753  
necessary, equipment or other property of the Board. 85754

UNDERGROUND PARKING GARAGE FUND 85755

Notwithstanding division (G) of section 105.41 of the Revised 85756  
Code and any other provision to the contrary, moneys in the 85757  
Underground Parking Garage Fund (Fund 2080) may be used for 85758  
personnel and operating costs related to the operations of the 85759  
Statehouse and the Statehouse Underground Parking Garage. 85760

HOUSE AND SENATE PARKING REIMBURSEMENT 85761

On July 1 of each fiscal year, or as soon as possible 85762  
thereafter, the Director of Budget and Management shall transfer 85763  
\$500,000 cash from the General Revenue Fund to the Underground 85764  
Parking Garage Fund (Fund 2080). The amounts transferred under 85765  
this section shall be used to reimburse the Capitol Square Review 85766  
and Advisory Board for legislative parking costs. 85767

**Section 231.10.** SCR STATE BOARD OF CAREER COLLEGES AND 85768  
SCHOOLS 85769

Dedicated Purpose Fund Group 85770

4K90 233601 Operating Expenses \$ 579,328 \$ 579,328 85771

TOTAL DPF Dedicated Purpose Fund \$ 579,328 \$ 579,328 85772

Group

TOTAL ALL BUDGET FUND GROUPS \$ 579,328 \$ 579,328 85773

**Section 233.10.** CAC CASINO CONTROL COMMISSION 85775

Dedicated Purpose Fund Group 85776

5HS0 955321 Operating Expenses \$ 12,415,000 \$ 12,415,000 85777

5NU0 955601	Casino Commission	\$	50,000	\$	50,000	85778
	Enforcement					
TOTAL DPF	Dedicated Purpose Fund	\$	12,465,000	\$	12,465,000	85779
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	12,465,000	\$	12,465,000	85780
<b>Section 235.10.</b> CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD						85782
Dedicated Purpose Fund Group						85783
4K90 930609	Operating Expenses	\$	490,644	\$	489,666	85784
TOTAL DPF	Dedicated Purpose Fund	\$	490,644	\$	489,666	85785
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	490,644	\$	489,666	85786
<b>Section 237.10.</b> CHR STATE CHIROPRACTIC BOARD						85788
Dedicated Purpose Fund Group						85789
4K90 878609	Operating Expenses	\$	648,734	\$	663,521	85790
TOTAL DPF	Dedicated Purpose Fund	\$	648,734	\$	663,521	85791
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	648,734	\$	663,521	85792
<b>Section 239.10.</b> CIV OHIO CIVIL RIGHTS COMMISSION						85794
General Revenue Fund						85795
GRF 876321	Operating Expenses	\$	5,406,444	\$	5,406,444	85796
TOTAL GRF	General Revenue Fund	\$	5,406,444	\$	5,406,444	85797
Internal Service Activity Fund Group						85798
2170 876604	Operations Support	\$	4,000	\$	4,000	85799
TOTAL ISA	Internal Service Activity					85800
Fund Group		\$	4,000	\$	4,000	85801
Federal Fund Group						85802
3340 876601	Federal Programs	\$	2,802,760	\$	2,947,982	85803
TOTAL FED	Federal Special Revenue					85804
Fund Group		\$	2,802,760	\$	2,947,982	85805

TOTAL ALL BUDGET FUND GROUPS		\$	8,213,204	\$	8,358,426	85806	
<b>Section 241.10. COM DEPARTMENT OF COMMERCE</b>						85808	
Dedicated Purpose Fund Group						85809	
4B20	800631	Real Estate Appraisal	\$	35,000	\$	35,000	85810
Recovery							
4H90	800608	Cemeteries	\$	274,080	\$	278,352	85811
4X20	800619	Financial Institutions	\$	1,854,298	\$	1,854,298	85812
5430	800602	Unclaimed	\$	7,764,160	\$	7,779,076	85813
Funds-Operating							
5430	800625	Unclaimed Funds-Claims	\$	64,000,000	\$	64,000,000	85814
5440	800612	Banks	\$	6,867,039	\$	6,885,074	85815
5450	800613	Savings Institutions	\$	2,464,495	\$	2,533,005	85816
5460	800610	Fire Marshal	\$	17,153,766	\$	16,746,648	85817
5460	800639	Fire Department Grants	\$	5,200,000	\$	5,200,000	85818
5470	800603	Real Estate	\$	69,655	\$	69,655	85819
Education/Research							
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	85820
5490	800614	Real Estate	\$	3,374,714	\$	3,409,090	85821
5500	800617	Securities	\$	4,421,403	\$	4,577,915	85822
5520	800604	Credit Union	\$	3,343,696	\$	3,374,104	85823
5530	800607	Consumer Finance	\$	3,946,050	\$	4,138,634	85824
5560	800615	Industrial Compliance	\$	27,882,765	\$	28,318,049	85825
5F10	800635	Small Government Fire	\$	300,000	\$	300,000	85826
Departments							
5FW0	800616	Financial Literacy	\$	190,000	\$	190,000	85827
Education							
5GK0	800609	Securities Investor	\$	432,150	\$	432,150	85828
Education/Enforcement							
5HV0	800641	Cigarette Enforcement	\$	70,000	\$	70,000	85829
5LC0	800644	Liquor JobsOhio	\$	288,818	\$	276,817	85830
Extraordinary Allowance							
5LN0	800645	Liquor Operating	\$	7,220,460	\$	6,920,435	85831

		Services				
5LP0	800646	Liquor Regulatory	\$	9,565,654	\$	8,664,644 85832
		Operating Expenses				
5PA0	800647	BUSTR Revolving Loan	\$	1,500,000	\$	1,500,000 85833
		Program				
5X60	800623	Video Service	\$	383,792	\$	389,110 85834
6530	800629	UST Registration/Permit	\$	2,201,943	\$	2,245,208 85835
		Fee				
6A40	800630	Real Estate	\$	684,978	\$	692,170 85836
		Appraiser-Operating				
TOTAL DPF Dedicated Purpose						85837
Fund Group			\$	171,538,916	\$	170,929,434 85838
Internal Service Activity Fund Group						85839
1630	800620	Division of	\$	7,700,000	\$	7,700,000 85840
		Administration				
1630	800637	Information Technology	\$	7,453,822	\$	9,493,259 85841
TOTAL ISA Internal Service Activity						85842
Fund Group			\$	15,153,822	\$	17,193,259 85843
Federal Fund Group						85844
3480	800622	Underground Storage	\$	1,129,518	\$	1,129,518 85845
		Tanks				
3480	800624	Leaking Underground	\$	1,795,481	\$	1,795,481 85846
		Storage Tanks				
TOTAL FED Federal Fund Group			\$	2,924,999	\$	2,924,999 85847
TOTAL ALL BUDGET FUND GROUPS			\$	189,617,737	\$	191,047,692 85848
UNCLAIMED FUNDS PAYMENTS						85849
The foregoing appropriation item 800625, Unclaimed						85850
Funds-Claims, shall be used to pay claims under section 169.08 of						85851
the Revised Code. If it is determined by the Director of Commerce						85852
that additional appropriation amounts are necessary to make such						85853
payments, the Director of Commerce may request that the Director						85854
of Budget and Management increase such amounts. Such amounts are						85855

hereby appropriated. 85856

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 85857

The foregoing appropriation item 800631, Real Estate 85858  
Appraiser Recovery, shall be used to pay settlements, judgments, 85859  
and court orders under section 4763.16 of the Revised Code. If it 85860  
is determined by the Director of Commerce that additional 85861  
appropriation amounts are necessary to make such payments, the 85862  
Director of Commerce may request that the Director of Budget and 85863  
Management increase such amounts. Such amounts are hereby 85864  
appropriated. 85865

The foregoing appropriation item 800611, Real Estate 85866  
Recovery, shall be used to pay settlements, judgments, and court 85867  
orders under section 4735.12 of the Revised Code. If it is 85868  
determined by the Director of Commerce that additional 85869  
appropriation amounts are necessary to make such payments, the 85870  
Director of Commerce may request that the Director of Budget and 85871  
Management increase such amounts. Such amounts are hereby 85872  
appropriated. 85873

FIRE DEPARTMENT GRANTS 85874

Of the foregoing appropriation item 800639, Fire Department 85875  
Grants, up to \$5,200,000 in fiscal year 2016 and \$5,200,000 in 85876  
fiscal year 2017 shall be used to make annual grants to the 85877  
following eligible recipients: volunteer fire departments, fire 85878  
departments that serve one or more small municipalities or small 85879  
townships, joint fire districts comprised of fire departments that 85880  
primarily serve small municipalities or small townships, local 85881  
units of government responsible for such fire departments, and 85882  
local units of government responsible for the provision of fire 85883  
protection services for small municipalities or small townships. 85884  
For the purposes of these grants, a private fire company, as that 85885  
phrase is defined in section 9.60 of the Revised Code, that is 85886

providing fire protection services under a contract to a political subdivision of the state, is an additional eligible recipient for a training grant.

Eligible recipients that consist of small municipalities or small townships that all intend to contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint applicant is awarded a grant, the State Fire Marshal shall, if feasible, proportionately award the grant and any equipment purchased with grant funds to each of the joint applicants based upon each applicant's contribution to and demonstrated need for fire protection services.

If the grant awarded to joint applicants is an equipment grant and the equipment to be purchased cannot be readily distributed or possessed by multiple recipients, each of the joint applicants shall be awarded by the State Fire Marshal an ownership interest in the equipment so purchased in proportion to each applicant's contribution to and demonstrated need for fire protection services. The joint applicants shall then mutually agree on how the equipment is to be maintained, operated, stored, or disposed of. If, for any reason, the joint applicants cannot agree as to how jointly owned equipment is to be maintained, operated, stored, or disposed of or any of the joint applicants no longer maintain a contract with the same fire protection service provider as the other applicants, then the joint applicants shall, with the assistance of the State Fire Marshal, mutually agree as to how the jointly owned equipment is to be maintained, operated, stored, disposed of, or owned. If the joint applicants cannot agree how the grant equipment is to be maintained, operated, stored, disposed of, or owned, the State Fire Marshal may, in its discretion, require all of the equipment acquired by the joint applicants with grant funds to be returned to the State Fire

Marshal. The State Fire Marshal may then award the returned 85919  
equipment to any eligible recipients. For this paragraph only, an 85920  
"equipment grant" also includes a MARCS Grant. 85921

Except as otherwise provided in this section, the grants 85922  
shall be used by recipients to purchase firefighting or rescue 85923  
equipment or gear or similar items, to provide full or partial 85924  
reimbursement for the documented costs of firefighter training, 85925  
or, at the discretion of the State Fire Marshal, to cover fire 85926  
department costs for providing fire protection services in that 85927  
grant recipient's jurisdiction. 85928

Of the foregoing appropriation item 800639, Fire Department 85929  
Grants, up to \$500,000 per fiscal year may be used to pay for the 85930  
State Fire Marshal's costs of providing firefighter I 85931  
certification classes or other firefighter classes approved by the 85932  
Department of Public Safety in accordance with section 4765.55 of 85933  
the Revised Code at no cost to selected students attending the 85934  
Ohio Fire Academy or other class providers approved by the State 85935  
Fire Marshal. The State Fire Marshal may establish the 85936  
qualifications and selection processes for students to attend such 85937  
classes by written policy, and such students shall be considered 85938  
eligible recipients of fire department grants for the purposes of 85939  
this portion of the grant program. 85940

For purposes of this section, a MARCS Grant is a grant for 85941  
systems, equipment, or services that are a part of, integrated 85942  
into, or otherwise interoperable with the Multi-Agency Radio 85943  
Communication System (MARCS) operated by the state. 85944

Of the foregoing appropriation item 800639, Fire Department 85945  
Grants, up to \$3,000,000 in each fiscal year may be used for MARCS 85946  
Grants. MARCS Grants may be used for the payment of user access 85947  
fees by the eligible recipient to access MARCS. 85948

MARCS Grant awards may be up to \$50,000 in each fiscal year 85949

per eligible recipient. Each eligible recipient may only apply, as 85950  
a separate entity or as a part of a joint application, for one 85951  
MARCS Grant per fiscal year. The State Fire Marshal may give a 85952  
preference in the awarding of MARCS Grants to grants that will 85953  
enhance the overall interoperability and effectiveness of 85954  
emergency communication networks in the geographic region that 85955  
includes and that is adjacent to the applicant. Eligible 85956  
recipients that are or were awarded fire department grants that 85957  
are not MARCS Grants may also apply for and receive MARCS Grants 85958  
in accordance with criteria for the awarding of grant funds 85959  
established by the State Fire Marshal. 85960

Grant awards for firefighting or rescue equipment or gear or 85961  
for fire department costs of providing fire protection services 85962  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 85963  
fiscal year if an eligible entity serves a jurisdiction in which 85964  
the Governor declared a natural disaster during the preceding or 85965  
current fiscal year in which the grant was awarded. In addition to 85966  
any grant funds awarded for rescue equipment or gear, or for fire 85967  
department costs associated with the provision of fire protection 85968  
services, an eligible entity may receive a grant for up to \$15,000 85969  
per fiscal year for full or partial reimbursement of the 85970  
documented costs of firefighter training. For each fiscal year, 85971  
the State Fire Marshal shall determine the total amounts to be 85972  
allocated for each eligible purpose. 85973

The grant program shall be administered by the State Fire 85974  
Marshal in accordance with rules the State Fire Marshal adopts as 85975  
part of the state fire code adopted pursuant to section 3737.82 of 85976  
the Revised Code that are necessary for the administration and 85977  
operation of the grant program. The rules may further define the 85978  
entities eligible to receive grants and establish criteria for the 85979  
awarding and expenditure of grant funds, including methods the 85980  
State Fire Marshal may use to verify the proper use of grant funds 85981



or to obtain reimbursement for or the return of equipment for 85982  
improperly used grant funds. To the extent consistent with this 85983  
section and until such time as the rules are updated, the existing 85984  
rules in the state fire code adopted pursuant to section 3737.82 85985  
of the Revised Code for fire department grants under this section 85986  
apply to MARCS Grants. Any amounts in appropriation item 800639, 85987  
Fire Department Grants, in excess of the amount allocated for 85988  
these grants may be used for the administration of the grant 85989  
program. 85990

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 85991

Upon the written request of the Director of Commerce, the 85992  
Director of Budget and Management may transfer up to \$500,000 in 85993  
cash from the Real Estate Recovery Fund (Fund 5480) and up to 85994  
\$250,000 in cash from the Real Estate Appraiser Recovery Fund 85995  
(Fund 4B20) to the Division of Real Estate Operating Fund (Fund 85996  
5490) during the biennium ending June 30, 2017. 85997

CASH TRANSFER TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 85998  
REVOLVING LOAN FUND 85999

Upon the written request of the Director of Commerce, the 86000  
Director of Budget and Management may transfer up to \$300,000 in 86001  
cash from the State Fire Marshal Fund (Fund 5460) to the Small 86002  
Government Fire Department Services Revolving Loan Fund (Fund 86003  
5F10) during the biennium ending June 30, 2017. 86004

ADMINISTRATIVE ASSESSMENTS 86005

Notwithstanding any other provision of law to the contrary, 86006  
the Division of Administration Fund (Fund 1630) is entitled to 86007  
receive assessments from all operating funds of the Department in 86008  
accordance with procedures prescribed by the Director of Commerce 86009  
and approved by the Director of Budget and Management. 86010

**Section 243.10.** OCC OFFICE OF CONSUMERS' COUNSEL 86011

Dedicated Purpose Fund Group				86012
5F50 053601 Operating Expenses	\$	5,641,093	\$ 5,641,093	86013
TOTAL DPF Dedicated Purpose Fund Group	\$	5,641,093	\$ 5,641,093	86014
TOTAL ALL BUDGET FUND GROUPS	\$	5,641,093	\$ 5,641,093	86015

**Section 245.10. CEB CONTROLLING BOARD** 86017

General Revenue Fund				86018
GRF 911423 Absent Voter's Ballot Applications	\$	0	\$ 1,250,000	86019
GRF 911441 Ballot Advertising Costs	\$	475,000	\$ 475,000	86020
TOTAL GRF General Revenue Fund	\$	475,000	\$ 1,725,000	86021
Internal Service Activity Fund Group				86022
5KM0 911614 CB Emergency Purposes	\$	10,000,000	\$ 10,000,000	86023
TOTAL ISA Internal Service Activity Fund Group	\$	10,000,000	\$ 10,000,000	86025
TOTAL ALL BUDGET FUND GROUPS	\$	10,475,000	\$ 11,725,000	86026

**FEDERAL SHARE** 86027

In transferring appropriations to or from appropriation items that have federal shares identified in this act, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in this act. Such changes are hereby appropriated.

**ABSENT VOTER'S BALLOT APPLICATION MAILING** 86034

Pursuant to section 111.31 of the Revised Code and upon the request of the Secretary of State, the Controlling Board shall approve cash transfers from the foregoing appropriation item 911423, Absent Voter's Ballot Applications, to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) used by the Secretary

of State to pay the cost of printing and mailing unsolicited 86040  
applications for absent voters' ballots for the general election 86041  
to be held on November 8, 2016. 86042

BALLOT ADVERTISING COSTS 86043

Pursuant to section 3501.17 of the Revised Code, and upon 86044  
requests submitted by the Secretary of State, the Controlling 86045  
Board shall approve transfers from the foregoing appropriation 86046  
item 911441, Ballot Advertising Costs, to appropriation item 86047  
050621, Statewide Ballot Advertising, in order to pay for the cost 86048  
of public notices associated with statewide ballot initiatives. 86049

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS 86050  
ELIGIBILITY 86051

A state agency director shall request that the Controlling 86052  
Board increase the amount of the agency's capital appropriations 86053  
if the director determines such an increase is necessary for the 86054  
agency to receive and use funds under the federal American 86055  
Recovery and Reinvestment Act of 2009. The Controlling Board may 86056  
increase the capital appropriations pursuant to the request up to 86057  
the exact amount necessary under the federal act if the Board 86058  
determines it is necessary for the agency to receive and use those 86059  
federal funds. 86060

DISASTER SERVICES 86061

Pursuant to requests submitted by the Department of Public 86062  
Safety, the Controlling Board may approve transfers from the 86063  
Disaster Services Fund (Fund 5E20) to a fund and appropriation 86064  
item used by the Department of Public Safety to provide for 86065  
assistance to political subdivisions made necessary by natural 86066  
disasters or emergencies. These transfers may be requested and 86067  
approved prior to the occurrence of any specific natural disasters 86068  
or emergencies in order to facilitate the provision of timely 86069  
assistance. The Emergency Management Agency of the Department of 86070

Public Safety shall use the funding to fund the State Disaster 86071  
Relief Program for disasters that have a written Governor's 86072  
authorization, and the State Individual Assistance Program for 86073  
disasters that have a written Governor's authorization and is 86074  
declared by the federal Small Business Administration. The Ohio 86075  
Emergency Management Agency shall publish and make available 86076  
application packets outlining procedures for the State Disaster 86077  
Relief Program and the State Individual Assistance Program. 86078

Fund 5E20 shall be used by the Controlling Board, pursuant to 86079  
requests submitted by state agencies, to transfer cash and 86080  
appropriations to any fund and appropriation item for the payment 86081  
of state agency disaster relief program expenses for disasters 86082  
that have a written Governor's authorization, if the Director of 86083  
Budget and Management determines that sufficient funds exist. 86084

**Section 247.10. COS STATE BOARD OF COSMETOLOGY** 86085

Dedicated Purpose Fund Group 86086  
4K90 879609 Operating Expenses \$ 3,758,000 \$ 3,818,530 86087  
TOTAL DPF Dedicated Purpose Fund 86088  
Group \$ 3,758,000 \$ 3,818,530 86089  
TOTAL ALL BUDGET FUND GROUPS \$ 3,758,000 \$ 3,818,530 86090

**Section 249.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 86092  
AND FAMILY THERAPIST BOARD** 86093

Dedicated Purpose Fund Group 86094  
4K90 899609 Operating Expenses \$ 1,287,029 \$ 1,301,462 86095  
TOTAL DPF Dedicated Purpose Fund \$ 1,287,029 \$ 1,301,462 86096  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 1,287,029 \$ 1,301,462 86097

**Section 251.10. CLA COURT OF CLAIMS** 86099

General Revenue Fund 86100

GRF 015321	Operating Expenses	\$	2,562,959	\$	2,536,419	86101
TOTAL GRF	General Revenue Fund	\$	2,562,959	\$	2,536,419	86102
Dedicated Purpose Fund Group						86103
5K20 015603	CLA Victims of Crime	\$	427,184	\$	434,019	86104
TOTAL DPF	Dedicated Purpose					86105
Fund Group		\$	427,184	\$	434,019	86106
TOTAL ALL BUDGET FUND GROUPS		\$	2,990,143	\$	2,970,438	86107

**Section 253.10. DEN STATE DENTAL BOARD** 86109

Dedicated Purpose Fund Group						86110
4K90 880609	Operating Expenses	\$	1,591,884	\$	1,591,884	86111
TOTAL DPF	Dedicated Purpose					86112
Fund Group		\$	1,591,884	\$	1,591,884	86113
TOTAL ALL BUDGET FUND GROUPS		\$	1,591,884	\$	1,591,884	86114

**Section 255.10. BDP BOARD OF DEPOSIT** 86116

Dedicated Purpose Fund Group						86117
4M20 974601	Board of Deposit	\$	1,876,000	\$	1,876,000	86118
TOTAL DPF	Dedicated Purpose Fund					86119
Group		\$	1,876,000	\$	1,876,000	86120
TOTAL ALL BUDGET FUND GROUPS		\$	1,876,000	\$	1,876,000	86121

**BOARD OF DEPOSIT EXPENSE FUND** 86122

Upon receiving certification of expenses from the Treasurer 86123  
of State, the Director of Budget and Management shall transfer 86124  
cash from the Investment Earnings Redistribution Fund (Fund 6080) 86125  
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 86126  
shall be used pursuant to section 135.02 of the Revised Code to 86127  
pay for any and all necessary expenses of the Board of Deposit or 86128  
for banking charges and fees required for the operation of the 86129  
State of Ohio Regular Account. 86130

**Section 257.10. DEV DEVELOPMENT SERVICES AGENCY** 86131

		General Revenue Fund					86132
GRF	195402	Coal Research and Development Program	\$	234,400	\$	234,400	86133
GRF	195405	Minority Business Development	\$	1,722,191	\$	1,722,191	86134
GRF	195407	Travel and Tourism	\$	500,000	\$	500,000	86135
GRF	195415	Business Development Services	\$	2,413,387	\$	2,413,387	86136
GRF	195426	Redevelopment Assistance	\$	525,000	\$	525,000	86137
GRF	195453	Technology Programs and Grants	\$	15,577,641	\$	15,577,641	86138
GRF	195454	Business Assistance	\$	4,256,474	\$	4,256,474	86139
GRF	195455	Appalachia Assistance	\$	5,298,749	\$	5,298,749	86140
GRF	195497	CDBG Operating Match	\$	1,053,200	\$	1,053,200	86141
GRF	195501	Appalachian Local Development Districts	\$	590,000	\$	590,000	86142
GRF	195537	Ohio-Israel Agricultural Initiative	\$	200,000	\$	200,000	86143
GRF	195540	Port Authority Assistance	\$	2,500,000	\$	0	86144
GRF	195541	Federal Research Network	\$	5,000,000	\$	5,000,000	86145
GRF	195542	The Wilds	\$	250,000	\$	0	86146
GRF	195901	Coal Research & Development General Obligation Bond Debt Service	\$	5,991,400	\$	5,038,700	86147
GRF	195905	Third Frontier Research & Development General Obligation Bond Debt	\$	76,591,400	\$	96,212,000	86148

		Service					
GRF	195912	Job Ready Site	\$	18,634,000	\$	15,235,900	86149
		Development General					
		Obligation Bond Debt					
		Service					
TOTAL GRF		General Revenue Fund	\$	141,337,842	\$	153,857,642	86150
		Dedicated Purpose Fund Group					86151
4500	195624	Minority Business	\$	74,905	\$	74,905	86152
		Bonding Program					
		Administration					
4510	195649	Business Assistance	\$	5,000,000	\$	5,000,000	86153
		Programs					
4F20	195639	State Special Projects	\$	102,104	\$	102,104	86154
4F20	195699	Utility Community	\$	500,000	\$	500,000	86155
		Assistance					
4W10	195646	Minority Business	\$	4,000,000	\$	4,000,000	86156
		Enterprise Loan					
5CG0	195679	Alternative Fuel	\$	3,000,000	\$	3,000,000	86157
		Transportation					
5HR0	195622	Defense Development	\$	3,500,000	\$	3,500,000	86158
		Assistance					
5HR0	195662	Incumbent Workforce	\$	7,500,000	\$	7,500,000	86159
		Training Vouchers					
5JR0	195635	Redevelopment Program	\$	100,000	\$	100,000	86160
		Support					
5KN0	195640	Local Government	\$	11,922,500	\$	11,922,500	86161
		Innovation					
5KP0	195645	Historic Rehab	\$	900,000	\$	1,000,000	86162
		Operating					
5M40	195659	Low Income Energy	\$	390,000,000	\$	390,000,000	86163
		Assistance (USF)					
5M50	195660	Advanced Energy Loan	\$	12,000,000	\$	12,000,000	86164
		Programs					

5MH0	195644	SiteOhio Administration	\$	100,000	\$	100,000	86165
5MJ0	195683	TourismOhio Administration	\$	8,000,000	\$	8,000,000	86166
5RD0	195666	Local Government Safety Capital Grant Program	\$	10,000,000	\$	10,000,000	86167
5W50	195690	Travel and Tourism Cooperative Projects	\$	150,000	\$	150,000	86168
5W60	195691	International Trade Cooperative Projects	\$	18,000	\$	18,000	86169
6170	195654	Volume Cap Administration	\$	32,562	\$	32,562	86170
6460	195638	Low- and Moderate- Income Housing Programs	\$	53,000,000	\$	53,000,000	86171
M087	195435	Biomedical Research and Technology Transfer	\$	500,000	\$	500,000	86172
TOTAL DPF Group		Dedicated Purpose Fund	\$	510,400,071	\$	510,500,071	86173
Internal Service Activity Fund Group							86174
1350	195684	Development Services Operations	\$	11,300,000	\$	11,300,000	86175
6850	195636	Development Services Reimbursable Expenditures	\$	700,000	\$	700,000	86176
TOTAL ISA Fund Group		Internal Service Activity	\$	12,000,000	\$	12,000,000	86177
Facilities Establishment Fund Group							86178
5S90	195628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	86180



7009	195664	Innovation Ohio	\$	10,000,000	\$	10,000,000	86181
7010	195665	Research and Development	\$	10,000,000	\$	10,000,000	86182
7037	195615	Facilities Establishment	\$	35,000,000	\$	35,000,000	86183
TOTAL FCE Facilities							86184
Establishment Fund Group			\$	58,000,000	\$	58,000,000	86185
Bond Research & Development Fund Group							86186
7011	195686	Third Frontier Tax Exempt - Operating	\$	1,140,000	\$	1,140,000	86187
7011	195687	Third Frontier Research & Development Projects	\$	78,904,946	\$	78,904,946	86188
7014	195620	Third Frontier Taxable - Operating	\$	1,710,000	\$	1,710,000	86189
7014	195692	Research & Development Taxable Bond Projects	\$	90,850,250	\$	90,850,250	86190
TOTAL BRD Bond Research & Development Fund Group			\$	172,605,196	\$	172,605,196	86191
Capital Projects Fund Group							86192
7003	195663	Clean Ohio Revitalization Operating	\$	600,000	\$	600,000	86193
7012	195688	Job Ready Site Development Operating	\$	300,000	\$	300,000	86194
TOTAL CPF Capital Projects Fund Group			\$	900,000	\$	900,000	86195
Federal Fund Group							86196
3080	195603	Housing Assistance Programs	\$	10,000,000	\$	10,000,000	86197
3080	195609	Small Business	\$	5,271,381	\$	5,271,381	86198

		Administration Grants					
3080	195618	Energy Grants	\$	4,100,000	\$	4,100,000	86199
3080	195670	Home Weatherization Program	\$	20,000,000	\$	20,000,000	86200
3080	195671	Brownfield Redevelopment	\$	3,000,000	\$	3,000,000	86201
3080	195672	Manufacturing Extension Partnership	\$	5,359,305	\$	5,359,305	86202
3080	195675	Procurement Technical Assistance	\$	1,250,000	\$	750,000	86203
3080	195681	SBDC Disability Consulting	\$	1,300,000	\$	1,300,000	86204
3080	195696	State Trade and Export Promotion	\$	486,000	\$	486,000	86205
3350	195610	Energy Programs	\$	200,000	\$	200,000	86206
3AE0	195643	Workforce Development Initiatives	\$	1,500,000	\$	1,500,000	86207
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	5,644,445	\$	5,644,445	86208
3FJ0	195661	Technology Targeted Investment Program	\$	2,260,953	\$	2,260,953	86209
3K80	195613	Community Development Block Grant	\$	65,000,000	\$	65,000,000	86210
3K90	195611	Home Energy Assistance Block Grant	\$	175,000,000	\$	175,000,000	86211
3K90	195614	HEAP Weatherization	\$	25,000,000	\$	25,000,000	86212
3L00	195612	Community Services Block Grant	\$	28,000,000	\$	28,000,000	86213
3V10	195601	HOME Program	\$	25,000,000	\$	25,000,000	86214
TOTAL FED		Federal Fund Group	\$	378,372,084	\$	377,872,084	86215

TOTAL ALL BUDGET FUND GROUPS	\$ 1,273,615,193	\$ 1,285,734,993	86216
<b>Section 257.20.</b> COAL RESEARCH AND DEVELOPMENT PROGRAM			86218
The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office.			86219 86220 86221 86222
TRAVEL AND TOURISM			86223
The foregoing appropriation item 195407, Travel and Tourism, shall be used to promote tourism at Buckeye Lake.			86224 86225
BUSINESS DEVELOPMENT SERVICES			86226
The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Business Services Division and the regional economic development offices and for grants for cooperative economic development ventures.			86227 86228 86229 86230
REDEVELOPMENT ASSISTANCE			86231
The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other urban revitalization programs that may be implemented by the Development Services Agency.			86232 86233 86234 86235
TECHNOLOGY PROGRAMS AND GRANTS			86236
Of the foregoing appropriation item 195453, Technology Programs and Grants, up to \$547,341 in each fiscal year shall be used for operating expenses incurred in administering the Ohio Third Frontier pursuant to sections 184.10 to 184.20 of the Revised Code; up to \$13,000,000 in each fiscal year shall be used for the Thomas Edison Program pursuant to sections 122.28 to 122.38 of the Revised Code, of which not more than ten per cent shall be used for operating expenses incurred in administering the program; and up to \$2,000,000 in each fiscal year shall be used for the Thomas Edison Program to support small- and mid-sized			86237 86238 86239 86240 86241 86242 86243 86244 86245 86246

manufacturers, specifically as follows: up to \$450,000 in each 86247  
fiscal year to assist in accelerating the development and adoption 86248  
of technology for small- and mid-sized manufacturers; up to 86249  
\$450,000 in each fiscal year to assist small- and mid-sized 86250  
manufacturers in adopting emerging digital technologies; up to 86251  
\$425,000 in each fiscal year to develop and manage an accessible 86252  
online inventory of technological resources to support small- and 86253  
mid-sized manufacturers; and up to \$675,000 in each fiscal year to 86254  
administer the Applied Research Grant Program, which is hereby 86255  
created, to award direct cash grant assistance. A grant awarded 86256  
under the Applied Research Grant Program shall not exceed the 86257  
amount matched by the recipient. The Director of Development 86258  
Services shall determine other eligibility criteria and the 86259  
allocation of awards in implementing and administering the Applied 86260  
Research Grant Program. 86261

Of the foregoing appropriation item 195453, Technology 86262  
Programs and Grants, \$950,000 in each fiscal year shall be 86263  
allocated to Connect Ohio to provide broadband mapping and 86264  
technology research and assistance. 86265

**BUSINESS ASSISTANCE** 86266

The foregoing appropriation item 195454, Business Assistance, 86267  
may be used to provide a range of business assistance, including 86268  
grants to local organizations to support economic development 86269  
activities that promote minority business development, small 86270  
business development, entrepreneurship, and exports of Ohio's 86271  
goods and services. This appropriation item shall also be used as 86272  
matching funds for grants from the United States Small Business 86273  
Administration and other federal agencies, pursuant to Public Law 86274  
No. 96-302 as amended by Public Law No. 98-395, and regulations 86275  
and policy guidelines for the programs pursuant thereto. 86276

**APPALACHIA ASSISTANCE** 86277

The foregoing appropriation item 195455, Appalachia 86278  
Assistance, may be used for the administrative costs of planning 86279  
and liaison activities for the Governor's Office of Appalachia, to 86280  
provide financial assistance to projects in Ohio's Appalachian 86281  
counties, and to pay dues for the Appalachian Regional Commission. 86282  
These funds may be used to match federal funds from the 86283  
Appalachian Regional Commission. Programs funded through the 86284  
foregoing appropriation item shall be identified and recommended 86285  
by the local development districts and approved by the Governor's 86286  
Office of Appalachia. The Development Services Agency shall 86287  
conduct compliance and regulatory review of the programs 86288  
recommended by the local development districts. Moneys allocated 86289  
under the foregoing appropriation item may be used to fund 86290  
projects including, but not limited to, those designated by the 86291  
local development districts as community investment and rapid 86292  
response projects. 86293

CDBG OPERATING MATCH 86294

The foregoing appropriation item 195497, CDBG Operating 86295  
Match, shall be used as matching funds for grants from the United 86296  
States Department of Housing and Urban Development pursuant to the 86297  
Housing and Community Development Act of 1974 and regulations and 86298  
policy guidelines for the programs pursuant thereto. 86299

APPALACHIAN LOCAL DEVELOPMENT DISTRICTS 86300

The foregoing appropriation item 195501, Appalachian Local 86301  
Development Districts, shall be used to support four local 86302  
development districts. Of the foregoing appropriation amount in 86303  
each fiscal year, \$173,287 shall be allocated to the Ohio Valley 86304  
Regional Development Commission, \$173,287 shall be allocated to 86305  
the Ohio Mid-Eastern Government Association, \$173,287 shall be 86306  
allocated to the Buckeye Hills-Hocking Valley Regional Development 86307  
District, and \$70,139 shall be allocated to the Eastgate Regional 86308  
Council of Governments. Local development districts receiving 86309

funding under this section shall use the funds for the 86310  
implementation and administration of programs and duties under 86311  
section 107.21 of the Revised Code. 86312

OHIO-ISRAEL AGRICULTURAL INITIATIVE 86313

The foregoing appropriation item 195537, Ohio-Israel 86314  
Agricultural Initiative, shall be used for the Ohio-Israel 86315  
Agricultural Initiative. 86316

PORT AUTHORITY ASSISTANCE 86317

The foregoing appropriation item 195540, Port Authority 86318  
Assistance, shall be used to distribute a grant to the Montgomery 86319  
County Port Authority for the Midtown Redevelopment Initiative. 86320

FEDERAL RESEARCH NETWORK 86321

The foregoing appropriation item 195541, Federal Research 86322  
Network, shall be allocated to Applied Research Corporation to 86323  
collaborate with Wright Patterson Air Force Base, NASA Glenn 86324  
Research Center, Ohio's research universities, and the private 86325  
sector to align the state's research assets with emerging missions 86326  
and job growth opportunities emanating from the two federal 86327  
installations, strengthen related workforce development and 86328  
technology commercialization programs, and better position the 86329  
state's university system to directly impact new job creation in 86330  
Ohio. A portion of the foregoing appropriation item shall be used 86331  
to support the growth of small business federal contractors in the 86332  
state and expand the participation of Ohio businesses in the 86333  
federal Small Business Innovation Research Program and related 86334  
federal programs. 86335

THE WILDS 86336

The foregoing appropriation item 195542, The Wilds, shall be 86337  
used to distribute a grant to The Wilds, a nonprofit conservation 86338  
center in Muskingum County, for the development of a public water 86339

connection.	86340
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE	86341 86342
The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.07 of the Revised Code.	86343 86344 86345 86346 86347
THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE	86348 86349
The foregoing appropriation item 195905, Third Frontier Research & Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.10 of the Revised Code.	86350 86351 86352 86353 86354 86355
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE	86356 86357
The foregoing appropriation item 195912, Job Ready Site Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.11 of the Revised Code.	86358 86359 86360 86361 86362
<b>Section 257.30. BUSINESS ASSISTANCE PROGRAMS</b>	86363
The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of tax credit programs, loan servicing, the Ohio Film Office, workforce initiatives, and the Office of Strategic Business Investments.	86364 86365 86366 86367 86368
STATE SPECIAL PROJECTS	86369

The State Special Projects Fund (Fund 4F20), may be used for 86370  
the deposit of private-sector funds from utility companies and for 86371  
the deposit of other miscellaneous state funds. State moneys so 86372  
deposited may also be used to match federal housing grants for the 86373  
homeless. 86374

MINORITY BUSINESS ENTERPRISE LOAN 86375

All repayments from the Minority Development Financing 86376  
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 86377  
Program shall be deposited in the State Treasury to the credit of 86378  
the Minority Business Enterprise Loan Fund (Fund 4W10). 86379

MINORITY BUSINESS BONDING FUND 86380

Notwithstanding Chapters 122., 169., and 175. of the Revised 86381  
Code, the Director of Development Services may, upon the 86382  
recommendation of the Minority Development Financing Advisory 86383  
Board, pledge up to \$10,000,000 in the fiscal year 2016-fiscal 86384  
year 2017 biennium of unclaimed funds administered by the Director 86385  
of Commerce and allocated to the Minority Business Bonding Program 86386  
under section 169.05 of the Revised Code. 86387

If needed for the payment of losses arising from the Minority 86388  
Business Bonding Program, the Director of Budget and Management 86389  
may, at the request of the Director of Development Services, 86390  
request that the Director of Commerce transfer unclaimed funds 86391  
that have been reported by holders of unclaimed funds under 86392  
section 169.05 of the Revised Code to the Minority Bonding Fund 86393  
(Fund 4490). The transfer of unclaimed funds shall only occur 86394  
after proceeds of the initial transfer of \$2,700,000 by the 86395  
Controlling Board to the Minority Business Bonding Program have 86396  
been used for that purpose. If expenditures are required for 86397  
payment of losses arising from the Minority Business Bonding 86398  
Program, such expenditures shall be made from appropriation item 86399  
195658, Minority Business Bonding Contingency in the Minority 86400



Business Bonding Fund, and such amounts are hereby appropriated. 86401

DEFENSE DEVELOPMENT ASSISTANCE 86402

The Director of Budget and Management shall transfer 86403  
\$3,500,000 in cash in each fiscal year from the Economic 86404  
Development Programs Fund (Fund 5JC0) used by the Department of 86405  
Higher Education to the Ohio Incumbent Workforce Job Training Fund 86406  
(Fund 5HR0) used by the Development Services Agency. The 86407  
transferred funds shall be used for appropriation item 195622, 86408  
Defense Development Assistance, to be allocated to Development 86409  
Projects, Inc., for economic development programs and the creation 86410  
of new jobs to leverage and support mission gains at Department of 86411  
Defense and related facilities in Ohio by working with future base 86412  
realignment and closure activities and ongoing Department of 86413  
Defense efficiency and partnership initiatives, assisting efforts 86414  
to secure Department of Defense support contracts for Ohio 86415  
companies, assessing and supporting regional job training and 86416  
workforce development needs generated by the Department of Defense 86417  
and the Ohio aerospace industry, promoting technology transfer to 86418  
Ohio businesses, and for expanding job training and economic 86419  
development programs in human performance and cyber security 86420  
related initiatives. 86421

On July 1, 2016, or as soon as possible thereafter, the 86422  
Director of Development Services may request that the Director of 86423  
Budget and Management reappropriate any unexpended, unencumbered 86424  
balance of the prior fiscal year's appropriation to the foregoing 86425  
appropriation item 195622, Defense Development Assistance, for 86426  
fiscal year 2017. The Director of Budget and Management may 86427  
request additional information necessary for evaluating the 86428  
request, and the Director of Development Services shall provide 86429  
the requested information to the Director of Budget and 86430  
Management. Based on the information provided by the Director of 86431  
Development Services, the Director of Budget and Management shall 86432

determine the amount to be reappropriated, and those amounts are 86433  
hereby reappropriated for fiscal year 2017. 86434

INCUMBENT WORKFORCE TRAINING VOUCHERS 86435

(A) The Director of Budget and Management may transfer up to 86436  
\$7,500,000 cash in each fiscal year from the Economic Development 86437  
Programs Fund (Fund 5JC0) used by the Department of Higher 86438  
Education to the Ohio Incumbent Workforce Job Training Fund (Fund 86439  
5HR0) used by the Development Services Agency. 86440

(B) The foregoing appropriation item 195662, Incumbent 86441  
Workforce Training Vouchers, shall be used to support the Ohio 86442  
Incumbent Workforce Training Voucher Program. 86443

(C) The Ohio Incumbent Workforce Training Voucher Program 86444  
shall conform to guidelines for the operation of the program, 86445  
including, but not limited to, the following: 86446

(1) A requirement that a training voucher under the program 86447  
shall not exceed \$6,000 per worker per year; 86448

(2) A provision for an employer of an eligible employee to 86449  
apply for a voucher on behalf of the eligible employee; 86450

(3) A provision for an eligible employee to apply directly 86451  
for a training voucher with the pre-approval of the employee's 86452  
employer; and 86453

(4) A requirement that an employee participating in the 86454  
program, or the employee's employer, shall pay for not less than 86455  
thirty-three per cent of the training costs under the program. 86456

On July 1, 2016, or as soon as possible thereafter, the 86457  
Director of Development Services may request that the Director of 86458  
Budget and Management reappropriate any unexpended, unencumbered 86459  
balance of the prior fiscal year's appropriation to the foregoing 86460  
appropriation item 195662, Incumbent Workforce Training Vouchers, 86461  
for fiscal year 2017. The Director of Budget and Management may 86462

request additional information necessary for evaluating the 86463  
request, and the Director of Development Services shall provide 86464  
the requested information to the Director of Budget and 86465  
Management. Based on the information provided by the Director of 86466  
Development Services, the Director of Budget and Management shall 86467  
determine the amount to be reappropriated, and those amounts are 86468  
hereby reappropriated for fiscal year 2017. 86469

LOCAL GOVERNMENT INNOVATION FUND 86470

The foregoing appropriation item 195640, Local Government 86471  
Innovation, shall be used for the purposes of making loans and 86472  
grants to political subdivisions under the Local Government 86473  
Innovation Program in accordance with sections 189.01 to 189.10 of 86474  
the Revised Code, and for the purposes of making loans and grants 86475  
to political subdivisions and grants to the Department of 86476  
Administrative Services under the Local Government Efficiency 86477  
Program. Of the foregoing appropriation item 195640, Local 86478  
Government Innovation, up to \$200,000 in each fiscal year shall be 86479  
used for administrative costs incurred by the Development Services 86480  
Agency, of which up to \$25,000 in each fiscal year may be used for 86481  
the costs of preparing a report involving the local government 86482  
information exchange. Of the foregoing appropriation item 195640, 86483  
Local Government Innovation, up to \$75,000 in each fiscal year may 86484  
be used to administer and provide technical assistance in 86485  
providing the grants or loans involving the local government 86486  
information exchange. In administering and providing this 86487  
technical assistance, the Director of Development Services may 86488  
enter into agreements with the Director of Administrative Services 86489  
or other entities. 86490

ADVANCED ENERGY LOAN PROGRAMS 86491

The foregoing appropriation item 195660, Advanced Energy Loan 86492  
Programs, shall be used to provide financial assistance to 86493  
customers for eligible advanced energy projects for residential, 86494

commercial, and industrial business, local government, educational 86495  
institution, nonprofit, and agriculture customers, and to pay for 86496  
the program's administrative costs as provided in sections 4928.61 86497  
to 4928.63 of the Revised Code and rules adopted by the Director 86498  
of Development Services. 86499

LOCAL GOVERNMENT SAFETY CAPITAL GRANT PROGRAM 86500

The foregoing appropriation item 195666, Local Government 86501  
Safety Capital Grant Program, shall be used for the Local 86502  
Government Safety Capital Grant Program as described in Section 86503  
767.10 of this act. 86504

TRAVEL AND TOURISM COOPERATIVE PROJECTS 86505

The foregoing appropriation item 195690, Travel and Tourism 86506  
Cooperative Projects, shall be used for the marketing and 86507  
promotion of travel and tourism in Ohio. The Travel and Tourism 86508  
Cooperative Projects Fund (Fund 5W50) shall consist solely of 86509  
leveraged private sector paid advertising dollars received in 86510  
tourism marketing assistance and co-op programs. 86511

VOLUME CAP ADMINISTRATION 86512

The foregoing appropriation item 195654, Volume Cap 86513  
Administration, shall be used for expenses related to the 86514  
administration of the Volume Cap Program. Revenues received by the 86515  
Volume Cap Administration Fund (Fund 6170) shall consist of 86516  
application fees, forfeited deposits, and interest earned from the 86517  
custodial account held by the Treasurer of State. 86518

**Section 257.40.** DEVELOPMENT SERVICES OPERATIONS 86519

The Director of Development Services may assess offices of 86520  
the agency for the cost of central service operations. An 86521  
assessment shall contain the characteristics of administrative 86522  
ease and uniform application. A division's payments shall be 86523  
credited to the Supportive Services Fund (Fund 1350) using an 86524

intrastate transfer voucher.	86525
DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES	86526
The foregoing appropriation item 195636, Development Services	86527
Reimbursable Expenditures, shall be used for reimbursable costs	86528
incurred by the agency. Revenues to the General Reimbursement Fund	86529
(Fund 6850) shall consist of moneys charged for administrative	86530
costs that are not central service costs.	86531
<b>Section 257.50. CAPITAL ACCESS LOAN PROGRAM</b>	86532
The foregoing appropriation item 195628, Capital Access Loan	86533
Program, shall be used for operating, program, and administrative	86534
expenses of the program. Funds of the Capital Access Loan Program	86535
shall be used to assist participating financial institutions in	86536
making program loans to eligible businesses that face barriers in	86537
accessing working capital and obtaining fixed-asset financing.	86538
INNOVATION OHIO LOAN FUND	86539
The foregoing appropriation item 195664, Innovation Ohio,	86540
shall be used to provide for Innovation Ohio purposes, including	86541
loan guarantees and loans under Chapter 166. and particularly	86542
sections 166.12 to 166.16 of the Revised Code.	86543
RESEARCH AND DEVELOPMENT	86544
The foregoing appropriation item 195665, Research and	86545
Development, shall be used to provide for research and development	86546
purposes, including loans, under Chapter 166. and particularly	86547
sections 166.17 to 166.21 of the Revised Code.	86548
FACILITIES ESTABLISHMENT	86549
The foregoing appropriation item 195615, Facilities	86550
Establishment, shall be used for the purposes of the Facilities	86551
Establishment Fund (Fund 7037) under Chapter 166. of the Revised	86552
Code.	86553

Notwithstanding Chapter 166. of the Revised Code, an amount 86554  
not to exceed \$3,500,000 in cash in each fiscal year may be 86555  
transferred from the Facilities Establishment Fund (Fund 7037) to 86556  
the Business Assistance Fund (Fund 4510). The transfer is subject 86557  
to Controlling Board approval under division (B) of section 166.03 86558  
of the Revised Code. 86559

Notwithstanding Chapter 166. of the Revised Code, the 86560  
Director of Budget and Management may transfer an amount not to 86561  
exceed \$2,000,000 in cash in each fiscal year from the Facilities 86562  
Establishment Fund (Fund 7037) to the Minority Business Enterprise 86563  
Loan Fund (Fund 4W10). 86564

Notwithstanding Chapter 166. of the Revised Code, the 86565  
Director of Budget and Management may transfer an amount not to 86566  
exceed \$2,000,000 in cash in each fiscal year from the Facilities 86567  
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 86568  
(Fund 5S90). 86569

**Section 257.60. THIRD FRONTIER OPERATING COSTS** 86570

The foregoing appropriation items 195686, Third Frontier Tax 86571  
Exempt - Operating, and 195620, Third Frontier Taxable - 86572  
Operating, shall be used for operating expenses incurred by the 86573  
Development Services Agency in administering projects pursuant to 86574  
sections 184.10 to 184.20 of the Revised Code. Operating expenses 86575  
paid from appropriation item 195686 shall be limited to the 86576  
administration of projects funded from the Third Frontier Research 86577  
& Development Fund (Fund 7011) and operating expenses paid from 86578  
appropriation item 195620 shall be limited to the administration 86579  
of projects funded from the Third Frontier Research & Development 86580  
Taxable Bond Project Fund (Fund 7014). 86581

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 86582  
PROJECTS 86583

The foregoing appropriation items 195687, Third Frontier  
Research & Development Projects, 195692, Research & Development  
Taxable Bond Projects, and 195620, Third Frontier Taxable -  
Operating, shall be used by the Development Services Agency to  
fund selected projects. Eligible costs are those costs of research  
and development projects to which the proceeds of the Third  
Frontier Research & Development Fund (Fund 7011) and the Research  
& Development Taxable Bond Project Fund (Fund 7014) are to be  
applied.

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS

The Director of Budget and Management may approve written  
requests from the Director of Development Services for the  
transfer of appropriations between appropriation items 195687,  
Third Frontier Research & Development Projects, and 195692,  
Research & Development Taxable Bond Projects, based upon awards  
recommended by the Third Frontier Commission.

In fiscal year 2017, the Director of Development Services may  
request that the Director of Budget and Management reappropriate  
any unexpended, unencumbered balances of the prior fiscal year's  
appropriation to the foregoing appropriation items 195687, Third  
Frontier Research & Development Projects, and 195692, Research &  
Development Taxable Bond Projects, for fiscal year 2017. The  
Director of Budget and Management may request additional  
information necessary for evaluating these requests, and the  
Director of Development Services shall provide the requested  
information to the Director of Budget and Management. Based on the  
information provided by the Director of Development Services, the  
Director of Budget and Management shall determine the amounts to  
be reappropriated, and those amounts are hereby reappropriated for  
fiscal year 2017.

**Section 257.70.** CLEAN OHIO REVITALIZATION OPERATING

The foregoing appropriation item 195663, Clean Ohio Revitalization Operating, shall be used by the Development Services Agency in administering Clean Ohio Revitalization Fund (Fund 7003) projects pursuant to sections 122.65 to 122.658 of the Revised Code.

**JOB READY SITE DEVELOPMENT OPERATING** 86620

The foregoing appropriation item 195688, Job Ready Site Development Operating, shall be used for operating expenses incurred by the Development Services Agency in administering Job Ready Site Development Fund (Fund 7012) projects pursuant to sections 122.085 to 122.0820 of the Revised Code. Operating expenses include, but are not limited to, certain qualified expenses of the District Public Works Integrating Committees, as applicable, engineering review of submitted applications by the State Architect or a third-party engineering firm, audit and accountability activities, and costs associated with formal certifications verifying that site infrastructure is in place and is functional.

**Section 257.80. HEAP WEATHERIZATION** 86633

Up to twenty-five per cent of the federal funds deposited to the credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) may be expended from appropriation item 195614, HEAP Weatherization, to provide home weatherization services in the state as determined by the Director of Development Services. Any transfers or increases in appropriation for the foregoing appropriation items 195614, HEAP Weatherization, or 195611, Home Energy Assistance Block Grant, shall be subject to approval by the Controlling Board.

**Section 257.90. REPORT ON ENTREPRENEURIAL BUSINESS INCUBATORS** 86643

86644



(A) For the purposes of this section, "entrepreneurial business incubator" is defined as an entity supporting startup companies, offering a collaborative environment, and providing access to support services, technical expertise, and business assistance resources to help innovators grow their business ideas into independent job-creating companies.

(B) By December 31, 2015, the Development Services Agency shall produce a report and make it publicly available on the agency's web site. The report shall map and review entrepreneurial business incubators in the state of Ohio, and specifically:

(1) Identify locations and available support services, unmet service areas, and duplication of service at entrepreneurial business incubators;

(2) Classify the industry of member entrepreneurs receiving services by the following categories: advanced manufacturing, aerospace and aviation, agribusiness, food processing, automotive supply chain, biohealth, energy, information technology, polymers, chemicals, and additional industry sectors, as determined by the Development Services Agency

(3) Gather data on member entrepreneurs based on jobs, capital investment, and sales; and

(4) Describe characteristics of incubators that successfully graduate companies to be independent job creators for Ohio.

**Section 259.10.** DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 86668

General Revenue Fund 86669

GRF 320321 Central Administration \$ 150,000 \$ 150,000 86670

GRF 320412 Protective Services \$ 2,418,196 \$ 2,418,196 86671

GRF 320415 Developmental Disabilities \$ 20,817,900 \$ 19,902,200 86672

		Facilities Lease				
		Rental Bond Payments				
GRF	322420	Screening and Early Intervention	\$	800,000	\$	800,000 86673
GRF	322451	Family Support Services	\$	5,932,758	\$	5,932,758 86674
GRF	322501	County Boards Subsidies	\$	44,149,280	\$	44,149,280 86675
GRF	322503	Tax Equity	\$	14,000,000	\$	14,000,000 86676
GRF	322507	County Board Case Management	\$	2,500,000	\$	2,500,000 86677
GRF	322508	Employment First Initiative	\$	5,800,000	\$	5,800,000 86678
GRF	322509	Community Supports & Rental Assistance	\$	750,000	\$	750,000 86679
GRF	653321	Medicaid Program Support - State	\$	6,186,694	\$	6,186,694 86680
GRF	653407	Medicaid Services	\$	475,385,900	\$	527,734,630 86681
TOTAL GRF		General Revenue Fund	\$	578,890,728	\$	630,323,758 86682
		Dedicated Purpose Fund Group				86683
5GE0	320606	Operating and Services	\$	10,107,297	\$	10,107,297 86684
5QM0	320607	System Transformation Supports	\$	4,500,000	\$	4,500,000 86685
2210	322620	Supplement Service Trust	\$	150,000	\$	150,000 86686
5DJ0	322625	Targeted Case Management Match	\$	38,000,000	\$	43,000,000 86687
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000 86688
5H00	322619	Medicaid Repayment	\$	160,000	\$	160,000 86689
5JX0	322651	Interagency Workgroup - Autism	\$	25,000	\$	25,000 86690

4890	653632	DC Direct Care Services	\$	10,050,000	\$	10,050,000	86691
5CT0	653607	Intensive Behavioral Needs	\$	1,000,000	\$	1,000,000	86692
5DJ0	653626	Targeted Case Management Services	\$	101,000,000	\$	113,000,000	86693
5EV0	653627	Medicaid Program Support	\$	1,500,000	\$	1,500,000	86694
5GE0	653606	ICF/IID and Waiver Match	\$	37,682,901	\$	37,575,865	86695
5S20	653622	Medicaid Admin and Oversight	\$	19,032,154	\$	19,032,154	86696
5Z10	653624	County Board Waiver Match	\$	382,814,610	\$	426,207,065	86697
TOTAL DPF Dedicated Purpose Fund Group			\$	606,771,962	\$	667,057,381	86698
Internal Service Activity Fund Group							86699
1520	653609	DC and Residential Operating Services	\$	11,000,000	\$	11,000,000	86700
TOTAL ISA Internal Service Activity Fund Group							86701
			\$	11,000,000	\$	11,000,000	86702
Federal Fund Group							86703
3A50	320613	DD Council	\$	3,324,187	\$	3,324,187	86704
3250	322612	Community Social Service Programs	\$	10,604,896	\$	10,604,896	86705
3A40	653604	DC & ICF/IID Program Support	\$	8,013,611	\$	8,013,611	86706
3A40	653605	DC and Residential Services and Support	\$	92,423,968	\$	84,604,417	86707
3A40	653653	ICF/IID	\$	356,362,616	\$	364,283,407	86708
3G60	653639	Medicaid Waiver Services	\$	1,033,041,325	\$	1,169,772,548	86709

3G60 653640	Medicaid Waiver	\$ 46,525,638	\$ 47,225,486	86710
	Program Support			
3M70 653650	CAFS Medicaid	\$ 3,000,000	\$ 3,000,000	86711
TOTAL FED	Federal Fund Group	\$ 1,553,296,241	\$ 1,690,828,552	86712
TOTAL ALL BUDGET FUND GROUPS		\$ 2,749,958,931	\$ 2,999,209,691	86713

**Section 259.20.** DEVELOPMENTAL DISABILITIES FACILITIES 86715

LEASE-RENTAL BOND PAYMENTS 86716

The foregoing appropriation item 320415, Developmental 86717  
Disabilities Facilities Lease Rental Bond Payments, shall be used 86718  
to meet all payments during the period from July 1, 2015, through 86719  
June 30, 2017, by the Department of Developmental Disabilities 86720  
under leases and agreements made under section 154.20 of the 86721  
Revised Code. These appropriations are the source of funds pledged 86722  
for bond service charges on related obligations issued under 86723  
Chapter 154. of the Revised Code. 86724

**Section 259.30.** SCREENING AND EARLY INTERVENTION 86725

At the discretion of the Director of Developmental 86726  
Disabilities, the foregoing appropriation item 322420, Screening 86727  
and Early Intervention, shall be used for professional and program 86728  
development related to early identification/screening and 86729  
intervention for children with autism and other complex 86730  
developmental disabilities and their families. 86731

Of the foregoing appropriation item 322420, Screening and 86732  
Early Intervention, \$500,000 in each fiscal year shall be provided 86733  
to the Childhood League Center to pilot and spread in Franklin 86734  
County the Play and Language for Autistic Youngsters Project 86735  
curriculum for autism training services and to increase capacity 86736  
for developmentally delayed children in Franklin County. 86737

**Section 259.40.** FAMILY SUPPORT SERVICES SUBSIDY 86738

The foregoing appropriation item 322451, Family Support Services, may be used as follows in fiscal year 2016 and fiscal year 2017:

(A) The appropriation item may be used to provide a subsidy to county boards of developmental disabilities for family support services provided under section 5126.11 of the Revised Code. The subsidy shall be paid in quarterly installments and allocated to county boards according to a formula the Director of Developmental Disabilities shall develop in consultation with representatives of county boards. A county board shall use not more than seven per cent of its subsidy for administrative costs.

(B) The appropriation item may be used to distribute funds to county boards for the purpose of addressing economic hardships and to promote efficiency of operations. In consultation with representatives of county boards, the Director shall determine the amount of funds to distribute for these purposes and the criteria for distributing the funds.

**Section 259.50. STATE SUBSIDY TO COUNTY DD BOARDS**

(A) Except as provided in the section of this act titled "NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing appropriation item 322501, County Boards Subsidies, shall be used for the following purposes:

(1) To provide a subsidy to county boards of developmental disabilities in quarterly installments and allocated according to a formula developed by the Director of Developmental Disabilities in consultation with representatives of county boards. Except as provided in section 5126.0511 of the Revised Code or in division (B) of this section, county boards shall use the subsidy for early childhood services and adult services provided under section 5126.05 of the Revised Code, service and support administration provided under section 5126.15 of the Revised Code, or supported

living as defined in section 5126.01 of the Revised Code. 86770

(2) To provide funding, as determined necessary by the 86771  
Director, for residential services, including room and board, and 86772  
support service programs that enable individuals with 86773  
developmental disabilities to live in the community. 86774

(3) To distribute funds to county boards of developmental 86775  
disabilities to address economic hardships and promote efficiency 86776  
of operations. The Director shall determine, in consultation with 86777  
representatives of county boards, the amount of funds to 86778  
distribute for these purposes and the criteria for distributing 86779  
the funds. 86780

(B) In collaboration with the county's family and children 86781  
first council, a county board of developmental disabilities may 86782  
transfer portions of funds received under this section, to a 86783  
flexible funding pool in accordance with the section of this act 86784  
titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 86785

**Section 259.60. COUNTY BOARD SHARE OF WAIVER SERVICES** 86786

As used in this section, "home and community-based services" 86787  
has the same meaning as in section 5123.01 of the Revised Code. 86788

The Director of Developmental Disabilities shall establish a 86789  
methodology to be used in fiscal year 2016 and fiscal year 2017 to 86790  
estimate the quarterly amount each county board of developmental 86791  
disabilities is to pay of the nonfederal share of home and 86792  
community-based services that section 5126.0510 of the Revised 86793  
Code requires county boards to pay. Each quarter, the Director 86794  
shall submit to a county board written notice of the amount the 86795  
county board is to pay for that quarter. The notice shall specify 86796  
when the payment is due. 86797

**Section 259.70. TAX EQUITY** 86798

Notwithstanding section 5126.18 of the Revised Code, the 86799  
foregoing appropriation item 322503, Tax Equity, may be used to 86800  
distribute funds to county boards of developmental disabilities to 86801  
address economic hardships and promote efficiency of operations. 86802  
The Director of Developmental Disabilities shall determine, in 86803  
consultation with representatives of county boards, the amount of 86804  
funds to distribute for these purposes and the criteria for 86805  
distributing the funds. 86806

**Section 259.80. MEDICAID SERVICES** 86807

(A) As used in this section "home and community-based 86808  
services" has the same meaning as in section 5123.01 of the 86809  
Revised Code and "ICF/IID services" has the same meaning as in 86810  
section 5124.01 of the Revised Code. 86811

(B) Except as provided in section 5123.0416 of the Revised 86812  
Code, the purposes for which the foregoing appropriation item 86813  
653407, Medicaid Services, shall be used include the following: 86814

(1) Home and community-based services; 86815

(2) Implementation of the requirements of the agreement 86816  
settling the consent decree in Sermak v. Manuel, Case No. 86817  
C-2-80-220, United States District Court for the Southern District 86818  
of Ohio, Eastern Division; 86819

(3) Implementation of the requirements of the agreement 86820  
settling the consent decree in the Martin v. Strickland, Case No. 86821  
89-CV-00362, United States District Court for the Southern 86822  
District of Ohio, Eastern Division; 86823

(4) ICF/IID services; 86824

(5) Other programs as identified by the Director of 86825  
Developmental Disabilities; and 86826

(6) \$8,000,000 in fiscal year 2016 and \$12,000,000 in fiscal 86827  
year 2017 shall be distributed to county boards of developmental 86828

disabilities to be used to maintain current Medicaid waiver 86829  
levels. 86830

**Section 259.90. EMPLOYMENT FIRST INITIATIVE** 86831

The foregoing appropriation item 322508, Employment First 86832  
Initiative, shall be used to increase employment opportunities for 86833  
individuals with developmental disabilities through the Employment 86834  
First Initiative in accordance with section 5123.022 of the 86835  
Revised Code. 86836

Of the foregoing appropriation item, 322508, Employment First 86837  
Initiative, the Director of Developmental Disabilities shall 86838  
transfer, in each fiscal year, to the Opportunities for Ohioans 86839  
with Disabilities Agency an amount agreed upon by the Director of 86840  
Developmental Disabilities and the Executive Director of the 86841  
Opportunities for Ohioans with Disabilities Agency. The transfer 86842  
shall be made via an intrastate transfer voucher. The transferred 86843  
funds shall be used to support the Employment First Initiative. 86844  
The Opportunities for Ohioans with Disabilities Agency shall use 86845  
the funds transferred as state matching funds to obtain available 86846  
federal grant dollars for vocational rehabilitation services. Any 86847  
federal match dollars received by the Opportunities for Ohioans 86848  
with Disabilities Agency shall be used for the initiative. The 86849  
Director of Developmental Disabilities and the Executive Director 86850  
of the Opportunities for Ohioans with Disabilities Agency shall 86851  
enter into an interagency agreement in accordance with section 86852  
3304.181 of the Revised Code that will specify the 86853  
responsibilities of each agency under the initiative. Under the 86854  
interagency agreement, the Opportunities for Ohioans with 86855  
Disabilities Agency shall retain responsibility for eligibility 86856  
determination, order of selection, plan approval, plan amendment, 86857  
and release of vendor payments. 86858

The remainder of appropriation item 322508, Employment First 86859



Initiative, shall be used to develop a long term, sustainable 86860  
system that places individuals with developmental disabilities in 86861  
community employment, as defined in section 5123.022 of the 86862  
Revised Code. 86863

**Section 259.100.** OPERATING AND SERVICES 86864

Of the foregoing appropriation item 320606, Operating and 86865  
Services, \$100,000 in each fiscal year shall be provided to the 86866  
Ohio Center for Autism and Low Incidence to establish a lifespan 86867  
autism hub to support families and professionals. 86868

**Section 259.110.** TARGETED CASE MANAGEMENT SERVICES 86869

County boards of developmental disabilities shall pay the 86870  
nonfederal portion of targeted case management costs to the 86871  
Department of Developmental Disabilities. 86872

The Director of Developmental Disabilities and the Medicaid 86873  
Director may enter into an interagency agreement under which the 86874  
Department of Developmental Disabilities shall transfer cash from 86875  
the Targeted Case Management Fund (Fund 5DJ0) to the Health 86876  
Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used by the 86877  
Department of Medicaid in an amount equal to the nonfederal 86878  
portion of the cost of targeted case management services paid by 86879  
county boards. Under the agreement, the Department of Medicaid 86880  
shall pay the total cost of targeted case management claims. The 86881  
transfer shall be made using an intrastate transfer voucher. 86882

**Section 259.120.** WITHHOLDING OF FUNDS OWED THE DEPARTMENT 86883

If a county board of developmental disabilities does not 86884  
fully pay any amount owed to the Department of Developmental 86885  
Disabilities by the due date established by the Department, the 86886  
Director of Developmental Disabilities may withhold the amount the 86887  
county board did not pay from any amounts due to the county board. 86888

The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the Department in an amount equal to the amount owed the Department that the county board did not pay. Transfers under this section shall be made using an intrastate transfer voucher.

**Section 259.130. DEVELOPMENTAL CENTER BILLING FOR SERVICES**

Developmental centers of the Department of Developmental Disabilities may provide services to persons with mental retardation or developmental disabilities living in the community or to providers of services to these persons. The Department may develop a method for recovery of all costs associated with the provision of these services.

**Section 259.140. NONFEDERAL MATCH FOR ACTIVE TREATMENT SERVICES**

Any county funds received by the Department of Developmental Disabilities from county boards of developmental disabilities for active treatment shall be deposited in the Developmental Disabilities Operating Fund (Fund 4890).

**Section 259.150. ODODD INNOVATIVE PILOT PROJECTS**

(A) In fiscal year 2016 and fiscal year 2017, the Director of Developmental Disabilities may authorize the continuation or implementation of one or more innovative pilot projects that, in the judgment of the Director, are likely to assist in promoting the objectives of Chapter 5123. or 5126. of the Revised Code. Subject to division (B) of this section and notwithstanding any provision of Chapters 5123. and 5126. of the Revised Code and any rule adopted under either chapter, a pilot project authorized by the Director may be continued or implemented in a manner inconsistent with one or more provisions of either chapter or one

or more rules adopted under either chapter. Before authorizing a pilot program, the Director shall consult with entities interested in the issue of developmental disabilities, including the Ohio Provider Resource Association, Ohio Association of County Boards of Developmental Disabilities, Ohio Health Care Association/Ohio Centers for Intellectual Disabilities, the Values and Faith Alliance, and ARC of Ohio.

(B) The Director may not authorize a pilot project to be implemented in a manner that would cause the state to be out of compliance with any requirements for a program funded in whole or in part with federal funds.

**Section 259.160.** FISCAL YEAR 2016 MEDICAID PAYMENT RATES FOR ICFs/IID IN PEER GROUPS 1 AND 2

(A) As used in this section:

(1) "Change of operator," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer group 1," "peer group 2," "peer group 3," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.

(2) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.

(B)(1) This section applies to each ICF/IID that is in peer group 1 or peer group 2 and to which any of the following applies:

(a) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2015, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2016.

(b) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2016, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the

entering operator has a valid Medicaid provider agreement for the 86948  
ICF/IID during fiscal year 2016. 86949

(c) The ICF/IID is a new ICF/IID for which the provider 86950  
obtains an initial provider agreement during fiscal year 2016. 86951

(2) This section does not apply to an ICF/IID in peer group 86952  
3. 86953

(3) The Department of Developmental Disabilities shall follow 86954  
this section in determining the rate to be paid for ICF/IID 86955  
services provided during fiscal year 2016 by ICFs/IID subject to 86956  
this section notwithstanding anything to the contrary in Chapter 86957  
5124. of the Revised Code. 86958

(C)(1) Except as otherwise provided in this section, the 86959  
provider of an ICF/IID to which this section applies shall be 86960  
paid, for ICF/IID services the ICF/IID provides during fiscal year 86961  
2016, the total per Medicaid day rate determined for the ICF/IID 86962  
under division (C)(2) or (3) of this section. 86963

(2) Except in the case of a new ICF/IID, the fiscal year 2016 86964  
total per Medicaid day rate for an ICF/IID to which this section 86965  
applies shall be the ICF/IID's total per Medicaid day rate 86966  
determined for the ICF/IID in accordance with Chapter 5124. of the 86967  
Revised Code for fiscal year 2016 with the following 86968  
modifications: 86969

(a) The ICF/IID's efficiency incentive for capital costs, as 86970  
determined under division (F) of section 5124.17 of the Revised 86971  
Code, shall be reduced by 50 per cent. 86972

(b) In place of the maximum cost per case-mix unit 86973  
established for the ICF/IID's peer group under division (C) of 86974  
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 86975  
per case-mix unit shall be an amount the Department shall 86976  
determine in accordance with division (E) of this section. 86977

(c) In place of the inflation adjustment otherwise calculated 86978  
under division (D) of section 5124.19 of the Revised Code for the 86979  
purpose of division (A)(1)(b) of that section, an inflation 86980  
adjustment of 1.014 shall be used. 86981

(d) In place of the efficiency incentive otherwise calculated 86982  
under division (B)(2) of section 5124.21 of the Revised Code, the 86983  
ICF/IID's efficiency incentive for indirect care costs shall be 86984  
the following: 86985

(i) In the case of an ICF/IID in peer group 1, \$3.69; 86986

(ii) In the case of an ICF/IID in peer group 2, \$3.19. 86987

(e) In place of the maximum rate for indirect care costs 86988  
established for the ICF/IID's peer group under division (C) of 86989  
section 5124.21 of the Revised Code, the maximum rate for indirect 86990  
care costs for the ICF/IID's peer group shall be the following: 86991

(i) In the case of an ICF/IID in peer group 1, \$68.98; 86992

(ii) In the case of an ICF/IID in peer group 2, \$59.60. 86993

(f) In place of the inflation adjustment otherwise calculated 86994  
under division (D)(1) of section 5124.21 of the Revised Code for 86995  
the purpose of division (B)(1) of that section only, an inflation 86996  
adjustment of 1.014 shall be used. 86997

(g) In place of the inflation adjustment otherwise made under 86998  
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 86999  
actual, allowable, per Medicaid day other protected costs, 87000  
excluding the franchise permit fee, from calendar year 2014 shall 87001  
be multiplied by 1.014. 87002

(3) The fiscal year 2016 initial total per Medicaid day rate 87003  
for a new ICF/IID to which this section applies shall be the 87004  
ICF/IID's initial total per Medicaid day rate determined for the 87005  
ICF/IID in accordance with section 5124.151 of the Revised Code 87006  
for fiscal year 2016 with the following modifications: 87007

(a) In place of the amount determined under division 87008  
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 87009  
cost or resident assessment data for the new ICF/IID, the new 87010  
ICF/IID's initial per Medicaid day rate for direct care costs 87011  
shall be determined as follows: 87012

(i) Determine the median of the costs per case-mix units of 87013  
each peer group; 87014

(ii) Multiply the median determined under division 87015  
(C)(3)(a)(i) of this section by the median annual average case-mix 87016  
score for the new ICF/IID's peer group for calendar year 2014; 87017

(iii) Multiply the product determined under division 87018  
(C)(3)(a)(ii) of this section by 1.014. 87019

(b) In place of the amount determined under division (B)(3) 87020  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 87021  
per Medicaid day rate for indirect care costs shall be the 87022  
following: 87023

(i) If the new ICF/IID is in peer group 1, \$68.98; 87024

(ii) If the new ICF/IID is in peer group 2, \$59.60. 87025

(c) In place of the amount determined under division (B)(4) 87026  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 87027  
per Medicaid day rate for other protected costs shall be 115 per 87028  
cent of the median rate for ICFs/IID determined under section 87029  
5124.23 of the Revised Code with the modification made under 87030  
division (C)(2)(g) of this section. 87031

(D) The total per Medicaid day rate for ICF/IID services an 87032  
ICF/IID in peer group 1 provides in fiscal year 2016 to a Medicaid 87033  
recipient who is admitted as a resident to the ICF/IID on or after 87034  
July 1, 2015, and is placed in the chronic behaviors and typical 87035  
adaptive needs classification or the typical adaptive needs and 87036  
non-significant behaviors classification established for the 87037

grouper methodology prescribed in rules authorized by section 87038  
5124.192 of the Revised Code shall be the lesser of the following: 87039

(1) The rate determined for the ICF/IID under division (C)(2) 87040  
or (3) of this section; 87041

(2) The following rate: 87042

(a) \$206.90 for ICF/IID services the ICF/IID provides to a 87043  
Medicaid recipient in the chronic behaviors and typical adaptive 87044  
needs classification; 87045

(b) \$174.88 for ICF/IID services the ICF/IID provides to a 87046  
Medicaid recipient in the typical adaptive needs and 87047  
non-significant behaviors classification. 87048

(E) In determining, for the purpose of division (C)(2)(b) of 87049  
this section, the maximum costs per case-mix unit for ICFs/IID, 87050  
the Department shall, strive to the greatest extent possible, do 87051  
both of the following: 87052

(1) Avoid rate reductions under division (G) of this section; 87053

(2) Have the amount so determined result in payment of all 87054  
desk-reviewed, actual, allowable direct care costs for the same 87055  
percentage of Medicaid days for ICFs/IID in peer group 1 as for 87056  
ICFs/IID in peer group 2 as of July 1, 2015, based on May 2015 87057  
Medicaid days. 87058

(F) A new ICF/IID's initial total modified per Medicaid day 87059  
rate for fiscal year 2016 as determined under division (C)(3) of 87060  
this section shall be adjusted at the applicable time specified in 87061  
division (D) of section 5124.151 of the Revised Code. If the 87062  
adjustment affects the ICF/IID's rate for ICF/IID services 87063  
provided during fiscal year 2016, the modifications specified in 87064  
divisions (C)(2) and (D) of this section apply to the adjustment. 87065

(G) If the mean total per Medicaid day rate for all ICFs/IID 87066  
to which this section applies, weighted by May 2015 Medicaid days 87067

and determined under divisions (C) and (D) of this section as of 87068  
July 1, 2015, is other than \$283.32, the Department shall adjust, 87069  
for fiscal year 2016, the total per Medicaid day rate for each 87070  
ICF/IID to which this section applies by a percentage that is 87071  
equal to the percentage by which the mean total per Medicaid day 87072  
rate is greater or less than \$283.32. 87073

(H) If the United States Centers for Medicare and Medicaid 87074  
Services requires that the franchise permit fee be reduced or 87075  
eliminated, the Department shall reduce the amount it pays ICF/IID 87076  
providers under this section as necessary to reflect the loss to 87077  
the state of the revenue and federal financial participation 87078  
generated from the franchise permit fee. 87079

(I) Of the foregoing appropriation items 653407, Medicaid 87080  
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 87081  
portions shall be used to pay the Medicaid payment rates 87082  
determined in accordance with this section for ICF/IID services 87083  
provided during fiscal year 2016. 87084

**Section 259.170. FISCAL YEAR 2017 MEDICAID PAYMENT RATES FOR** 87085  
**ICFs/IID IN PEER GROUPS 1 AND 2** 87086

(A) As used in this section: 87087

(1) "Change of operator," "entering operator," "exiting 87088  
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 87089  
group 1," "peer group 2," "peer group 3," "provider," and 87090  
"provider agreement" have the same meanings as in section 5124.01 87091  
of the Revised Code. 87092

(2) "Franchise permit fee" means the fee imposed by sections 87093  
5168.60 to 5168.71 of the Revised Code. 87094

(B)(1) This section applies to each ICF/IID that is in peer 87095  
group 1 or peer group 2 and to which any of the following applies: 87096

(a) The provider of the ICF/IID has a valid Medicaid provider 87097



agreement for the ICF/IID on June 30, 2016, and a valid Medicaid 87098  
provider agreement for the ICF/IID during fiscal year 2017. 87099

(b) The ICF/IID undergoes a change of operator that takes 87100  
effect during fiscal year 2017, the exiting operator has a valid 87101  
Medicaid provider agreement for the ICF/IID on the day immediately 87102  
preceding the effective date of the change of operator, and the 87103  
entering operator has a valid Medicaid provider agreement for the 87104  
ICF/IID during fiscal year 2017. 87105

(c) The ICF/IID is a new ICF/IID for which the provider 87106  
obtains an initial provider agreement during fiscal year 2017. 87107

(2) This section does not apply to an ICF/IID in peer group 87108  
3. 87109

(3) The Department of Developmental Disabilities shall follow 87110  
this section in determining the rate to be paid for ICF/IID 87111  
services provided during fiscal year 2017 by ICFs/IID subject to 87112  
this section notwithstanding anything to the contrary in Chapter 87113  
5124. of the Revised Code. 87114

(C)(1) Except as otherwise provided in this section, the 87115  
provider of an ICF/IID to which this section applies shall be 87116  
paid, for ICF/IID services the ICF/IID provides during fiscal year 87117  
2017, the total per Medicaid day rate determined for the ICF/IID 87118  
under division (C)(2) or (3) of this section. 87119

(2) Except in the case of a new ICF/IID, the fiscal year 2017 87120  
total per Medicaid day rate for an ICF/IID to which this section 87121  
applies shall be the ICF/IID's total per Medicaid day rate 87122  
determined for the ICF/IID in accordance with Chapter 5124. of the 87123  
Revised Code for fiscal year 2017 with the following 87124  
modifications: 87125

(a) The ICF/IID's efficiency incentive for capital costs, as 87126  
determined under division (F) of section 5124.17 of the Revised 87127  
Code, shall be reduced by 50 per cent. 87128

(b) In place of the maximum cost per case-mix unit established for the ICF/IID's peer group under division (C) of section 5124.19 of the Revised Code, the ICF/IID's maximum costs per case-mix unit shall be the amount the Department determined for the ICF/IID's peer group for fiscal year 2016 in accordance with division (E) of Section 259.160 of this act.

(c) In place of the inflation adjustment otherwise calculated under division (D) of section 5124.19 of the Revised Code for the purpose of division (A)(1)(b) of that section, an inflation adjustment of 1.014 shall be used.

(d) In place of the efficiency incentive otherwise calculated under division (B)(2) of section 5124.21 of the Revised Code, the ICF/IID's efficiency incentive for indirect care costs shall be the following:

(i) In the case of an ICF/IID in peer group 1, \$3.69;

(ii) In the case of an ICF/IID in peer group 2, \$3.19.

(e) In place of the maximum rate for indirect care costs established for the ICF/IID's peer group under division (C) of section 5124.21 of the Revised Code, the maximum rate for indirect care costs for the ICF/IID's peer group shall be the following:

(i) In the case of an ICF/IID in peer group 1, \$68.98;

(ii) In the case of an ICF/IID in peer group 2, \$59.60.

(f) In place of the inflation adjustment otherwise calculated under division (D)(1) of section 5124.21 of the Revised Code for the purpose of division (B)(1) of that section only, an inflation adjustment of 1.014 shall be used.

(g) In place of the inflation adjustment otherwise made under section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per Medicaid day other protected costs, excluding the franchise permit fee, from calendar year 2015 shall

be multiplied by 1.014. 87159

(h) After all of the modifications specified in divisions 87160  
(C)(2)(a) to (g) of this section have been made, the ICF/IID's 87161  
total per Medicaid day rate shall be increased by the direct 87162  
support personnel payment determined in accordance with division 87163  
(D) of this section. 87164

(3) The fiscal year 2017 initial total per Medicaid day rate 87165  
for a new ICF/IID to which this section applies shall be the 87166  
ICF/IID's initial total per Medicaid day rate determined for the 87167  
ICF/IID in accordance with section 5124.151 of the Revised Code 87168  
for fiscal year 2017 with the following modifications: 87169

(a) In place of the amount determined under division 87170  
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 87171  
cost or resident assessment data for the new ICF/IID, the new 87172  
ICF/IID's initial per Medicaid day rate for direct care costs 87173  
shall be determined as follows: 87174

(i) Determine the median of the costs per case-mix units of 87175  
each peer group; 87176

(ii) Multiply the median determined under division 87177  
(C)(3)(a)(i) of this section by the median annual average case-mix 87178  
score for the new ICF/IID's peer group for calendar year 2015; 87179

(iii) Multiply the product determined under division 87180  
(C)(3)(a)(ii) of this section by 1.014. 87181

(b) In place of the amount determined under division (B)(3) 87182  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 87183  
per Medicaid day rate for indirect care costs shall be the 87184  
following: 87185

(i) If the new ICF/IID is in peer group 1, \$68.98; 87186

(ii) If the new ICF/IID is in peer group 2, \$59.60. 87187

(c) In place of the amount determined under division (B)(4) 87188

of section 5124.151 of the Revised Code, the new ICF/IID's initial 87189  
per Medicaid day rate for other protected costs shall be 115 per 87190  
cent of the median rate for ICFs/IID determined under section 87191  
5124.23 of the Revised Code with the modification made under 87192  
division (C)(2)(g) of this section. 87193

(d) After all of the modifications specified in divisions 87194  
(C)(3)(a) to (c) of this section have been made, the new ICF/IID's 87195  
initial total per Medicaid day rate shall be increased by the 87196  
median direct support personnel payment determined under division 87197  
(D) of this section for all ICFs/IID to which this section 87198  
applies. 87199

(D) An ICF/IID's direct support personnel payment for the 87200  
purpose of division (C)(2)(h) of this section shall be a 87201  
percentage, as determined by the Department, of the ICF/IID's per 87202  
diem, desk-reviewed, actual, allowable direct care costs. In 87203  
determining the percentage, the Department shall, to the greatest 87204  
extent possible, do both of the following: 87205

(1) Avoid rate reductions under division (F) of this section; 87206

(2) Use the same percentage for all ICFs/IID to which this 87207  
section applies. 87208

(E) A new ICF/IID's initial total modified per Medicaid day 87209  
rate for fiscal year 2017 as determined under division (C)(3) of 87210  
this section shall be adjusted at the applicable time specified in 87211  
division (D) of section 5124.151 of the Revised Code. If the 87212  
adjustment affects the ICF/IID's rate for ICF/IID services 87213  
provided during fiscal year 2017, the modifications specified in 87214  
division (C)(2) of this section apply to the adjustment. 87215

(F)(1) If the mean total per Medicaid day rate for all 87216  
ICFs/IID to which this section applies, weighted by May 2016 87217  
Medicaid days and determined under division (C) of this section as 87218  
of July 1, 2016, is other than the amount determined under 87219

division (F)(2) of this section, the Department shall adjust, for 87220  
fiscal year 2017, the total per Medicaid day rate for each ICF/IID 87221  
to which this section applies by a percentage that is equal to the 87222  
percentage by which the mean total per Medicaid day rate is 87223  
greater or less than the amount determined under division (F)(2) 87224  
of this section. 87225

(2) The amount to be used for the purpose of division (F)(1) 87226  
of this section shall be not less than \$288.27. The department, in 87227  
its sole discretion, may use a larger amount for the purpose of 87228  
that division. In determining whether to use a larger amount, the 87229  
department may consider any of the following: 87230

(a) The reduction in the total Medicaid-certified capacity of 87231  
all ICFs/IID that occurs in fiscal year 2016, and the reduction 87232  
that is projected to occur in fiscal year 2017, as a result of 87233  
either of the following: 87234

(i) A downsizing pursuant to a plan approved by the 87235  
Department under section 5123.042 of the Revised Code; 87236

(ii) A conversion of beds to providing home and 87237  
community-based services under the Individual Options waiver 87238  
pursuant to section 5124.60 or 5124.61 of the Revised Code. 87239

(b) The increase in Medicaid payments made for ICF/IID 87240  
services provided during fiscal year 2016, and the increase that 87241  
is projected to occur in fiscal year 2017, as a result of the 87242  
modifications to the payment rates made under section 5124.101 of 87243  
the Revised Code; 87244

(c) The total reduction in the number of ICF/IID beds that 87245  
occurs pursuant to section 5124.67 of the Revised Code; 87246

(d) Other factors the Department determines to be relevant. 87247

(G) If the United States Centers for Medicare and Medicaid 87248  
Services requires that the franchise permit fee be reduced or 87249

eliminated, the Department shall reduce the amount it pays ICF/IID 87250  
providers under this section as necessary to reflect the loss to 87251  
the state of the revenue and federal financial participation 87252  
generated from the franchise permit fee. 87253

(H) Of the foregoing appropriation items 653407, Medicaid 87254  
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 87255  
portions shall be used to pay the Medicaid payment rates 87256  
determined in accordance with this section for ICF/IID services 87257  
provided during fiscal year 2017. 87258

**Section 259.180.** FISCAL YEAR 2016 MEDICAID PAYMENT RATES FOR 87259  
ICFs/IID IN PEER GROUP 3 87260

(A) As used in this section: 87261

(1) "ICF/IID," "ICF/IID services," "peer group 3," 87262  
"provider," and "provider agreement" have the same meanings as in 87263  
section 5124.01 of the Revised Code. 87264

(2) "Franchise permit fee" means the fee imposed by sections 87265  
5168.60 to 5168.71 of the Revised Code. 87266

(B)(1) This section applies to each ICF/IID that is in peer 87267  
group 3 and for which the provider obtained an initial provider 87268  
agreement during fiscal year 2015. 87269

(2) The Department of Developmental Disabilities shall follow 87270  
this section in determining the rate to be paid for ICF/IID 87271  
services provided during fiscal year 2016 by ICFs/IID subject to 87272  
this section notwithstanding anything to the contrary in Chapter 87273  
5124. of the Revised Code. 87274

(C) Except as otherwise provided in this section, the 87275  
provider of an ICF/IID to which this section applies shall 87276  
continue to be paid, for ICF/IID services the ICF/IID provides 87277  
during fiscal year 2016, the ICF/IID's total per Medicaid day rate 87278  
in effect on June 30, 2015. 87279

(D) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department shall reduce the amount it pays ICF/IID providers under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

**Section 259.190.** TRANSFER OF FUNDS FOR OUTLIER SERVICES PROVIDED TO PEDIATRIC VENTILATOR-DEPENDENT ICF/IID RESIDENTS

As used in this section, "ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.

Each quarter during fiscal year 2016 and fiscal year 2017, the Director of Developmental Disabilities shall certify to the Director of Budget and Management the amount needed to pay the nonfederal share of the costs of the Medicaid rate add-on paid to ICFs/IID pursuant to section 5124.25 of the Revised Code for providing outlier ICF/IID services to residents who qualify for the services and are transferred to ICFs/IID from hospitals at which they receive ventilator services at the time of their transfer to the ICFs/IID.

On receipt of a certification, the Director of Budget and Management shall transfer appropriations equaling the certified amount from appropriation item 651525, Medicaid/Health Care Services, to appropriation item 653407, Medicaid Services, and, in addition, shall reduce the appropriation in 651525, Medicaid/Health Care Services, by the corresponding federal share.

If receipts credited to the Developmental Center and Residential Facility Services and Support Fund (Fund 3A40), used by the Department of Developmental Disabilities, exceed the amounts appropriated in appropriation item 653653, ICF/IID, the Director of Developmental Disabilities may request the Director of Budget and Management to authorize expenditures from the fund in

excess of the amounts appropriated. Upon approval of the Director 87311  
of Budget and Management, the additional amounts are hereby 87312  
appropriated. 87313

**Section 259.200.** ICF/IID MEDICAID RATE WORKGROUP 87314

As used in this section, "ICF/IID," "ICF/IID services," and 87315  
"Medicaid-certified capacity" have the same meanings as in section 87316  
5124.01 of the Revised Code. 87317

For the purpose of assisting the Department of Developmental 87318  
Disabilities during fiscal year 2016 and fiscal year 2017 with an 87319  
evaluation of revisions to the formula used to determine Medicaid 87320  
payment rates for ICF/IID services, the Department shall retain 87321  
the workgroup that was created to assist with the study required 87322  
by Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General 87323  
Assembly and continued by Section 259.230 of Am. Sub. H.B. 59 of 87324  
the 130th General Assembly. In conducting the evaluation, the 87325  
Department and workgroup shall do both of the following: 87326

(A) Focus primarily on the service needs of individuals with 87327  
complex challenges that ICFs/IID are able to meet; 87328

(B) Pursue the goal of reducing the Medicaid-certified 87329  
capacity of individual ICFs/IID and the total number of ICF/IID 87330  
beds in the state for the purpose of increasing the service 87331  
choices and community integration of individuals eligible for 87332  
ICF/IID services. 87333

**Section 259.210.** NONFEDERAL SHARE OF ICF/IID SERVICES 87334

(A) As used in this section, "ICF/IID," "ICF/IID services," 87335  
and "Medicaid-certified capacity" have the same meanings as in 87336  
section 5124.01 of the Revised Code. 87337

(B) The Director of Developmental Disabilities shall pay the 87338  
nonfederal share of a claim for ICF/IID services using funds 87339



specified in division (C) of this section if all of the following 87340  
apply: 87341

(1) Medicaid covers the ICF/IID services. 87342

(2) The ICF/IID services are provided to a Medicaid recipient 87343  
to whom both of the following apply: 87344

(a) The Medicaid recipient is eligible for the ICF/IID 87345  
services; 87346

(b) The Medicaid recipient does not occupy a bed in the 87347  
ICF/IID that used to be included in the Medicaid-certified 87348  
capacity of another ICF/IID certified by the Director of Health 87349  
before June 1, 2003. 87350

(3) The ICF/IID services are provided by an ICF/IID whose 87351  
Medicaid certification by the Director of Health was initiated or 87352  
supported by a county board of developmental disabilities. 87353

(4) The provider of the ICF/IID services has a valid Medicaid 87354  
provider agreement for the services for the time that the services 87355  
are provided. 87356

(C) When required by division (B) of this section to pay the 87357  
nonfederal share of a claim, the Director of Developmental 87358  
Disabilities shall use the following funds to pay the claim: 87359

(1) Funds available from appropriation item 322501, County 87360  
Boards Subsidies, that the Director allocates to the county board 87361  
that initiated or supported the Medicaid certification of the 87362  
ICF/IID that provided the ICF/IID services for which the claim is 87363  
made; 87364

(2) If the amount of funds used pursuant to division (C)(1) 87365  
of this section is insufficient to pay the claim in full, an 87366  
amount of funds that are needed to make up the difference and 87367  
available from amounts the Director allocates to other county 87368  
boards from appropriation item 322501, County Boards Subsidies. 87369

<b>Section 259.220.</b> PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE	87370
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES	87371
(A) As used in this section:	87372
(1) "Converted facility" means an ICF/IID, or former ICF/IID,	87373
that converted some or all of its beds to providing home and	87374
community-based services under the IO Waiver pursuant to section	87375
5124.60 of the Revised Code.	87376
(2) "Developmental center" and "ICF/IID" have the same	87377
meanings as in section 5124.01 of the Revised Code.	87378
(3) "IO Waiver" means the Medicaid waiver component, as	87379
defined in section 5166.01 of the Revised Code, known as	87380
Individual Options.	87381
(4) "Medicaid provider" has the same meaning as in section	87382
5164.01 of the Revised Code.	87383
(5) "Public hospital" has the same meaning as in section	87384
5122.01 of the Revised Code.	87385
(6) "Qualifying IO enrollee" means an IO Waiver enrollee to	87386
whom all of the following apply:	87387
(a) The enrollee resided in a developmental center, converted	87388
facility, or public hospital immediately before enrolling in the	87389
IO Wavier.	87390
(b) The enrollee did not receive before July 1, 2011, routine	87391
homemaker/personal care services from the Medicaid provider that	87392
is to be paid the Medicaid rate authorized by this section for	87393
providing such services to the enrollee during the period	87394
specified in division (C) of this section.	87395
(c) The Director of Developmental Disabilities has determined	87396
that the enrollee's special circumstances (including the	87397
enrollee's diagnosis, service needs, or length of stay at the	87398

developmental center, converted facility, or public hospital) 87399  
warrants paying the Medicaid rate authorized by this section. 87400

(B) The total Medicaid payment rate for each fifteen minutes 87401  
of routine homemaker/personal care services that a Medicaid 87402  
provider provides to a qualifying IO enrollee during the period 87403  
specified in division (C) of this section shall be fifty-two cents 87404  
higher than the Medicaid payment rate in effect on the day the 87405  
services are provided for each fifteen minutes of routine 87406  
homemaker/personal care services that a Medicaid provider provides 87407  
to an IO enrollee who is not a qualifying IO enrollee. 87408

(C) Division (B) of this section applies to the first twelve 87409  
months, consecutive or otherwise, that a Medicaid provider, during 87410  
the period beginning July 1, 2015, and ending June 30, 2017, 87411  
provides routine homemaker/personal care services to a qualifying 87412  
IO enrollee. 87413

(D) Of the foregoing appropriation items 653407, Medicaid 87414  
Services, and 653639, Medicaid Waiver Services, portions shall be 87415  
used to pay the Medicaid payment rate determined in accordance 87416  
with this section for routine homemaker/personal care services 87417  
provided to qualifying IO enrollees. 87418

**Section 259.230.** UPDATING AUTHORIZING STATUTE CITATIONS 87419

As used in this section, "authorizing statute" means a 87420  
Revised Code section or provision of a Revised Code section that 87421  
is cited in the Ohio Administrative Code as the statute that 87422  
authorizes the adoption of a rule. 87423

The Director of Developmental Disabilities is not required to 87424  
amend any rule for the sole purpose of updating the citation in 87425  
the Ohio Administrative Code to the rule's authorizing statute to 87426  
reflect that this act renumbers the authorizing statute or 87427  
relocates it to another Revised Code section. Such citations shall 87428

be updated as the Director amends the rules for other purposes. 87429

**Section 259.240.** REASON FOR THE REPEAL OF R.C. 5111.236 87430

This act repeals section 5111.236 of the Revised Code to 87431  
carry out the intent of the Governor as indicated in the veto 87432  
message regarding Am. Sub. H.B. 1 of the 128th General Assembly 87433  
transmitted to the Clerk of the House of Representatives on July 87434  
17, 2009. The actual veto removed the section from the title and 87435  
enacting clause of H.B. 1 and an earmark related to the section. 87436  
However, the actual veto inadvertently showed only division (C) of 87437  
the section, rather than the entire section, as being vetoed. 87438

**Section 259.250.** SYSTEM TRANSFORMATION SUPPORTS 87439

The foregoing appropriation item 320607 (Fund 5QM0), System 87440  
Transformation Supports, may be used by the Director of 87441  
Developmental Disabilities as follows: 87442

(A) To purchase one or more residential facility beds for the 87443  
purpose of reducing the number of beds that are certified for 87444  
participation in Medicaid as ICF/IID beds in Ohio. The director 87445  
shall establish priorities for the purchase of beds which may 87446  
include beds located in a building in which a nursing facility is 87447  
also located and beds which are in a residential facility of 87448  
sixteen beds or greater. The purchase price of a bed shall be the 87449  
price the director determines is reasonable based on the 87450  
established priorities. Division (B) of section 127.16 of the 87451  
Revised Code shall not apply to a purchase made under this 87452  
section. 87453

(B) To fund other system transformation initiatives 87454  
identified by the director. 87455

**Section 259.260.** ICF/IID PAYMENT METHODOLOGY TRANSFORMATION 87456

As used in this section, "ICF/IID services" has the same 87457

meaning as in section 5124.01 of the Revised Code. 87458

Not later than July 31, 2015, the Department of Developmental 87459  
Disabilities shall issue a request for proposals for an entity, 87460  
pursuant to a contract with the Department, to develop a plan to 87461  
transform the formula used to determine Medicaid payment rates for 87462  
ICF/IID services. Any such contract the Department enters into 87463  
shall require all of the following: 87464

(A) That the plan do all of the following: 87465

(1) Include quality incentive measures; 87466

(2) Have payments be based on health outcomes; 87467

(3) Promote ICF/IID services that are provided in the most 87468  
integrated setting appropriate to the needs of each Medicaid 87469  
recipient receiving the services; 87470

(4) Recommend specific changes to the resident assessment 87471  
instrument specified in rules authorized by section 5124.191 of 87472  
the Revised Code and the grouper methodology prescribed in rules 87473  
authorized by section 5124.192 of the Revised Code. 87474

(B) That the entity developing the plan consider the 87475  
recommendations of both of the following: 87476

(1) The ICF/IID Medicaid Rate Workgroup that was created to 87477  
assist with the study required by Section 309.30.80 of Am. Sub. 87478  
H.B. 153 of the 129th General Assembly and retained pursuant to 87479  
Section 259.230 of Am. Sub. H.B. 59 of the 130th General Assembly; 87480

(2) The ICF/IID Quality Incentive Workgroup created pursuant 87481  
to the section of this act titled "ICF/IID QUALITY INCENTIVE 87482  
WORKGROUP." 87483

(C) That the plan be developed with the goal of beginning 87484  
implementation of the transformation on July 1, 2017. 87485

**Section 259.270.** ICF/IID QUALITY INCENTIVE WORKGROUP 87486

(A) As used in this section, "ICF/IID" and "ICF/IID services" 87487  
have the same meanings as in section 5124.01 of the Revised Code. 87488

(B) The Director of Developmental Disabilities shall create 87489  
the ICF/IID Quality Incentive Workgroup to study the issue of 87490  
establishing, as part of the Medicaid payment formula for ICF/IID 87491  
services, accountability measures that act as quality incentives 87492  
for ICFs/IID. The Director or the Director's designee shall be the 87493  
Workgroup's chairperson. The Director may appoint one or more 87494  
staff members of the Department of Developmental Disabilities to 87495  
also serve on the Workgroup. The Director shall appoint the 87496  
following to serve on the Workgroup: 87497

(1) Representatives of all of the following: 87498

(a) The Ohio Centers for Intellectual Disabilities formed by 87499  
the Ohio Health Care Association; 87500

(b) The Values and Faith Alliance; 87501

(c) The Ohio Association of County Boards Serving People with 87502  
Developmental Disabilities; 87503

(d) The Ohio SIBS; 87504

(e) The Arc of Ohio; 87505

(f) The Ohio Provider Resource Association. 87506

(2) One or more persons with developmental disabilities who 87507  
advocate for such persons. 87508

(C) Members of the Workgroup shall serve without compensation 87509  
or reimbursement, except to the extent that serving on the 87510  
Workgroup is considered part of their usual job duties. 87511

(D) The Workgroup shall complete its study, and complete a 87512  
report with recommendations regarding accountability measures for 87513  
ICFs/IID, not later than November 4, 2015. The Workgroup shall 87514  
submit copies of the report to the Governor and, in accordance 87515  
with section 101.68 of the Revised Code, the General Assembly. 87516

**Section 259.280.** COMMUNITY SUPPORT AND RENTAL ASSISTANCE 87517

The foregoing appropriation item 322509, Community Support 87518  
and Rental Assistance, may be used by the Director of 87519  
Developmental Disabilities to provide funding to county boards of 87520  
developmental disabilities for rental assistance to individuals 87521  
with developmental disabilities receiving home and community-based 87522  
services as defined in section 5123.01 of the Revised Code 87523  
pursuant to section 5124.60 of the Revised Code or section 5124.69 87524  
of the Revised Code and to former residents of a developmental 87525  
center. The director shall establish the methodology for 87526  
determining the amount and distribution of such funding. 87527

**Section 259.290.** MEDICAID RATES FOR SHELTERED WORKSHOP 87528  
SERVICES 87529

The Medicaid payment rates for adult day services provided by 87530  
sheltered workshops during the period beginning July 1, 2015, and 87531  
ending June 30, 2017, under a Medicaid waiver component 87532  
administered by the Department of Developmental Disabilities shall 87533  
be not less than Medicaid payment rates for those services in 87534  
effect on June 30, 2015. 87535

**Section 261.10.** OBD OHIO BOARD OF DIETETICS 87536

Dedicated Purpose Fund Group 87537  
4K90 860609 Operating Expenses \$ 362,872 \$ 371,779 87538  
TOTAL DPF Dedicated Purpose Fund 87539  
Group \$ 362,872 \$ 371,779 87540  
TOTAL ALL BUDGET FUND GROUPS \$ 362,872 \$ 371,779 87541

**Section 263.10.** EDU DEPARTMENT OF EDUCATION 87543

General Revenue Fund 87544  
GRF 200321 Operating Expenses \$ 14,217,708 \$ 14,517,708 87545

GRF 200408	Early Childhood Education	\$	60,268,341	\$	70,268,341	87546
GRF 200420	Information Technology Development and Support	\$	4,241,296	\$	4,241,296	87547
GRF 200421	Alternative Education Programs	\$	10,253,998	\$	10,253,998	87548
GRF 200422	School Management Assistance	\$	3,000,000	\$	3,000,000	87549
GRF 200424	Policy Analysis	\$	528,558	\$	528,558	87550
GRF 200425	Tech Prep Consortia Support	\$	260,542	\$	260,542	87551
GRF 200426	Ohio Educational Computer Network	\$	16,200,000	\$	16,200,000	87552
GRF 200427	Academic Standards	\$	3,800,000	\$	3,800,000	87553
GRF 200437	Student Assessment	\$	40,241,438	\$	39,830,050	87554
GRF 200439	Accountability/Report Cards	\$	4,897,310	\$	4,897,310	87555
GRF 200442	Child Care Licensing	\$	1,822,500	\$	1,822,500	87556
GRF 200446	Education Management Information System	\$	6,833,070	\$	6,833,070	87557
GRF 200447	GED Testing	\$	474,000	\$	474,000	87558
GRF 200448	Educator Preparation	\$	1,564,237	\$	1,564,237	87559
GRF 200455	Community Schools and Choice Programs	\$	3,651,395	\$	3,731,395	87560
GRF 200457	STEM Initiatives	\$	150,000	\$	0	87561
GRF 200465	Education Technology Resources	\$	3,170,976	\$	3,170,976	87562
GRF 200502	Pupil Transportation	\$	527,823,920	\$	528,286,409	87563
GRF 200505	School Lunch Match	\$	9,100,000	\$	9,100,000	87564
GRF 200511	Auxiliary Services	\$	146,092,593	\$	153,105,038	87565
GRF 200532	Nonpublic Administrative Cost	\$	65,995,784	\$	69,163,582	87566



		Reimbursement				
GRF 200540	Special Education	\$	162,871,292	\$	162,871,292	87567
	Enhancements					
GRF 200545	Career-Technical	\$	12,672,418	\$	12,697,418	87568
	Education Enhancements					
GRF 200550	Foundation Funding	\$	6,459,193,751	\$	6,861,268,169	87569
GRF 200566	Literacy Improvement	\$	2,250,000	\$	2,250,000	87570
GRF 200572	Adult Diploma	\$	7,500,000	\$	10,000,000	87571
GRF 200573	EdChoice Expansion	\$	23,500,000	\$	31,500,000	87572
GRF 200574	Half-Mill Maintenance	\$	18,750,000	\$	19,250,000	87573
	Equalization					
GRF 200588	Competency Based	\$	2,500,000	\$	2,500,000	87574
	Education Pilot					
GRF 200597	Education Program	\$	4,750,000	\$	2,500,000	87575
	Support					
TOTAL GRF	General Revenue Fund	\$	7,618,575,127	\$	8,049,885,889	87576
	Dedicated Purpose Fund Group					87577
4520 200638	Fees and Refunds	\$	1,000,000	\$	1,000,000	87578
4540 200610	GED Testing	\$	250,000	\$	250,000	87579
4550 200608	Commodity Foods	\$	24,000,000	\$	24,000,000	87580
4L20 200681	Teacher Certification	\$	16,400,000	\$	16,900,000	87581
	and Licensure					
5980 200659	Auxiliary Services	\$	1,328,910	\$	1,328,910	87582
	Reimbursement					
5H30 200687	School District	\$	10,000,000	\$	10,000,000	87583
	Solvency Assistance					
5KT0 200673	Early Childhood	\$	20,000,000	\$	20,000,000	87584
	Education					
5KX0 200691	Ohio School	\$	487,419	\$	528,600	87585
	Sponsorship Program					
5MM0 200677	Child Nutrition	\$	550,000	\$	550,000	87586
	Refunds					
5RB0 200644	Straight A Fund	\$	50,000,000	\$	50,000,000	87587

5RE0	200697	School District TPP Supplement	\$	36,000,000	\$	66,000,000	87588
5U20	200685	National Education Statistics	\$	300,000	\$	300,000	87589
6200	200615	Educational Improvement Grants	\$	175,000	\$	175,000	87590
TOTAL DPF		Dedicated Purpose Fund Group	\$	160,491,329	\$	191,032,510	87591
		Internal Service Activity Fund Group					87592
1380	200606	Information Technology Development and Support	\$	6,850,090	\$	6,850,090	87593
4R70	200695	Indirect Operational Support	\$	7,600,000	\$	7,600,000	87594
4V70	200633	Interagency Program Support	\$	500,000	\$	500,000	87595
TOTAL ISA		Internal Service Activity Fund Group	\$	14,950,090	\$	14,950,090	87596 87597
		State Lottery Fund Group					87598
7017	200612	Foundation Funding	\$	977,700,000	\$	977,700,000	87599
7017	200629	Community Connectors	\$	15,000,000	\$	15,000,000	87600
7017	200684	Community School Facilities	\$	19,350,000	\$	20,700,000	87601
TOTAL SLF		State Lottery Fund Group	\$	1,012,050,000	\$	1,013,400,000	87602 87603
		Federal Fund Group					87604
3090	200601	Neglected and Delinquent Education	\$	1,600,000	\$	1,600,000	87605
3670	200607	School Food Services	\$	9,240,111	\$	9,794,517	87606
3700	200624	Education of Exceptional Children	\$	1,702,040	\$	1,274,040	87607

3AF0	200603	Schools Medicaid Administrative Claims	\$	750,000	\$	750,000	87608
3AN0	200671	School Improvement Grants	\$	32,400,000	\$	32,400,000	87609
3C50	200661	Early Childhood Education	\$	14,554,749	\$	14,554,749	87610
3CG0	200646	Teacher Incentive	\$	12,500,000	\$	200,000	87611
3D10	200664	Drug Free Schools	\$	521,000	\$	282,000	87612
3D20	200667	Math Science Partnerships	\$	7,500,000	\$	7,500,000	87613
3EH0	200620	Migrant Education	\$	2,900,000	\$	2,900,000	87614
3EJ0	200622	Homeless Children Education	\$	2,600,000	\$	2,600,000	87615
3EK0	200637	Advanced Placement	\$	432,444	\$	498,484	87616
3FD0	200665	Race to the Top	\$	12,000,000	\$	0	87617
3FN0	200672	Early Learning Challenge - Race to the Top	\$	8,000,000	\$	3,400,000	87618
3GE0	200674	Summer Food Service Program	\$	14,423,915	\$	14,856,635	87619
3GF0	200675	Miscellaneous Nutrition Grants	\$	3,000,000	\$	3,000,000	87620
3GG0	200676	Fresh Fruit and Vegetable Program	\$	5,026,545	\$	5,177,340	87621
3GP0	200600	School Climate Transformation	\$	252,420	\$	252,420	87622
3GQ0	200679	Project Aware	\$	1,907,423	\$	1,907,423	87623
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000	87624
3L60	200617	Federal School Lunch	\$	371,960,060	\$	383,118,860	87625
3L70	200618	Federal School Breakfast	\$	117,332,605	\$	122,025,909	87626
3L80	200619	Child/Adult Food	\$	113,508,500	\$	116,913,755	87627

		Programs				
3L90	200621	Career-Technical	\$	44,663,900	\$	44,663,900 87628
		Education Basic Grant				
3M00	200623	ESEA Title 1A	\$	590,000,000	\$	600,000,000 87629
3M20	200680	Individuals with	\$	444,000,000	\$	445,000,000 87630
		Disabilities				
		Education Act				
3Y20	200688	21st Century	\$	50,000,000	\$	50,000,000 87631
		Community Learning				
		Centers				
3Y60	200635	Improving Teacher	\$	90,000,000	\$	90,000,000 87632
		Quality				
3Y70	200689	English Language	\$	10,101,411	\$	10,101,411 87633
		Acquisition				
3Y80	200639	Rural and Low Income	\$	3,300,000	\$	3,300,000 87634
		Technical Assistance				
3Z20	200690	State Assessments	\$	10,263,000	\$	10,263,000 87635
3Z30	200645	Consolidated Federal	\$	10,000,000	\$	10,000,000 87636
		Grant Administration				
TOTAL FED	Federal Fund Group		\$	1,986,665,123	\$	1,988,559,443 87637
TOTAL ALL BUDGET FUND GROUPS			\$	10,792,731,669	\$	11,257,827,932 87638

**Section 263.20. OPERATING EXPENSES** 87640

A portion of the foregoing appropriation item 200321, 87641  
 Operating Expenses, shall be used by the Department of Education 87642  
 to provide matching funds under 20 U.S.C. 2321. 87643

**EARLY CHILDHOOD EDUCATION** 87644

The Department of Education shall distribute the foregoing 87645  
 appropriation item 200408, Early Childhood Education, to pay the 87646  
 costs of early childhood education programs. The Department shall 87647  
 distribute such funds directly to qualifying providers. 87648

(A) As used in this section: 87649

(1) "Provider" means a city, local, exempted village, or joint vocational school district; an educational service center; a community school sponsored by an exemplary sponsor; a chartered nonpublic school; an early childhood education child care provider licensed under Chapter 5104. of the Revised Code that participates in and meets at least the third highest tier of the tiered quality rating and improvement system described in section 5104.30 of the Revised Code; or a combination of entities described in this paragraph.

(2) In the case of a city, local, or exempted village school district or early childhood education child care provider licensed under Chapter 5104. of the Revised Code, "new eligible provider" means a provider that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a need for early childhood programs as defined in division (D) of this section.

(3) In the case of a community school, "new eligible provider" means either of the following:

(a) A community school established under Chapter 3314. of the Revised Code that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year;

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria:

(i) It has received, on its most recent report card, either of the following:

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of

the Revised Code and for the performance index score under 87681  
division (C)(1)(b) of section 3302.03 of the Revised Code; 87682

(II) If the school does not offer a grade level higher than 87683  
three, a grade of "C" or better for making progress in improving 87684  
literacy in grades kindergarten through three under division 87685  
(C)(1)(g) of section 3302.03 of the Revised Code. 87686

(ii) It offers a child care program in accordance with 87687  
sections 3301.50 to 3301.59 of the Revised Code. 87688

(iii) It did not receive state funding for Early Childhood 87689  
Education in the previous fiscal year. 87690

(c) A community school established under Chapter 3314. of the 87691  
Revised Code that is sponsored by a municipal school district and 87692  
operates a program that uses the Montessori method endorsed by the 87693  
American Montessori Society, the Montessori Accreditation Council 87694  
for Teacher Education, or the Association Montessori 87695  
Internationale as its primary method of instruction, as authorized 87696  
by division (A) of section 3314.06 of the Revised Code, that did 87697  
not receive state funding for Early Childhood Education in the 87698  
previous year or demonstrates a need for early childhood programs 87699  
as defined in division (D) of this section. 87700

(4) "Eligible child," between July 1, 2015 and June 30, 2016, 87701  
means a child who is at least three years of age as of the 87702  
district entry date for kindergarten, is not of the age to be 87703  
eligible for kindergarten, and whose family earns not more than 87704  
two hundred per cent of the federal poverty guidelines as defined 87705  
in division (A)(3) of section 5101.46 of the Revised Code. 87706  
Children with an Individualized Education Program and where the 87707  
Early Childhood Education program is the least restrictive 87708  
environment may be enrolled on their third birthday. 87709

(5) "Eligible child," beginning July 1, 2016, means a child 87710  
who is at least four years of age as of the district entry date 87711

for kindergarten, is not of the age to be eligible for 87712  
kindergarten, and whose family earns not more than two hundred per 87713  
cent of the federal poverty guidelines as defined in division 87714  
(A)(3) of section 5101.46 of the Revised Code. Children with an 87715  
Individualized Education Program and where the Early Childhood 87716  
Education program is the least restrictive environment may be 87717  
enrolled on their fourth birthday. 87718

(6) "Early learning program standards" means early learning 87719  
program standards for school readiness developed by the Department 87720  
to assess the operation of early learning programs. 87721

(B) In each fiscal year, up to two per cent of the total 87722  
appropriation may be used by the Department for program support 87723  
and technical assistance. The Department shall distribute the 87724  
remainder of the appropriation in each fiscal year to serve 87725  
eligible children. 87726

(C) The Department shall provide an annual report to the 87727  
Governor, the Speaker of the House of Representatives, and the 87728  
President of the Senate and post the report to the Department's 87729  
web site, regarding early childhood education programs operated 87730  
under this section and the early learning program standards. 87731

(D) After setting aside the amounts to make payments due from 87732  
the previous fiscal year, in fiscal year 2016, the Department 87733  
shall distribute funds first to recipients of funds for early 87734  
childhood education programs under Section 263.20 of Am. Sub. H.B. 87735  
59 of the 130th General Assembly in the previous fiscal year and 87736  
the balance to new eligible providers of early childhood education 87737  
programs under this section or to existing providers to serve more 87738  
eligible children or for purposes of program expansion, 87739  
improvement, or special projects to promote quality and 87740  
innovation. 87741

After setting aside the amounts to make payments due from the 87742

previous fiscal year, in fiscal year 2017, the Department shall 87743  
distribute funds first to providers of early childhood education 87744  
programs under this section in the previous fiscal year and the 87745  
balance to new eligible providers or to existing providers to 87746  
serve more eligible children as outlined under division (E) of 87747  
this section or for purposes of program expansion, improvement, or 87748  
special projects to promote quality and innovation. 87749

(E) The Department shall distribute any new or remaining 87750  
funding to existing providers of early childhood education 87751  
programs or any new eligible providers in an effort to invest in 87752  
high quality early childhood programs where there is a need as 87753  
determined by the Department. The Department shall distribute the 87754  
new or remaining funds to existing providers of early childhood 87755  
education programs or any new eligible providers to serve 87756  
additional eligible children based on community economic 87757  
disadvantage, limited access to high quality preschool or 87758  
childcare services, and demonstration of high quality preschool 87759  
services as determined by the Department using new metrics 87760  
developed pursuant to Ohio's Race to the Top—Early Learning 87761  
Challenge Grant, awarded to the Department in December 2011. 87762

Awards under divisions (D) and (E) of this section shall be 87763  
distributed on a per-pupil basis, and in accordance with division 87764  
(I) of this section. The Department may adjust the per-pupil 87765  
amount so that the per-pupil amount multiplied by the number of 87766  
eligible children enrolled and receiving services on the first day 87767  
of December or the business day closest to that date equals the 87768  
amount allocated under this section. 87769

(F) Costs for developing and administering an early childhood 87770  
education program may not exceed fifteen per cent of the total 87771  
approved costs of the program. 87772

All providers shall maintain such fiscal control and 87773  
accounting procedures as may be necessary to ensure the 87774



disbursement of, and accounting for, these funds. The control of 87775  
funds provided in this program, and title to property obtained, 87776  
shall be under the authority of the approved provider for purposes 87777  
provided in the program unless, as described in division (K) of 87778  
this section, the program waives its right for funding or a 87779  
program's funding is eliminated or reduced due to its inability to 87780  
meet financial or early learning program standards. The approved 87781  
provider shall administer and use such property and funds for the 87782  
purposes specified. 87783

(G) The Department may examine a provider's financial and 87784  
program records. If the financial practices of the program are not 87785  
in accordance with standard accounting principles or do not meet 87786  
financial standards outlined under division (F) of this section, 87787  
or if the program fails to substantially meet the early learning 87788  
program standards, meet a quality rating level in the tiered 87789  
quality rating and improvement system developed under section 87790  
5104.30 of the Revised Code as prescribed by the Department, or 87791  
exhibits below average performance as measured against the 87792  
standards, the early childhood education program shall propose and 87793  
implement a corrective action plan that has been approved by the 87794  
Department. The approved corrective action plan shall be signed by 87795  
the chief executive officer and the executive of the official 87796  
governing body of the provider. The corrective action plan shall 87797  
include a schedule for monitoring by the Department. Such 87798  
monitoring may include monthly reports, inspections, a timeline 87799  
for correction of deficiencies, and technical assistance to be 87800  
provided by the Department or obtained by the early childhood 87801  
education program. The Department may withhold funding pending 87802  
corrective action. If an early childhood education program fails 87803  
to satisfactorily complete a corrective action plan, the 87804  
Department may deny expansion funding to the program or withdraw 87805  
all or part of the funding to the program and establish a new 87806  
eligible provider through a selection process established by the 87807

Department. 87808

(H)(1) If the early childhood education program is licensed 87809  
by the Department of Education and is not highly rated, as 87810  
determined by the Director of Job and Family Services, under the 87811  
tiered quality rating and improvement system described in section 87812  
5104.30 of the Revised Code, the program shall do all of the 87813  
following: 87814

(a) Meet teacher qualification requirements prescribed by 87815  
section 3301.311 of the Revised Code; 87816

(b) Align curriculum to the early learning content standards 87817  
developed by the Department; 87818

(c) Meet any child or program assessment requirements 87819  
prescribed by the Department; 87820

(d) Require teachers, except teachers enrolled and working to 87821  
obtain a degree pursuant to section 3301.311 of the Revised Code, 87822  
to attend a minimum of twenty hours every two years of 87823  
professional development as prescribed by the Department; 87824

(e) Document and report child progress as prescribed by the 87825  
Department; 87826

(f) Meet and report compliance with the early learning 87827  
program standards as prescribed by the Department; 87828

(g) Participate in the tiered quality rating and improvement 87829  
system developed under section 5104.30 of the Revised Code. 87830  
Effective July 1, 2016, all programs shall be rated through the 87831  
system. 87832

(2) If the program is highly rated, as determined by the 87833  
Director of Job and Family Services, under the tiered quality 87834  
rating and improvement system developed under section 5104.30 of 87835  
the Revised Code, the program shall comply with the requirements 87836  
of that system. 87837

(I) Per-pupil funding for programs subject to this section 87838  
shall be sufficient to provide eligible children with services for 87839  
a standard early childhood schedule which shall be defined in this 87840  
section as a minimum of twelve and one-half hours per school week 87841  
as defined in section 3313.62 of the Revised Code for the minimum 87842  
school year as defined in sections 3313.48, 3313.481, and 3313.482 87843  
of the Revised Code. Nothing in this section shall be construed to 87844  
prohibit program providers from utilizing other funds to serve 87845  
eligible children in programs that exceed the twelve and one-half 87846  
hours per week or that exceed the minimum school year. For any 87847  
provider for which a standard early childhood education schedule 87848  
creates a hardship or for which the provider shows evidence that 87849  
the provider is working in collaboration with a preschool special 87850  
education program, the provider may submit a waiver to the 87851  
Department requesting an alternate schedule. If the Department 87852  
approves a waiver for an alternate schedule that provides services 87853  
for less time than the standard early childhood education 87854  
schedule, the Department may reduce the provider's annual 87855  
allocation proportionately. Under no circumstances shall an annual 87856  
allocation be increased because of the approval of an alternate 87857  
schedule. 87858

(J) For fiscal year 2016, each provider shall develop a 87859  
sliding fee scale based on family incomes and shall charge 87860  
families who earn more than two hundred per cent of the federal 87861  
poverty guidelines, as defined in division (A)(3) of section 87862  
5101.46 of the Revised Code, for the early childhood education 87863  
program. 87864

The Department shall conduct an annual survey of each 87865  
provider to determine whether the provider charges families 87866  
tuition or fees, the amount families are charged relative to 87867  
family income levels, and the number of families and students 87868  
charged tuition and fees for the early childhood program. 87869

(K) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program standards, the provider shall transfer control of title to property, equipment, and remaining supplies obtained through the program to providers designated by the Department and return any unexpended funds to the Department along with any reports prescribed by the Department. The funding made available from a program that waives its right for funding or has its funding eliminated or reduced may be used by the Department for new grant awards or expansion grants. The Department may award new grants or expansion grants to eligible providers who apply. The eligible providers who apply must do so in accordance with the selection process established by the Department.

(L) Eligible expenditures for the Early Childhood Education Program shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Superintendent of Public Instruction and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

(M)(1) For fiscal year 2017, the Department of Education and the Department of Job and Family Services shall establish the following in common between early childhood education programs and publicly funded child care:

- (a) An application;
- (b) Program eligibility;
- (c) Funding;
- (d) An attendance policy;
- (e) An attendance tracking system.

(2) Beginning July 1, 2016, in accordance with section 87900  
5104.34 of the Revised Code, eligible families may receive 87901  
publicly funded child care beyond the standard early childhood 87902  
schedule defined in division (I) of this section. 87903

(3) All providers, agencies, and school districts 87904  
participating in the early childhood education program or 87905  
providing care to eligible families beyond the standard early 87906  
childhood schedule shall follow the common policies established 87907  
under this division. 87908

**Section 263.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 87909**  
SUPPORT 87910

The foregoing appropriation item 200420, Information 87911  
Technology Development and Support, shall be used to support the 87912  
development and implementation of information technology solutions 87913  
designed to improve the performance and services of the Department 87914  
of Education. Funds may be used for personnel, maintenance, and 87915  
equipment costs related to the development and implementation of 87916  
these technical system projects. Implementation of these systems 87917  
shall allow the Department to provide greater levels of assistance 87918  
to school districts and to provide more timely information to the 87919  
public, including school districts, administrators, and 87920  
legislators. Funds may also be used to support data-driven 87921  
decision-making and differentiated instruction, as well as to 87922  
communicate academic content standards and curriculum models to 87923  
schools through web-based applications. 87924

**Section 263.40. ALTERNATIVE EDUCATION PROGRAMS 87925**

Of the foregoing appropriation item 200421, Alternative 87926  
Education Programs, up to \$2,500,000 in each fiscal year shall be 87927  
used to make payments under sections 3314.38, 3317.23, 3317.24, 87928  
and 3345.86 of the Revised Code, as amended by this act. 87929

Of the foregoing appropriation item 200421, Alternative 87930  
Education Programs, up to \$350,000 in each fiscal year may be used 87931  
to support the clearinghouse for the identification of and 87932  
intervention for at-risk students required under section 3301.28 87933  
of the Revised Code. 87934

The remainder of appropriation item 200421, Alternative 87935  
Education Programs, shall be used for the renewal of successful 87936  
implementation grants and for competitive matching grants to 87937  
school districts for alternative educational programs for existing 87938  
and new at-risk and delinquent youth. Programs shall be focused on 87939  
youth in one or more of the following categories: those who have 87940  
been expelled or suspended, those who have dropped out of school 87941  
or who are at risk of dropping out of school, those who are 87942  
habitually truant or disruptive, or those on probation or on 87943  
parole from a Department of Youth Services facility. Grants shall 87944  
be awarded only to programs in which the grant will not serve as 87945  
the program's primary source of funding. These grants shall be 87946  
administered by the Department of Education. 87947

The Department of Education may waive compliance with any 87948  
minimum education standard established under section 3301.07 of 87949  
the Revised Code for any alternative school that receives a grant 87950  
under this section on the grounds that the waiver will enable the 87951  
program to more effectively educate students enrolled in the 87952  
alternative school. 87953

Of the foregoing appropriation item 200421, Alternative 87954  
Education Programs, a portion may be used for program 87955  
administration, monitoring, technical assistance, support, 87956  
research, and evaluation. 87957

**Section 263.50. SCHOOL MANAGEMENT ASSISTANCE** 87958

Of the foregoing appropriation item 200422, School Management 87959  
Assistance, \$1,000,000 in each fiscal year shall be used by the 87960

Auditor of State in consultation with the Department of Education 87961  
for expenses incurred in the Auditor of State's role relating to 87962  
fiscal caution, fiscal watch, and fiscal emergency activities as 87963  
defined in Chapter 3316. of the Revised Code, unless an amount 87964  
less than \$1,000,000 is needed and mutually agreed to by the 87965  
Department and the Auditor of State. This set-aside may also be 87966  
used by the Auditor of State to conduct performance audits of 87967  
other school districts with priority given to districts in fiscal 87968  
distress. Districts in fiscal distress shall be determined by the 87969  
Auditor of State and shall include districts that the Auditor of 87970  
State, in consultation with the Department of Education, 87971  
determines are employing fiscal practices or experiencing 87972  
budgetary conditions that could produce a state of fiscal watch or 87973  
fiscal emergency. 87974

The remainder of appropriation item 200422, School Management 87975  
Assistance, shall be used by the Department of Education to 87976  
provide fiscal technical assistance and inservice education for 87977  
school district management personnel and to administer, monitor, 87978  
and implement the fiscal caution, fiscal watch, and fiscal 87979  
emergency provisions under Chapter 3316. of the Revised Code. 87980

**Section 263.60. POLICY ANALYSIS** 87981

The foregoing appropriation item 200424, Policy Analysis, 87982  
shall be used by the Department of Education to support a system 87983  
of administrative, statistical, and legislative education 87984  
information to be used for policy analysis. Staff supported by 87985  
this appropriation shall administer the development of reports, 87986  
analyses, and briefings to inform education policymakers of 87987  
current trends in education practice, efficient and effective use 87988  
of resources, and evaluation of programs to improve education 87989  
results. A portion of these funds shall be used to maintain a 87990  
longitudinal database to support the assessment of the impact of 87991

policies and programs on Ohio's education and workforce 87992  
development systems. The research efforts supported by this 87993  
appropriation item shall be used to supply information and 87994  
analysis of data to and in consultation with the General Assembly 87995  
and other state policymakers, including the Office of Budget and 87996  
Management, the Governor's Office of 21st Century Education, and 87997  
the Legislative Service Commission. 87998

The Department of Education may use funding from this 87999  
appropriation item to purchase or contract for the development of 88000  
software systems or contract for policy studies that will assist 88001  
in the provision and analysis of policy-related information. 88002  
Funding from this appropriation item also may be used to monitor 88003  
and enhance quality assurance for research-based policy analysis 88004  
and program evaluation to enhance the effective use of education 88005  
information to inform education policymakers. 88006

**TECH PREP CONSORTIA SUPPORT** 88007

The foregoing appropriation item 200425, Tech Prep Consortia 88008  
Support, shall be used by the Department of Education to support 88009  
state-level activities designed to support, promote, and expand 88010  
tech prep programs. Use of these funds shall include, but not be 88011  
limited to, administration of grants, program evaluation, 88012  
professional development, curriculum development, assessment 88013  
development, program promotion, communications, and statewide 88014  
coordination of tech prep consortia. 88015

**Section 263.70. OHIO EDUCATIONAL COMPUTER NETWORK** 88016

The foregoing appropriation item 200426, Ohio Educational 88017  
Computer Network, shall be used by the Department of Education to 88018  
maintain a system of information technology throughout Ohio and to 88019  
provide technical assistance for such a system in support of the 88020  
P-16 State Education Technology Plan developed under section 88021  
3353.09 of the Revised Code. 88022



Of the foregoing appropriation item 200426, Ohio Educational 88023  
Computer Network, up to \$10,000,000 in each fiscal year shall be 88024  
used by the Department of Education to support connection of all 88025  
public school buildings and participating chartered nonpublic 88026  
schools to the state's education network, to each other, and to 88027  
the Internet. In each fiscal year the Department of Education 88028  
shall use these funds to assist information technology centers or 88029  
school districts with the operational costs associated with this 88030  
connectivity. The Department of Education shall develop a formula 88031  
and guidelines for the distribution of these funds to information 88032  
technology centers or individual school districts. As used in this 88033  
section, "public school building" means a school building of any 88034  
city, local, exempted village, or joint vocational school 88035  
district, any community school established under Chapter 3314. of 88036  
the Revised Code, any college preparatory boarding school 88037  
established under Chapter 3328. of the Revised Code, any STEM 88038  
school established under Chapter 3326. of the Revised Code, any 88039  
educational service center building used for instructional 88040  
purposes, the Ohio School for the Deaf and the Ohio School for the 88041  
Blind, high schools chartered by the Ohio Department of Youth 88042  
Services, or high schools operated by Ohio Department of 88043  
Rehabilitation and Corrections' Ohio Central School System. 88044

Of the foregoing appropriation item 200426, Ohio Educational 88045  
Computer Network, up to \$5,000,000 in each fiscal year shall be 88046  
used, through a formula and guidelines devised by the Department, 88047  
to subsidize the activities of designated information technology 88048  
centers, as defined by State Board of Education rules, to provide 88049  
school districts and chartered nonpublic schools with 88050  
computer-based student and teacher instructional and 88051  
administrative information services, including approved 88052  
computerized financial accounting, and to ensure the effective 88053  
operation of local automated administrative and instructional 88054  
systems. 88055

The remainder of appropriation item 200426, Ohio Educational Computer Network, shall be used to support the work of the development, maintenance, and operation of a network of uniform and compatible computer-based information and instructional systems as well as the teacher student linkage/roster verification process and the eTranscript/student records exchange initiative. This technical assistance shall include, but not be restricted to, development and maintenance of adequate computer software systems to support network activities. In order to improve the efficiency of network activities, the Department and information technology centers may jointly purchase equipment, materials, and services from funds provided under this appropriation for use by the network and, when considered practical by the Department, may utilize the services of appropriate state purchasing agencies.

**Section 263.80. ACADEMIC STANDARDS** 88070

The foregoing appropriation item 200427, Academic Standards, shall be used by the Department of Education to develop and communicate to school districts academic content standards and curriculum models and to develop professional development programs and other tools on the new content standards and model curriculum.

**Section 263.90. STUDENT ASSESSMENT** 88076

Of the foregoing appropriation item 200437, Student Assessment, up to \$1,206,000 in fiscal year 2016 and up to \$2,760,000 in fiscal year 2017 may be used to support the assessments required under section 3301.0715 of the Revised Code.

The remainder of appropriation item 200437, Student Assessment, shall be used to develop, field test, print, distribute, score, report results, and support other associated costs for the tests required under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code and for similar purposes as

required by section 3301.27 of the Revised Code. The funds may 88086  
also be used to update and develop diagnostic assessments required 88087  
under sections 3301.079, 3301.0715, and 3313.608 of the Revised 88088  
Code. 88089

**Section 263.100.** ACCOUNTABILITY/REPORT CARDS 88090

Of the foregoing appropriation item 200439, 88091  
Accountability/Report Cards, a portion in each fiscal year may be 88092  
used to train district and regional specialists and district 88093  
educators in the use of the value-added progress dimension and in 88094  
the use of data as it relates to improving student achievement. 88095  
This training may include teacher and administrator professional 88096  
development in the use of data to improve instruction and student 88097  
learning, and teacher and administrator training in understanding 88098  
teacher value-added reports and how they can be used as a 88099  
component in measuring teacher and administrator effectiveness. A 88100  
portion of this funding may be provided to a credible nonprofit 88101  
organization with expertise in value-added progress dimensions. 88102

The remainder of appropriation item 200439, 88103  
Accountability/Report Cards, shall be used by the Department to 88104  
incorporate a statewide value-added progress dimension into 88105  
performance ratings for school districts and for the development 88106  
of an accountability system that includes the preparation and 88107  
distribution of school report cards, funding and expenditure 88108  
accountability reports under sections 3302.03 and 3302.031 of the 88109  
Revised Code, the development and maintenance of teacher 88110  
value-added reports, the teacher student linkage/roster 88111  
verification process, and the performance management section of 88112  
the Department's web site required by section 3302.26 of the 88113  
Revised Code. 88114

CHILD CARE LICENSING 88115

The foregoing appropriation item 200442, Child Care 88116

Licensing, shall be used by the Department of Education to license 88117  
and to inspect preschool and school-age child care programs under 88118  
sections 3301.52 to 3301.59 of the Revised Code. 88119

**Section 263.110. EDUCATION MANAGEMENT INFORMATION SYSTEM** 88120

The foregoing appropriation item 200446, Education Management 88121  
Information System, shall be used by the Department of Education 88122  
to improve the Education Management Information System (EMIS). 88123

Of the foregoing appropriation item 200446, Education 88124  
Management Information System, up to \$725,000 in each fiscal year 88125  
shall be distributed to designated information technology centers 88126  
for costs relating to processing, storing, and transferring data 88127  
for the effective operation of the EMIS. These costs may include, 88128  
but are not limited to, personnel, hardware, software development, 88129  
communications connectivity, professional development, and support 88130  
services, and to provide services to participate in the State 88131  
Education Technology Plan developed under section 3353.09 of the 88132  
Revised Code. 88133

The remainder of appropriation item 200446, Education 88134  
Management Information System, shall be used to develop and 88135  
support the data definitions and standards adopted by the 88136  
Education Management Information System Advisory Board, including 88137  
the ongoing development and maintenance of the data dictionary and 88138  
data warehouse. In addition, such funds shall be used to support 88139  
the development and implementation of data standards; the design, 88140  
development, and implementation of a new data exchange system; and 88141  
responsibilities related to the school report cards prescribed by 88142  
section 3302.03 of the Revised Code and value-added progress 88143  
dimension calculations. 88144

Any provider of software meeting the standards approved by 88145  
the Education Management Information System Advisory Board shall 88146  
be designated as an approved vendor and may enter into contracts 88147

with local school districts, community schools, STEMS schools, 88148  
information technology centers, or other educational entities for 88149  
the purpose of collecting and managing data required under Ohio's 88150  
education management information system (EMIS) laws. On an annual 88151  
basis, the Department of Education shall convene an advisory group 88152  
of school districts, community schools, and other 88153  
education-related entities to review the Education Management 88154  
Information System data definitions and data format standards. The 88155  
advisory group shall recommend changes and enhancements based upon 88156  
surveys of its members, education agencies in other states, and 88157  
current industry practices, to reflect best practices, align with 88158  
federal initiatives, and meet the needs of school districts. 88159

School districts, STEM schools, and community schools not 88160  
implementing a uniform set of data definitions and data format 88161  
standards for Education Management Information System purposes 88162  
shall have all EMIS funding withheld until they are in compliance. 88163

**Section 263.120. GED TESTING** 88164

The foregoing appropriation item 200447, GED Testing, shall 88165  
be used to provide General Educational Development (GED) testing 88166  
under rules adopted by the State Board of Education and provide 88167  
support to GED testing sites. 88168

**Section 263.130. EDUCATOR PREPARATION** 88169

Of the foregoing appropriation item 200448, Educator 88170  
Preparation, up to \$500,000 in each fiscal year may be used by the 88171  
Department of Education to monitor and support Ohio's State System 88172  
of Support in accordance with the "No Child Left Behind Act of 88173  
2011," 20 U.S.C. 6317, as administered pursuant to the Elementary 88174  
and Secondary Education Act flexibility waivers approved for Ohio 88175  
by the United States Department of Education. 88176

Of the foregoing appropriation item 200448, Educator 88177

Preparation, up to \$100,000 in each fiscal year may be used by the 88178  
Department to support the Educator Standards Board under section 88179  
3319.61 of the Revised Code and reforms under sections 3302.042, 88180  
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 88181  
3319.58 of the Revised Code. 88182

The remainder of the foregoing appropriation item 200448, 88183  
Educator Preparation, may be used for implementation of teacher 88184  
and principal evaluation systems, including incorporation of 88185  
student growth as a metric in those systems, and teacher 88186  
value-added reports. 88187

**Section 263.140. COMMUNITY SCHOOLS AND CHOICE PROGRAMS** 88188

The foregoing appropriation item 200455, Community Schools 88189  
and Choice Programs, may be used by the Department of Education 88190  
for operation of the school choice programs. 88191

Of the foregoing appropriation item 200455, Community Schools 88192  
and Choice Programs, a portion in each fiscal year may be used by 88193  
the Department of Education for developing and conducting training 88194  
sessions for community schools and sponsors and prospective 88195  
sponsors of community schools as prescribed in division (A)(1) of 88196  
section 3314.015 of the Revised Code, and other schools 88197  
participating in school choice programs. 88198

**STEM INITIATIVES** 88199

The foregoing appropriation item 200457, STEM Initiatives, 88200  
shall be distributed to the Lake County Educational Service Center 88201  
for a pilot project that supports innovative STEM initiatives for 88202  
middle school students in Geauga and Lake counties affiliated with 88203  
the Alliance for Working Together. These initiatives shall provide 88204  
middle school students with early access to programming, 88205  
engineering design, and problem-solving skills, the goal of which 88206  
is to build a strong regional pipeline of future manufacturing 88207

workers who can fill high-paying, sustainable positions in the 88208  
automated manufacturing industry. Not later than July 31, 2016, 88209  
the Lake County Educational Service Center shall submit a report 88210  
that describes the progress of the pilot project, including the 88211  
number of students participating, to the standing committees of 88212  
the House of Representatives and the Senate that are primarily 88213  
responsible for considering economic development issues. 88214

**Section 263.150.** EDUCATION TECHNOLOGY RESOURCES 88215

Of the foregoing appropriation item 200465, Education 88216  
Technology Resources, up to \$1,443,572 in each fiscal year shall 88217  
be used for the Union Catalog and InfoOhio Network and to support 88218  
the provision of electronic resources with priority given to 88219  
resources that support the teaching of state academic content 88220  
standards in all public schools. Consideration shall be given by 88221  
the Department of Education to coordinating the allocation of 88222  
these moneys with the efforts of Libraries Connect Ohio, whose 88223  
members include OhioLINK, the Ohio Public Information Network, and 88224  
the State Library of Ohio. 88225

Of the foregoing appropriation item 200465, Education 88226  
Technology Resources, up to \$1,027,176 in each fiscal year shall 88227  
be used by the Department of Education to provide grants to 88228  
educational television stations working with partner education 88229  
technology centers to provide Ohio public schools with 88230  
instructional resources and services, with priority given to 88231  
resources and services aligned with state academic content 88232  
standards. Such resources and services shall be based upon the 88233  
advice and approval of the Department, based on a formula 88234  
developed in consultation with Ohio's educational television 88235  
stations and educational technology centers. 88236

The remainder of the foregoing appropriation item 200465, 88237  
Education Technology Resources, may be used to support the 88238

training, technical support, and guidance to school districts and 88239  
public libraries in applying for federal E-Rate funds; for 88240  
oversight and guidance of school district technology plans; and 88241  
for support to district technology personnel. Funds may also be 88242  
used to support the eTranscript/student records exchange 88243  
initiative between the Department of Education and the Department 88244  
of Higher Education and the internet safety training for students, 88245  
teachers, and administrators required under the "Protecting 88246  
Children in the 21st Century Act," Pub. L. No. 110-385, 122 Stat. 88247  
4096 (2008). 88248

**Section 263.160. PUPIL TRANSPORTATION** 88249

Of the foregoing appropriation item 200502, Pupil 88250  
Transportation, up to \$838,930 in each fiscal year may be used by 88251  
the Department of Education for training prospective and 88252  
experienced school bus drivers in accordance with training 88253  
programs prescribed by the Department. Up to \$60,469,220 in each 88254  
fiscal year may be used by the Department of Education for special 88255  
education transportation reimbursements to school districts and 88256  
county DD boards for transportation operating costs as provided in 88257  
divisions (C) and (F) of section 3317.024 of the Revised Code. Up 88258  
to \$2,500,000 in each fiscal year may be used by the Department of 88259  
Education to reimburse school districts that make payments to 88260  
parents in lieu of transportation under section 3327.02 of the 88261  
Revised Code and whose transportation is not funded under division 88262  
(C) of section 3317.024 of the Revised Code. If the parent, 88263  
guardian, or other person in charge of a pupil accepts the offer 88264  
of payment in lieu of providing transportation, the school 88265  
district shall pay that parent, guardian, or other person an 88266  
amount that shall be not less than \$250 and not more than the 88267  
amount determined by the Department as the average cost of pupil 88268  
transportation for the previous school year. Payment may be 88269  
prorated if the time period involved is only a part of the school 88270



year. 88271

The remainder of the foregoing appropriation item 200502, 88272  
Pupil Transportation, shall be used to distribute the amounts 88273  
calculated for transportation aid under divisions (E) and (F) of 88274  
section 3317.0212 of the Revised Code, as amended by this act. 88275

**Section 263.170. SCHOOL LUNCH MATCH** 88276

The foregoing appropriation item 200505, School Lunch Match, 88277  
shall be used to provide matching funds to obtain federal funds 88278  
for the school lunch program. 88279

Any remaining appropriation after providing matching funds 88280  
for the school lunch program may be used to partially reimburse 88281  
school buildings within school districts that are required to have 88282  
a school breakfast program under section 3313.813 of the Revised 88283  
Code, at a rate decided by the Department. 88284

**Section 263.180. AUXILIARY SERVICES** 88285

The foregoing appropriation item 200511, Auxiliary Services, 88286  
shall be used by the Department of Education for the purpose of 88287  
implementing section 3317.06 of the Revised Code. Of the 88288  
appropriation, up to \$2,600,000 in each fiscal year may be used 88289  
for payment of the College Credit Plus Program for nonpublic 88290  
secondary school participants. The Department shall distribute 88291  
funding according to rule 3333-1-65.8 of the Administrative Code, 88292  
adopted by the Department of Higher Education pursuant to division 88293  
(A) of section 3365.071 of the Revised Code. 88294

**Section 263.190. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT** 88295

The foregoing appropriation item 200532, Nonpublic 88296  
Administrative Cost Reimbursement, shall be used by the Department 88297  
of Education for the purpose of implementing section 3317.063 of 88298  
the Revised Code. If the appropriation is sufficient, 88299

reimbursement payments to a nonpublic school may total up to four 88300  
hundred twenty dollars per student for each school year, 88301  
notwithstanding the restriction in section 3317.063 of the Revised 88302  
Code. 88303

**Section 263.200. SPECIAL EDUCATION ENHANCEMENTS** 88304

Of the foregoing appropriation item 200540, Special Education 88305  
Enhancements, up to \$50,000,000 in each fiscal year shall be used 88306  
to fund special education and related services at county boards of 88307  
developmental disabilities for eligible students under section 88308  
3317.20 of the Revised Code and at institutions for eligible 88309  
students under section 3317.201 of the Revised Code. If necessary, 88310  
the Department shall proportionately reduce the amount calculated 88311  
for each county board of developmental disabilities and 88312  
institution so as not to exceed the amount appropriated in each 88313  
fiscal year. 88314

Of the foregoing appropriation item 200540, Special Education 88315  
Enhancements, up to \$1,333,468 in each fiscal year shall be used 88316  
for parent mentoring programs. 88317

Of the foregoing appropriation item 200540, Special Education 88318  
Enhancements, up to \$2,537,824 in each fiscal year may be used for 88319  
school psychology interns. 88320

Of the foregoing appropriation item 200540, Special Education 88321  
Enhancements, the Department of Education shall transfer 88322  
\$2,500,000 in each fiscal year to the Opportunities for Ohioans 88323  
with Disabilities Agency. The transfer shall be made via an 88324  
intrastate transfer voucher. The transferred funds shall be used 88325  
by the Opportunities for Ohioans with Disabilities Agency as state 88326  
matching funds to draw down available federal funding for 88327  
vocational rehabilitation services. Total project funding shall be 88328  
used to hire dedicated vocational rehabilitation counselors who 88329  
shall work directly with school districts to provide transition 88330

services for students with disabilities. Services shall include 88331  
vocational rehabilitation services such as person-centered career 88332  
planning, summer work experiences, job placement, and retention 88333  
services for mutually eligible students with disabilities. 88334

The Superintendent of Public Instruction and the Executive 88335  
Director of the Opportunities for Ohioans with Disabilities Agency 88336  
shall enter into an interagency agreement that shall specify the 88337  
responsibilities of each agency under the program. Under the 88338  
interagency agreement, the Opportunities for Ohioans with 88339  
Disabilities Agency shall retain responsibility for all 88340  
nondelegable functions, including eligibility and order of 88341  
selection determination, individualized plan for employment (IPE) 88342  
approval, IPE amendments, case closure, and release of vendor 88343  
payments. 88344

Of the foregoing appropriation item 200540, Special Education 88345  
Enhancements, up to \$2,500,000 in each fiscal year shall be used 88346  
by the Department of Education to build capacity to deliver a 88347  
regional system of training, support, coordination, and direct 88348  
service for secondary transition services for students with 88349  
disabilities beginning at fourteen years of age. These special 88350  
education enhancements shall support all students with 88351  
disabilities, regardless of partner agency eligibility 88352  
requirements, to provide stand-alone direct secondary transition 88353  
services by school districts. Secondary transition services shall 88354  
include, but not be limited to, job exploration counseling, 88355  
work-based learning experiences, counseling on opportunities for 88356  
enrollment in comprehensive transition or post-secondary 88357  
educational programs at institutions of higher education, 88358  
workplace readiness training to develop occupational skills, 88359  
social skills and independent living skills, and instruction in 88360  
self-advocacy. Regional training shall support the expansion of 88361  
transition to work endorsement opportunities for middle school and 88362

secondary level special education intervention specialists in 88363  
order to develop the necessary skills and competencies to meet the 88364  
secondary transition needs of students with disabilities beginning 88365  
at fourteen years of age. 88366

The remainder of appropriation item 200540, Special Education 88367  
Enhancements, shall be distributed by the Department of Education 88368  
to school districts and institutions, as defined in section 88369  
3323.091 of the Revised Code, for preschool special education 88370  
funding under section 3317.0213 of the Revised Code. 88371

The Department may reimburse school districts and 88372  
institutions for services provided by instructional assistants, 88373  
related services as defined in rule 3301-51-11 of the 88374  
Administrative Code, physical therapy services provided by a 88375  
licensed physical therapist or physical therapist assistant under 88376  
the supervision of a licensed physical therapist as required under 88377  
Chapter 4755. of the Revised Code and Chapter 4755-27 of the 88378  
Administrative Code and occupational therapy services provided by 88379  
a licensed occupational therapist or occupational therapy 88380  
assistant under the supervision of a licensed occupational 88381  
therapist as required under Chapter 4755. of the Revised Code and 88382  
Chapter 4755-7 of the Administrative Code. Nothing in this section 88383  
authorizes occupational therapy assistants or physical therapist 88384  
assistants to generate or manage their own caseloads. 88385

The Department of Education shall require school districts, 88386  
educational service centers, county DD boards, and institutions 88387  
serving preschool children with disabilities to adhere to Ohio's 88388  
early learning program standards, participate in the tiered 88389  
quality rating and improvement system developed under section 88390  
5104.30 of the Revised Code, and document child progress using 88391  
research-based indicators prescribed by the Department and report 88392  
results annually. The reporting dates and method shall be 88393  
determined by the Department. Effective July 1, 2018, all programs 88394

shall be rated through the tiered quality rating and improvement system. 88395  
88396

**Section 263.210. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 88397

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$1,008,000 in each fiscal year shall be used to fund the Ohio Career Counseling Pilot Program. The program shall utilize Career-Technical Planning Districts to deliver comprehensive career counseling services to students in grades seven through twelve. 88398  
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(A) Participating institutions shall provide the following services: 88404  
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(1) Connect students in grades seven through twelve to career mentors from local civic and business organizations for the purpose of exploring career options and workforce skills necessary for success; 88406  
88407  
88408  
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(2) Provide students in grades nine through twelve with opportunities for experiential learning through community-based businesses and civic partnerships; 88410  
88411  
88412

(3) Provide students in grades seven through twelve with career pathways that feature academic coursework integrated into career-technical training, including introduction to these pathways for students in grades seven and eight; 88413  
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88415  
88416

(4) Offer career-focused counseling for students that include all of the following components: 88417  
88418

(a) Earning college credit through the College Credit Plus Program; 88419  
88420

(b) Planning for a post-secondary education; 88421

(c) Earning an industry-recognized credential or state-issued license; 88422  
88423

(d) Participating in experiential learning; 88424

(e) Using the OhioMeansJobs web site; and 88425

(f) Participating in the Career Connections initiative 88426  
developed by the Department of Education. 88427

(B) Participating institutions shall establish participation 88428  
and outcome goals for each of the activities as defined in 88429  
division (A)(4) of this section. Each participating institution 88430  
shall report results for each goal and provide recommendations to 88431  
improve services to the Department of Education not later than 88432  
sixty days after the end of the fiscal year. The Department shall 88433  
compile all results and recommendations and provide a report to 88434  
the Governor and General Assembly not later than October 31 88435  
following the end of each fiscal year. 88436

(C) Participating institutions shall receive the following 88437  
funding in each fiscal year for the Ohio Career Counseling Pilot 88438  
Program: Butler Tech Joint Vocational School District, \$393,000; 88439  
Four County Joint Vocational School District, \$164,000; Pioneer 88440  
Career and Technology Center, \$141,000; South-Western City School 88441  
District, \$110,000; Gallia-Jackson-Vinton Joint Vocational School 88442  
District, \$85,000; Four Cities Educational Compact, \$65,000; and 88443  
Madison Local School District in Richland County, \$50,000. 88444

(D) The Department of Education shall distribute funds to 88445  
participating institutions not later than August fifteenth of each 88446  
fiscal year. 88447

(E) Professional development and outreach for school 88448  
counselors under this section shall include how to effectively use 88449  
training and informational resources on the OhioMeansJobs K-12 web 88450  
site and shall be done in consultation with the Director of Higher 88451  
Education to ensure alignment with efforts to improve the 88452  
preparation of school counselors on effective career counseling 88453  
methods. 88454

Of the foregoing appropriation item 200545, Career-Technical 88455  
Education Enhancements, up to \$2,563,568 in each fiscal year shall 88456  
be used to fund secondary career-technical education at 88457  
institutions, the Ohio School for the Deaf, and the Ohio State 88458  
School for the Blind using a grant-based methodology, 88459  
notwithstanding section 3317.05 of the Revised Code. 88460

Of the foregoing appropriation item 200545, Career-Technical 88461  
Education Enhancements, up to \$3,587,800 in each fiscal year shall 88462  
be used by the Department of Education to fund competitive grants 88463  
to tech prep consortia that expand the number of students enrolled 88464  
in tech prep programs. These grant funds shall be used to directly 88465  
support expanded tech prep programs provided to students enrolled 88466  
in school districts, including joint vocational school districts, 88467  
and affiliated higher education institutions. This support may 88468  
include the purchase of equipment. 88469

Of the foregoing appropriation item 200545, Career-Technical 88470  
Education Enhancements, up to \$3,100,850 in each fiscal year shall 88471  
be used by the Department of Education to support existing High 88472  
Schools That Work (HSTW) sites, develop and support new sites, 88473  
fund technical assistance, and support regional centers and middle 88474  
school programs. The purpose of HSTW is to combine challenging 88475  
academic courses and modern career-technical studies to raise the 88476  
academic achievement of students. HSTW provides intensive 88477  
technical assistance, focused staff development, targeted 88478  
assessment services, and ongoing communications and networking 88479  
opportunities. 88480

Of the foregoing appropriation item 200545, Career-Technical 88481  
Education Enhancements, up to \$600,000 in each fiscal year shall 88482  
be used by the Department of Education to enable students in 88483  
agricultural programs to enroll in a fifth quarter of instruction 88484  
based on the agricultural education model of delivering work-based 88485  
learning through supervised agricultural experience. The 88486

Department of Education shall determine eligibility criteria and 88487  
the reporting process for the Agriculture 5th Quarter Project and 88488  
shall fund as many programs as possible given the set aside. The 88489  
eligibility criteria developed by the Department shall allow these 88490  
funds to support supervised agricultural experience that occurs 88491  
anytime outside of the regular school day. 88492

Of the foregoing appropriation item 200545, Career-Technical 88493  
Education Enhancements, up to \$162,200 in each fiscal year shall 88494  
be distributed to the Cleveland Municipal School District and the 88495  
Cincinnati City School District to be used for a VoAg Program in 88496  
one at-risk nonvocational school in each district. The amount 88497  
distributed to the Cleveland Municipal School District shall be 88498  
equal to \$78,600 minus the funding allocated to the district under 88499  
division (A)(8) of section 3317.022 of the Revised Code for the 88500  
students participating in the program. The amount distributed to 88501  
the Cincinnati City School District shall be equal to \$83,600 88502  
minus the funding allocated to the district under division (A)(8) 88503  
of section 3317.022 of the Revised Code for the students 88504  
participating in the program. 88505

Of the foregoing appropriation item 200545, Career-Technical 88506  
Education Enhancements, up to \$525,000 in fiscal year 2016 and up 88507  
to \$550,000 in fiscal year 2017 may be used to support career 88508  
planning and reporting through the Ohio Means Jobs web site. 88509

Of the foregoing appropriation item 200545, Career-Technical 88510  
Education Enhancements, up to \$1,000,000 in each fiscal year shall 88511  
be used to support payments to city, local, and exempted village 88512  
school districts, community schools, STEM schools, and joint 88513  
vocational school districts whose students earn an 88514  
industry-recognized credential or receive a journeyman 88515  
certification recognized by the United States Department of Labor. 88516  
The educating entity shall be required to inform students enrolled 88517  
in career-technical education courses that lead to an 88518



industry-recognized credential about the opportunity to earn these 88519  
credentials. The Ohio Department of Education shall work with the 88520  
Department of Higher Education and the Governor's Office of 88521  
Workforce Transformation to develop a schedule for reimbursement 88522  
based on the Department of Education's list of industry-recognized 88523  
credentials, the time it takes to earn the credential, and the 88524  
cost to obtain the credential. The educating entity shall pay for 88525  
the cost of the credential for an economically disadvantaged 88526  
student and may claim and receive reimbursement. The educating 88527  
entity may claim reimbursement based on the Department's 88528  
reimbursement schedule up to six months after the student has 88529  
graduated from high school. If the amount appropriated is not 88530  
sufficient, the Department shall prorate the amounts so that the 88531  
aggregate amount appropriated is not exceeded. 88532

Of the foregoing appropriation item 200545, Career-Technical 88533  
Education Enhancements, \$125,000 in each fiscal year shall be used 88534  
to prepare students for careers in culinary arts and restaurant 88535  
management under the Ohio ProStart school restaurant program. 88536

**Section 263.220. FOUNDATION FUNDING** 88537

Of the foregoing appropriation item 200550, Foundation 88538  
Funding, up to \$40,000,000 in each fiscal year shall be used to 88539  
provide additional state aid to school districts, joint vocational 88540  
school districts, community schools, and STEM schools for special 88541  
education students under division (C)(3) of section 3314.08, 88542  
section 3317.0214, division (B) of section 3317.16, and section 88543  
3326.34 of the Revised Code, except that the Controlling Board may 88544  
increase these amounts if presented with such a request from the 88545  
Department of Education at the final meeting of the fiscal year. 88546

Of the foregoing appropriation item 200550, Foundation 88547  
Funding, up to \$3,800,000 in each fiscal year shall be used to 88548  
fund gifted education at educational service centers. The 88549

Department shall distribute the funding through the unit-based 88550  
funding methodology in place under division (L) of section 88551  
3317.024, division (E) of section 3317.05, and divisions (A), (B), 88552  
and (C) of section 3317.053 of the Revised Code as they existed 88553  
prior to fiscal year 2010. 88554

Of the foregoing appropriation item 200550, Foundation 88555  
Funding, up to \$37,700,000 in fiscal year 2016 and up to 88556  
\$40,000,000 in fiscal year 2017 shall be reserved to fund the 88557  
state reimbursement of educational service centers under the 88558  
section of this act entitled "EDUCATIONAL SERVICE CENTERS 88559  
FUNDING"; and up to \$3,500,000 in each fiscal year shall be 88560  
distributed to educational service centers for School Improvement 88561  
Initiatives and for the provision of technical assistance as 88562  
required by the Elementary and Secondary Education Act Flexibility 88563  
waivers approved for Ohio by the United States Department of 88564  
Education. Educational service centers shall be required to 88565  
support districts in the development and implementation of their 88566  
continuous improvement plans as required in section 3302.04 of the 88567  
Revised Code and to provide technical assistance and support in 88568  
accordance with Title I of the "No Child Left Behind Act of 2001," 88569  
115 Stat. 1425, 20 U.S.C. 6317, as administered pursuant to the 88570  
Elementary and Secondary Education Act Flexibility waivers 88571  
approved for Ohio by the United States Department of Education. 88572

Of the foregoing appropriation item 200550, Foundation 88573  
Funding, up to \$20,000,000 in each fiscal year shall be reserved 88574  
for payments under sections 3317.026, 3317.027, and 3317.028 of 88575  
the Revised Code. If this amount is not sufficient, the Department 88576  
of Education shall prorate the payment amounts so that the 88577  
aggregate amount allocated in this paragraph is not exceeded. 88578

Of the foregoing appropriation item 200550, Foundation 88579  
Funding, up to \$2,000,000 in each fiscal year shall be used to pay 88580  
career-technical planning districts for the amounts reimbursed to 88581

students, as prescribed in this paragraph. Each career-technical 88582  
planning district shall reimburse individuals taking the online 88583  
General Educational Development (GED) test for the first time for 88584  
application/test fees in excess of \$40. Each career-technical 88585  
planning district shall designate a site or sites where 88586  
individuals may register and take the exam. For each individual 88587  
that registers for the exam, the career-technical planning 88588  
district shall make available and offer career counseling 88589  
services, including information on adult education programs that 88590  
are available. Any remaining funds in each fiscal year shall be 88591  
reimbursed to the Department of Youth Services and the Department 88592  
of Rehabilitation and Correction for individuals in these 88593  
facilities who have taken the GED for the first time. The amounts 88594  
reimbursed shall not exceed the per-individual amounts reimbursed 88595  
to other individuals under this section for each section of the 88596  
GED. 88597

Of the foregoing appropriation item 200550, Foundation 88598  
Funding, up to \$29,900,000 in fiscal year 2016 and up to 88599  
\$38,000,000 in fiscal year 2017 shall be used to support school 88600  
choice programs. 88601

Of the portion of the funds distributed to the Cleveland 88602  
Municipal School District under this section, up to \$11,901,887 in 88603  
each fiscal year shall be used to operate the school choice 88604  
program in the Cleveland Municipal School District under sections 88605  
3313.974 to 3313.979 of the Revised Code. Notwithstanding 88606  
divisions (B) and (C) of section 3313.978 and division (C) of 88607  
section 3313.979 of the Revised Code, up to \$1,000,000 in each 88608  
fiscal year of this amount shall be used by the Cleveland 88609  
Municipal School District to provide tutorial assistance as 88610  
provided in division (H) of section 3313.974 of the Revised Code. 88611  
The Cleveland Municipal School District shall report the use of 88612  
these funds in the district's three-year continuous improvement 88613

plan as described in section 3302.04 of the Revised Code in a 88614  
manner approved by the Department of Education. 88615

Of the foregoing appropriation item 200550, Foundation 88616  
Funding, up to \$250,000 in each fiscal year may be used for 88617  
payment of the College Credit Plus Program for students instructed 88618  
at home pursuant to section 3321.04 of the Revised Code. 88619

Of the foregoing appropriation item 200550, Foundation 88620  
Funding, an amount shall be available in each fiscal year to be 88621  
paid to joint vocational school districts in accordance with 88622  
division (A) of section 3317.16 of the Revised Code and the 88623  
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT 88624  
VOCATIONAL SCHOOL DISTRICTS." 88625

Of the foregoing appropriation item 200550, Foundation 88626  
Funding, up to \$700,000 in each fiscal year shall be used by the 88627  
Department of Education for a program to pay for educational 88628  
services for youth who have been assigned by a juvenile court or 88629  
other authorized agency to any of the facilities described in 88630  
division (A) of the section of this act entitled "PRIVATE 88631  
TREATMENT FACILITY PROJECT." 88632

Of the foregoing appropriation item 200550, Foundation 88633  
Funding, up to \$4,928,831 in fiscal year 2016 and up to \$5,012,370 88634  
in fiscal year 2017 shall be distributed to city, local, and 88635  
exempted village school districts for payments in accordance with 88636  
the section of this act entitled "SUPPLEMENTAL COLLEGE CREDIT PLUS 88637  
PAYMENTS." 88638

Of the foregoing appropriation item 200550, Foundation 88639  
Funding, a portion may be used to pay college-preparatory boarding 88640  
schools the per pupil boarding amount pursuant to section 3328.34 88641  
of the Revised Code. 88642

Of the foregoing appropriation item 200550, Foundation 88643  
Funding, up to \$2,000,000 in each fiscal year shall be used for 88644

the Bright New Leaders for Ohio Schools Program created and 88645  
implemented by the nonprofit corporation incorporated pursuant to 88646  
Section 733.40 of Am. Sub. H.B. 59 of the 130th General Assembly, 88647  
to provide an alternative path for individuals to receive training 88648  
and development in the administration of primary and secondary 88649  
education and leadership, enable those individuals to earn degrees 88650  
and obtain licenses in public school administration, and promote 88651  
the placement of those individuals in public schools that have a 88652  
poverty percentage greater than fifty per cent. 88653

The remainder of appropriation item 200550, Foundation 88654  
Funding, shall be used to distribute the amounts calculated for 88655  
formula aid under section 3317.022 of the Revised Code and the 88656  
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, 88657  
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 88658

Appropriation items 200502, Pupil Transportation, 200540, 88659  
Special Education Enhancements, and 200550, Foundation Funding, 88660  
other than specific set-asides, are collectively used in each 88661  
fiscal year to pay state formula aid obligations for school 88662  
districts, community schools, STEM schools, college preparatory 88663  
boarding schools, and joint vocational school districts under this 88664  
act. The first priority of these appropriation items, with the 88665  
exception of specific set-asides, is to fund state formula aid 88666  
obligations. It may be necessary to reallocate funds among these 88667  
appropriation items or use excess funds from other general revenue 88668  
fund appropriation items in the Department of Education's budget 88669  
in each fiscal year in order to meet state formula aid 88670  
obligations. If it is determined that it is necessary to transfer 88671  
funds among these appropriation items or to transfer funds from 88672  
other General Revenue Fund appropriations in the Department of 88673  
Education's budget to meet state formula aid obligations, the 88674  
Superintendent of Public Instruction shall seek approval from the 88675  
Director of Budget and Management to transfer funds as needed. 88676

The Superintendent of Public Instruction shall make payments, 88677  
transfers, and deductions, as authorized by Title XXXIII of the 88678  
Revised Code in amounts substantially equal to those made in the 88679  
prior year, or otherwise, at the discretion of the Superintendent, 88680  
until at least the effective date of the amendments and enactments 88681  
made to Title XXXIII by this act. Any funds paid to districts or 88682  
schools under this section shall be credited toward the annual 88683  
funds calculated for the district or school after the changes made 88684  
to Title XXXIII in this act are effective. Upon the effective date 88685  
of changes made to Title XXXIII in this act, funds shall be 88686  
calculated as an annual amount. 88687

**Section 263.230.** TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 88688  
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 88689

The Department of Education shall distribute funds within 88690  
appropriation item 200550, Foundation Funding, for temporary 88691  
transitional aid in each fiscal year to each qualifying city, 88692  
local, and exempted village school district. 88693

(A) For fiscal years 2016 and 2017, the Department shall pay 88694  
temporary transitional aid to each city, local, or exempted 88695  
village school district that experiences any decrease in its state 88696  
foundation funding for the current fiscal year from its 88697  
transitional aid guarantee base. The amount of the temporary 88698  
transitional aid payment shall equal the difference between its 88699  
foundation funding for the current fiscal year and its 88700  
transitional aid guarantee base. If the computation made under 88701  
this division results in a negative number, the district's funding 88702  
under this division shall be zero. 88703

(1) As used in this section, foundation funding for each 88704  
city, local, and exempted village school district for a given 88705  
fiscal year equals the sum of the amount calculated for the 88706  
district under section 3317.022 of the Revised Code, as amended by 88707

this act, and the amounts calculated for the district under 88708  
divisions (E) and (F) of section 3317.0212 of the Revised Code, as 88709  
amended by this act, for that fiscal year. 88710

(2) The transitional aid guarantee base for each city, local, 88711  
and exempted village school district equals the sum of the amounts 88712  
computed for the district for fiscal year 2015, under section 88713  
3317.022 of the Revised Code and under divisions (G)(1) and (2) of 88714  
section 3317.0212 of the Revised Code, as those sections existed 88715  
at that time, plus any amount calculated for temporary 88716  
transitional aid for fiscal year 2015 under division (A) of 88717  
Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly, 88718  
and after any reductions made for fiscal year 2015 under division 88719  
(B)(2) of Section 263.240 of Am. Sub. H.B. 59 of the 130th General 88720  
Assembly. The Department of Education shall adjust, as necessary, 88721  
the transitional aid guarantee base of any local school district 88722  
that participates in the establishment of a joint vocational 88723  
school district that begins receiving payments under section 88724  
3317.16 of the Revised Code, as amended by this act, for fiscal 88725  
year 2016 or fiscal year 2017, but does not receive payments for 88726  
fiscal year 2015. The Department shall adjust any such local 88727  
school district's guarantee base according to the amounts received 88728  
by the district in fiscal year 2015 for career-technical education 88729  
students who attend the newly established joint vocational school 88730  
district in fiscal year 2016 or fiscal year 2017. 88731

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 88732  
as amended by this act, in fiscal year 2016, no city, local, or 88733  
exempted village school district shall be allocated foundation 88734  
funding that is greater than 1.075 times the district's fiscal 88735  
year 2015 base, which is the sum of the amounts calculated for the 88736  
district for fiscal year 2015 under section 3317.022 of the 88737  
Revised Code, and under divisions (G)(1) and (2) of section 88738  
3317.0212 of the Revised Code, as those sections existed at that 88739

time, plus any amount calculated for temporary transitional aid 88740  
for fiscal year 2015 under division (A) of Section 263.240 of Am. 88741  
Sub. H.B. 59 of the 130th General Assembly and after any 88742  
reductions made for fiscal year 2015 under division (B)(2) of 88743  
Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly. 88744

(2) Notwithstanding section 3317.022 of the Revised Code, as 88745  
amended by this act, in fiscal year 2017, no city, local, or 88746  
exempted village school district shall be allocated foundation 88747  
funding that is greater than 1.075 times the district's fiscal 88748  
year 2016 base, which is the amount computed for foundation 88749  
funding for the district for fiscal year 2016 plus any amount 88750  
calculated for temporary transitional aid for fiscal year 2016 88751  
under division (A) of this section and after any reductions made 88752  
for fiscal year 2016 under division (B)(1) of this section. 88753

(3) The Department of Education shall adjust, as necessary, 88754  
the base of any local school district that participates in the 88755  
establishment of a joint vocational school district that begins 88756  
receiving payments under section 3317.16 of the Revised Code, as 88757  
amended by this act, but does not receive such payments for the 88758  
prior fiscal year. The Department shall adjust any such local 88759  
school district's base according to the amounts received by the 88760  
district in the prior fiscal year for career-technical education 88761  
students who attend the newly established joint vocational school 88762  
district. 88763

(4) The Department shall reduce a district's payments under 88764  
divisions (A)(1), (2), (4), (5), (6), and (7) of section 3317.022 88765  
of the Revised Code, as amended by this act, proportionately as 88766  
necessary in order to comply with this division. If those amounts 88767  
are insufficient, the Department shall proportionately reduce a 88768  
district's payments under divisions (A)(3), (8), and (9) of 88769  
section 3317.022 of the Revised Code, as amended by this act, and 88770  
divisions (E) and (F) of section 3317.0212 of the Revised Code, as 88771



amended by this act. 88772

**Section 263.240.** TEMPORARY TRANSITIONAL AID FOR JOINT 88773  
VOCATIONAL SCHOOL DISTRICTS 88774

The Department of Education shall distribute funds within 88775  
appropriation item 200550, Foundation Funding, for temporary 88776  
transitional aid in each fiscal year to each qualifying joint 88777  
vocational school district. 88778

(A) For fiscal years 2016 and 2017, the Department shall pay 88779  
temporary transitional aid to each joint vocational school 88780  
district that experiences any decrease in its state core 88781  
foundation funding under division (A) of section 3317.16 of the 88782  
Revised Code, as amended by this act, for the current fiscal year 88783  
from its transitional aid guarantee base. The amount of the 88784  
temporary transitional aid payment shall equal the difference 88785  
between the district's funding under division (A) of section 88786  
3317.16 of the Revised Code for the current fiscal year and its 88787  
transitional aid guarantee base. If the computation made under 88788  
this division results in a negative number, the district's funding 88789  
under this division shall be zero. 88790

The transitional aid guarantee base for each joint vocational 88791  
school district equals the amount computed for the district for 88792  
fiscal year 2015 under section 3317.16 of the Revised Code, as 88793  
that section existed at that time, plus any amount calculated for 88794  
temporary transitional aid for fiscal year 2015 under division (A) 88795  
of Section 263.250 of Am. Sub. H.B. 59 of the 130th General 88796  
Assembly, and after any reductions made for fiscal year 2015 under 88797  
division (B)(2) of Section 263.250 of Am. Sub. H.B. 59 of the 88798  
130th General Assembly. The Department of Education shall 88799  
establish, as necessary, the transitional aid guarantee base of 88800  
any joint vocational school district that begins receiving 88801  
payments under section 3317.16 of the Revised Code, as amended by 88802

this act, for fiscal year 2016 or fiscal year 2017 but does not 88803  
receive such payments for fiscal year 2015. The Department shall 88804  
establish any such joint vocational school district's guarantee 88805  
base as an amount equal to the absolute value of the sum of the 88806  
associated adjustments of any local school districts' guarantee 88807  
bases under division (A)(2) of the section of this act entitled 88808  
"TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE 88809  
SCHOOL DISTRICTS." 88810

(B)(1) Notwithstanding division (A) of section 3317.16 of the 88811  
Revised Code, as amended by this act, in fiscal year 2016, no 88812  
joint vocational school district shall be allocated state core 88813  
foundation funding, as computed under division (A) of section 88814  
3317.16 of the Revised Code, as amended by this act, that is 88815  
greater than 1.075 times the district's fiscal year 2015 base, 88816  
which is the amount computed for state core foundation funding for 88817  
the district for fiscal year 2015 under division (A) of section 88818  
3317.16 of the Revised Code, as that section existed at that time, 88819  
plus any amount calculated for temporary transitional aid for 88820  
fiscal year 2015 under division (A) of Section 263.250 of Am. Sub. 88821  
H.B. 59 of the 130th General Assembly and after any reductions 88822  
made for fiscal year 2015 under division (B)(2) of Section 263.250 88823  
of Am. Sub. H.B. 59 of the 130th General Assembly. 88824

(2) Notwithstanding division (A) of section 3317.16 of the 88825  
Revised Code, as amended by this act, in fiscal year 2017, no 88826  
joint vocational school district shall be allocated state core 88827  
foundation funding, under division (A) of section 3317.16 of the 88828  
Revised Code, as amended by this act, that is greater than 1.075 88829  
times the district's fiscal year 2016 base, which is the amount 88830  
computed for state core foundation funding for the district for 88831  
fiscal year 2016 under section 3317.16 of the Revised Code, as 88832  
amended by this act, plus any amount calculated for temporary 88833  
transitional aid for fiscal year 2016 under division (A) of this 88834

section and after any reductions made for fiscal year 2016 under 88835  
division (B)(1) of this section. The Department shall establish, 88836  
as necessary, the base of any joint vocational school district 88837  
that begins receiving payments under section 3317.16 of the 88838  
Revised Code, but does not receive such payments in the prior 88839  
fiscal year. The Department shall establish any such joint 88840  
vocational school district's base as an amount equal to the 88841  
absolute value of the sum of the associated adjustments of any 88842  
local school district's base under division (B)(3) of the section 88843  
of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 88844  
AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 88845

(3) The Department shall reduce a district's payments under 88846  
divisions (A)(1), (3), and (4) of section 3317.16 of the Revised 88847  
Code, as amended by this act, proportionately as necessary in 88848  
order to comply with this division. If those amounts are 88849  
insufficient, the Department shall proportionately reduce a 88850  
district's payments under divisions (A)(2), (5), and (6) of 88851  
section 3317.16 of the Revised Code, as amended by this act. 88852

**Section 263.243. SUPPLEMENTAL COLLEGE CREDIT PLUS PAYMENTS** 88853

(A) For each of fiscal years 2016 and 2017, the Department of 88854  
Education shall compute and pay supplemental College Credit Plus 88855  
funding to each school district as follows: 88856

(1) Subtract the number of the district's students that have 88857  
earned at least three college credits while in high school as 88858  
reported by the Department of Education on the report cards for 88859  
the 2013-2014 school year pursuant to division (B)(2)(b) of 88860  
section 3302.03 of the Revised Code from, for fiscal year 2016, 88861  
the number of the district's students that have earned at least 88862  
three college credits while in high school as reported by the 88863  
Department of Education on the report cards for the 2015-2016 88864  
school year pursuant to division (C)(2)(c) of section 3302.03 of 88865

the Revised Code, or, for fiscal year 2017, the number of the 88866  
district's students that have earned at least three college 88867  
credits while in high school as reported by the Department of 88868  
Education on the report cards for the 2016-2017 school year 88869  
pursuant to division (C)(2)(c) of section 3302.03 of the Revised 88870  
Code. The amount calculated under division (A)(1) of this section 88871  
shall not exceed the number of the district's students that have 88872  
earned at least three college credits while in high school as 88873  
reported by the Department of Education on the report cards for 88874  
the 2013-2014 school year pursuant to division (B)(2)(b) of 88875  
section 3302.03 of the Revised Code. 88876

(2) Calculate the amount to be paid to each school district 88877  
in accordance with the following formula: 88878

The amount computed in division (A)(1) of this section X the per 88879  
credit hour rate used in determining the default floor amount X 15 88880

(3) If the computation made under division (A)(1) of this 88881  
section results in a negative number, the district's funding under 88882  
this division shall be zero. 88883

(B) In any fiscal year, a school district receiving funds 88884  
under this section shall spend those funds only for purposes 88885  
related to the College Credit Plus Program under Chapter 3365. of 88886  
the Revised Code. 88887

(C) As used in this section, "default floor amount" has the 88888  
same meaning as in section 3365.01 of the Revised Code. 88889

**Section 263.250. LITERACY IMPROVEMENT** 88890

The foregoing appropriation item 200566, Literacy 88891  
Improvement, shall be used by the Department of Education to 88892  
contract with an educational service center or a consortium of 88893  
educational service centers for the purpose of administering 88894  
grants for summer literacy camps and establishing regional 88895

literacy professional development teams. The Department shall have 88896  
any necessary agreements in place to administer the program not 88897  
later than December 31, 2015. 88898

Of the foregoing appropriation item 200566, Literacy 88899  
Improvement, up to \$1,750,000 in each fiscal year shall be used to 88900  
award grants for summer literacy camps. 88901

The remainder of appropriation item 200566, Literacy 88902  
Improvement, shall be used to establish regional professional 88903  
development teams in literacy. 88904

**Section 263.260. ADULT DIPLOMA** 88905

Of the foregoing appropriation item 200572, Adult Diploma, up 88906  
to \$5,000,000 in fiscal year 2016 and \$10,000,000 in fiscal year 88907  
2017 shall be used to make payments to institutions participating 88908  
in the Adult Diploma Pilot Program under section 3313.902 of the 88909  
Revised Code as enacted by this act. The Superintendent of Public 88910  
Instruction may use a portion of the earmark to provide technical 88911  
assistance and to administer the program. 88912

Of the foregoing appropriation item 200572, Adult Diploma, up 88913  
to \$2,500,000 in fiscal year 2016 shall be used by the 88914  
Superintendent of Public Instruction to award and administer 88915  
planning grants for the Adult Diploma Pilot Program established in 88916  
section 3313.902 of the Revised Code. The Superintendent may award 88917  
grants of up to \$500,000 to not more than five institutions 88918  
eligible to participate in the program. The grants shall be used 88919  
by the institutions to build capacity to implement the program 88920  
beginning in fiscal year 2017. The Superintendent of Public 88921  
Instruction and the Director of Higher Education shall develop an 88922  
application process to award these grants to eligible institutions 88923  
geographically dispersed throughout the state. The Superintendent 88924  
may use any remaining appropriation after awarding these grants to 88925  
provide technical assistance to institutions receiving the grant. 88926

**Section 263.270.** EDCHOICE EXPANSION 88927

The foregoing appropriation item 200573, EdChoice Expansion, 88928  
shall be used to provide for the scholarships awarded under the 88929  
expansion of the educational choice program established under 88930  
section 3310.032 of the Revised Code. The number of scholarships 88931  
awarded under the expansion of the educational choice program 88932  
shall not exceed the number that can be funded with the 88933  
appropriations made by the General Assembly for this purpose. 88934

HALF-MILL MAINTENANCE EQUALIZATION 88935

The foregoing appropriation item 200574, Half-Mill 88936  
Maintenance Equalization, shall be used to make payments pursuant 88937  
to section 3318.18 of the Revised Code. 88938

**Section 263.280.** COMPETENCY-BASED EDUCATION PILOT 88939

The foregoing appropriation item 200588, Competency-Based 88940  
Education Pilot, shall be used by the Department of Education to 88941  
fund competency-based education pilot programs in up to ten 88942  
districts, schools, or consortia of districts and schools led by 88943  
educational service centers. The Department shall award each 88944  
district, school, or consortium of districts and schools led by 88945  
educational service centers that is selected to participate in the 88946  
program a grant of up to \$250,000 for each fiscal year. The grant 88947  
shall be used during the 2015-2016 and 2016-2017 school years to 88948  
plan for implementing competency-based education in the district, 88949  
school, or consortium of districts and schools led by educational 88950  
service centers during the 2016-2017, 2017-2018, and 2018-2019 88951  
school years. Pilot programs shall adhere to program guidelines as 88952  
outlined in Section 733.30 of this act. 88953

Of the foregoing appropriation item 200588, Competency-Based 88954  
Education Pilot, a portion may be used by the Superintendent of 88955  
Public Instruction to provide technical assistance and to 88956

administer the program.	88957
EDUCATION PROGRAM SUPPORT	88958
Of the foregoing appropriation item 200597, Education Program Support, \$2,000,000 in fiscal year 2016 shall be distributed to the Ohio-West Virginia Youth Leadership Association for the development of the Cave Lake Center for Community Leadership.	88959 88960 88961 88962
Of the foregoing appropriation item 200597, Education Program Support, \$500,000 in each fiscal year shall be used to support the Supporting Partnerships to Assure Ready Kids (SPARK) program in Ohio.	88963 88964 88965 88966
Of the foregoing appropriation item 200597, Education Program Support, \$1,500,000 in each fiscal year shall be distributed to Teach For America to increase recruitment of potential corps members at select Ohio universities, train and develop first-year and second-year teachers in the Teach for America program in Ohio, and expand alumni support and networking within the state.	88967 88968 88969 88970 88971 88972
Of the foregoing appropriation item 200597, Education Program Support, \$500,000 in each fiscal year shall be used to support Jobs for Ohio's Graduates.	88973 88974 88975
Of the foregoing appropriation item 200597, Education Program Support, \$250,000 in fiscal year 2016 shall be used to support programming provided by the We Can Code IT organization in Cleveland.	88976 88977 88978 88979
<b>Section 263.283.</b> The foregoing appropriation item 200665, Race to the Top, shall not be used for any purpose related to the state achievement assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code.	88980 88981 88982 88983
<b>Section 263.290.</b> TEACHER CERTIFICATION AND LICENSURE	88984
The foregoing appropriation item 200681, Teacher	88985

Certification and Licensure, shall be used by the Department of 88986  
Education in each year of the biennium to administer and support 88987  
teacher certification and licensure activities. 88988

**Section 263.300. AUXILIARY SERVICES REIMBURSEMENT** 88989

Notwithstanding section 3317.064 of the Revised Code, if the 88990  
unexpended, unencumbered cash balance is sufficient, the Treasurer 88991  
of State shall transfer \$1,500,000 in fiscal year 2016 within 88992  
thirty days after the effective date of this section, and 88993  
\$1,500,000 in fiscal year 2017 by August 1, 2016, from the 88994  
Auxiliary Services Personnel Unemployment Compensation Fund to the 88995  
Auxiliary Services Reimbursement Fund (Fund 5980) used by the 88996  
Department of Education. 88997

**Section 263.310. SCHOOL DISTRICT SOLVENCY ASSISTANCE** 88998

(A) Of the foregoing appropriation item 200687, School 88999  
District Solvency Assistance, \$5,000,000 in each fiscal year shall 89000  
be allocated to the School District Shared Resource Account and 89001  
\$5,000,000 in each fiscal year shall be allocated to the 89002  
Catastrophic Expenditures Account. These funds shall be used to 89003  
provide assistance and grants to school districts to enable them 89004  
to remain solvent under section 3316.20 of the Revised Code. 89005  
Assistance and grants shall be subject to approval by the 89006  
Controlling Board. Except as provided under division (C) of this 89007  
section, any required reimbursements from school districts for 89008  
solvency assistance shall be made to the appropriate account in 89009  
the School District Solvency Assistance Fund (Fund 5H30). 89010

(B) Notwithstanding any provision of law to the contrary, 89011  
upon the request of the Superintendent of Public Instruction, the 89012  
Director of Budget and Management may make transfers to the School 89013  
District Solvency Assistance Fund (Fund 5H30) from any fund used 89014  
by the Department of Education or the General Revenue Fund to 89015



maintain sufficient cash balances in Fund 5H30 in fiscal years 89016  
2016 and 2017. Any cash transferred is hereby appropriated. The 89017  
transferred cash may be used by the Department of Education to 89018  
provide assistance and grants to school districts to enable them 89019  
to remain solvent and to pay unforeseeable expenses of a temporary 89020  
or emergency nature that the school district is unable to pay from 89021  
existing resources. The Director of Budget and Management shall 89022  
notify the members of the Controlling Board of any such transfers. 89023

(C) If the cash balance of the School District Solvency 89024  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 89025  
assistance in fiscal years 2016 and 2017, at the request of the 89026  
Superintendent of Public Instruction, and with the approval of the 89027  
Controlling Board, the Director of Budget and Management may 89028  
transfer cash from the Lottery Profits Education Reserve Fund 89029  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 89030  
school districts to enable them to remain solvent and to pay 89031  
unforeseeable expenses of a temporary nature that they are unable 89032  
to pay from existing resources under section 3316.20 of the 89033  
Revised Code. Such transfers are hereby appropriated to 89034  
appropriation item 200670, School District Solvency Assistance - 89035  
Lottery. Any required reimbursements from school districts for 89036  
solvency assistance granted from appropriation item 200670, School 89037  
District Solvency Assistance - Lottery, shall be made to Fund 89038  
7018. 89039

**Section 263.320. EARLY CHILDHOOD EDUCATION** 89040

Of the foregoing appropriation item 200673, Early Childhood 89041  
Education, up to \$20,000,000 in each fiscal year shall be used 89042  
pursuant to guidelines established by the Department of Education, 89043  
in consultation with the Governor's Early Childhood Education and 89044  
Development Officer and the Department of Job and Family Services, 89045  
to advance programs and systems that support or provide high 89046

quality early childhood opportunities for children from 89047  
economically disadvantaged families. The guidelines shall include 89048  
benchmark performance criteria that identify the highest quality 89049  
early childhood opportunities, design and implementation of an 89050  
evaluation using the benchmark performance criteria, and steps for 89051  
the future advancement of Ohio's Early Childhood System based on 89052  
identified benchmarks and the evaluation results. The guidelines 89053  
shall be completed by January 1, 2016. 89054

**Section 263.323. STRAIGHT A FUND** 89055

Of the foregoing appropriation item 200644, Straight A Fund, 89056  
up to \$10,000,000 in fiscal year 2016 and up to \$3,500,000 in 89057  
fiscal year 2017 shall be used by the Department of Education, in 89058  
consultation with the Department of Higher Education, to support 89059  
graduate coursework for high school teachers to receive 89060  
credentialing to teach college credit plus courses in a high 89061  
school setting. The Department of Education, in consultation with 89062  
the Department of Higher Education, shall develop criteria and 89063  
issue a Request for Proposals. Priority shall be given to 89064  
educational consortia that include economically disadvantaged high 89065  
schools and economically disadvantaged high schools in which there 89066  
are limited or no teachers currently credentialed to teach college 89067  
credit plus courses, both as determined by the Department of 89068  
Education. Consortia including public or private universities in 89069  
Ohio shall be eligible to submit proposals. Awards made by the 89070  
Department of Education may support graduate coursework for high 89071  
school teachers at a regionally accredited college or university 89072  
in Ohio leading to credentialing to teach college courses, as well 89073  
as employment of teachers credentialed to teach college courses as 89074  
a bridging strategy until a sufficient number of teachers at the 89075  
high school hold the required credentials. 89076

Of the foregoing appropriation item 200644, Straight A Fund, 89077

up to \$2,500,000 in fiscal year 2017 shall be used by the 89078  
Department of Education to administer and make award payments to 89079  
school districts for outstanding successful completion rates for 89080  
the Advanced Placement program. Not later than December 1, 2017, 89081  
the Department of Education shall make the following awards to 89082  
school districts, based on data from the 2016-2017 school year: 89083

(1) \$375,000 to the school district, regardless of typology, 89084  
that has the highest successful completion rate; 89085

(2) \$325,000 to the school district, regardless of typology, 89086  
that has the second highest successful completion rate; 89087

(3) \$300,000 to the school district, regardless of typology, 89088  
that has the third highest successful completion rate; 89089

(4) \$250,000 to each school district that has the highest 89090  
successful completion rate within each typology category of urban, 89091  
suburban, small town, and rural, as identified by the Department 89092  
of Education; 89093

(5) \$125,000 to each school district that has the second 89094  
highest successful completion rate within each typology category 89095  
of urban, suburban, small town, and rural, as identified by the 89096  
Department of Education. 89097

For the purposes of identifying school districts to receive 89098  
awards based on typology category, the Department of Education 89099  
shall include the school district with the third, fourth, or fifth 89100  
highest successful completion rates as needed if a school district 89101  
from that typology category receives awards under paragraphs (1), 89102  
(2), and (3) of this section. 89103

Awards may only be granted to school districts with a 89104  
successful completion rate of at least five per cent. For the 89105  
purposes of this section, "successful completion rate" means the 89106  
per cent of the school district's students in grades eleven and 89107  
twelve who received a score of three or better on an Advanced 89108

Placement examination. 89109

ADVANCED PLACEMENT TEACHER AND STUDENT INITIATIVE 89110

The Advanced Placement Teacher and Student Initiative is 89111  
hereby created for fiscal years 2016 and 2017 to provide grants to 89112  
districts with successful completion rates from zero to ten per 89113  
cent on Advanced Placement examinations in order to prepare 89114  
teachers and students for the rigors of these courses so as to 89115  
engender success on such examinations. For the purposes of this 89116  
section, "successful completion rate" means the per cent of the 89117  
district's students in grades eleven and twelve who received a 89118  
score of three or better on an Advanced Placement examination. 89119

Of the foregoing appropriation item 200644, Straight A Fund, 89120  
\$1,250,000 in each fiscal year shall be used by the Department of 89121  
Education to provide grants to districts and to administer the 89122  
initiative. Of this earmark, the Department of Education shall 89123  
award \$625,000 in each fiscal year to districts in each of the 89124  
following groups of eligible recipients: 89125

(1) Districts with a successful completion rate equal to zero 89126  
per cent; 89127

(2) Districts with a successful completion rate of greater 89128  
than zero per cent but less than ten per cent. 89129

The remainder of appropriation item 200644, Straight A Fund, 89130  
shall be used to make competitive grants in accordance with 89131  
Section 263.350 of this act. 89132

**Section 263.325.** SCHOOL DISTRICT TPP SUPPLEMENT 89133

The foregoing appropriation item 200697, School District TPP 89134  
Supplement, shall be distributed to city, local, and exempted 89135  
village school districts for supplemental foundation aid as 89136  
provided in this section. 89137

For each fiscal year, the Department of Education shall 89138

compute and pay supplemental foundation aid to each school 89139  
district as follows: 89140

(A)(1) Calculate the school district's combined state aid for 89141  
fiscal year 2015, which equals the sum of: 89142

(a) The district's state education aid for fiscal year 2015, 89143  
as defined in division (A)(4)(a) of section 5709.92 of the Revised 89144  
Code; and 89145

(b) The district's current expense allocation, as defined in 89146  
division (A)(8) of section 5709.92 of the Revised Code. 89147

(2) Calculate the school district's combined state aid for 89148  
fiscal year 2016, which equals the sum of: 89149

(a) The sum of the amounts computed for the district for 89150  
fiscal year 2016 under section 3317.022 of the Revised Code, as 89151  
amended by this act, and under divisions (E) and (F) of section 89152  
3317.0212 of the Revised Code, as amended by this act, plus any 89153  
amount calculated for temporary transitional aid for fiscal year 89154  
2016 under division (A) of Section 263.230 of this act, and after 89155  
any reductions made for fiscal year 2016 under division (B)(2) of 89156  
Section 263.230 of this act; 89157

(b) The additional funds paid to the school district in 89158  
fiscal year 2016 under section 3317.26 of the Revised Code; and 89159

(c) If the district is not a qualifying school district, as 89160  
defined in division (A) of section 5709.92 of the Revised Code, 89161  
the sum of the payments received by the school district in fiscal 89162  
year 2016 for current expense levy losses pursuant to division 89163  
(C)(1)(a) or (b) of section 5709.92 of the Revised Code, excluding 89164  
the portion of such payments attributable to levies for joint 89165  
vocational school district purposes. 89166

(d) If the district is a qualifying school district, as 89167  
defined in division (A) of section 5709.92 of the Revised Code, 89168

the sum of payments received by the school district in fiscal year 89169  
2016 for current expense levy losses pursuant to division (C)(1) 89170  
of section 5709.92 of the Revised Code, excluding the portion of 89171  
such payments attributable to levies for joint vocational school 89172  
district purposes. 89173

(3) Calculate the school district's combined state aid for 89174  
fiscal year 2017, which equals the sum of: 89175

(a) The amounts computed for the district for fiscal year 89176  
2017 under section 3317.022 of the Revised Code, as amended by 89177  
this act, and under divisions (E) and (F) of section 3317.0212 of 89178  
the Revised Code, as amended by this act, plus any amount 89179  
calculated for temporary transitional aid for fiscal year 2017 89180  
under division (A) of Section 263.230 of this act, and after any 89181  
reductions made for fiscal year 2017 under division (B)(2) of 89182  
Section 263.230 of this act; 89183

(b) The additional funds paid to the school district in 89184  
fiscal year 2017 under section 3317.26 of the Revised Code; and 89185

(c) If the district is not a qualifying school district, as 89186  
defined in division (A) of section 5709.92 of the Revised Code, 89187  
the sum of the payments received by the school district in fiscal 89188  
year 2017 for current expense levy losses pursuant to division 89189  
(C)(1)(a) or (b) of section 5709.92 of the Revised Code, excluding 89190  
the portion of such payments attributable to levies for joint 89191  
vocational school district purposes. 89192

(d) If the district is a qualifying school district, as 89193  
defined in division (A) of section 5709.92 of the Revised Code, 89194  
the sum of payments received by the school district in fiscal year 89195  
2017 for current expense levy losses pursuant to division (C)(1) 89196  
of section 5709.92 of the Revised Code, excluding the portion of 89197  
such payments attributable to levies for joint vocational school 89198  
district purposes. 89199

(B)(1) For fiscal year 2016, each district's payment shall be 89200  
in an amount equal to the amount calculated in division (A)(1) of 89201  
this section minus the amount calculated in division (A)(2) of 89202  
this section. If the result is a negative number, the district's 89203  
payment shall be zero. 89204

(2) For fiscal year 2017, each district's payment shall be in 89205  
an amount equal to the amount calculated in division (A)(1) of 89206  
this section minus the amount calculated in division (A)(3) of 89207  
this section. If the result is a negative number, the district's 89208  
payment shall be zero. 89209

**Section 263.330. LOTTERY PROFITS EDUCATION FUND** 89210

Appropriation item 200612, Foundation Funding (Fund 7017), 89211  
shall be used in conjunction with appropriation item 200550, 89212  
Foundation Funding (GRF), to provide state foundation payments to 89213  
school districts. 89214

The Department of Education, with the approval of the 89215  
Director of Budget and Management, shall determine the monthly 89216  
distribution schedules of appropriation item 200550, Foundation 89217  
Funding (GRF), and appropriation item 200612, Foundation Funding 89218  
(Fund 7017). If adjustments to the monthly distribution schedule 89219  
are necessary, the Department of Education shall make such 89220  
adjustments with the approval of the Director of Budget and 89221  
Management. 89222

**COMMUNITY CONNECTORS PROGRAM** 89223

The foregoing appropriation item 200629, Community 89224  
Connectors, shall be used by the State Superintendent of Public 89225  
Instruction to create the Community Connectors Grant Program. The 89226  
Superintendent shall develop guidelines for the grants. The 89227  
program shall award competitive matching grants to provide funding 89228  
for local networks of volunteers and organizations to sponsor 89229

career advising and mentoring for students in eligible school districts. Each grant award shall match up to three times the funds allocated to the project by the local network. Eligible school districts are those with a high percentage of students in poverty, a high number of students not graduating on time, and other criteria as determined by the State Superintendent. Educational service centers that serve those school districts are also eligible. Eligible school districts or educational service centers shall partner with members of the business community, civic organizations, or the faith-based community to provide sustainable career advising and mentoring services. Upon the request of the Superintendent of Public Instruction and the approval of the Director of Budget and Management, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 200629, Community Connectors, at the end of fiscal year 2016 is hereby reappropriated to the Department of Education for the same purpose for fiscal year 2017.

Notwithstanding any provision of law to the contrary, grants awarded under this section may be used by grant recipients for grant-related expenses for a period not to exceed three years from the date of the award according to guidelines established by the Superintendent.

COMMUNITY SCHOOL FACILITIES

Of the foregoing appropriation item 200684, Community School Facilities, up to \$550,000 in fiscal year 2016 and up to \$1,100,000 in fiscal year 2017 may be used as matching funds to support Ohio's State Charter School Facilities Incentive Grant application. If these funds are not required, they may be distributed with the remaining funds in appropriation item 200684, Community School Facilities.

The remainder of the foregoing appropriation item 200684, Community School Facilities, shall be used to pay each community



school established under Chapter 3314. of the Revised Code and 89262  
each STEM school established under Chapter 3326. of the Revised 89263  
Code an amount equal to \$25 for each full-time equivalent pupil in 89264  
an internet- or computer-based community school and \$200 for each 89265  
full-time equivalent pupil in all other community or STEM schools 89266  
for assistance with the cost associated with facilities. If the 89267  
amount appropriated is not sufficient, the Department of Education 89268  
shall prorate the amounts so that the aggregate amount 89269  
appropriated is not exceeded. 89270

**Section 263.350. STRAIGHT A PROGRAM** 89271

(A) The Straight A Program is hereby created for fiscal years 89272  
2016 and 2017 to provide grants to city, local, exempted village, 89273  
and joint vocational school districts, educational service 89274  
centers, community schools established under Chapter 3314., STEM 89275  
schools established under Chapter 3326., college-preparatory 89276  
boarding schools established under Chapter 3328. of the Revised 89277  
Code, individual school buildings, education consortia (which may 89278  
represent a partnership among school districts, school buildings, 89279  
community schools, STEM schools or educational service centers or 89280  
county boards of developmental disabilities that provide special 89281  
education and related services to children with disabilities), 89282  
institutions of higher education, and private or governmental 89283  
entities partnering with one or more of the educational entities 89284  
identified in this division for projects that aim to achieve 89285  
significant advancement in one or more of the following goals: 89286

(1) Increased student achievement or, in the case of an 89287  
educational service center, increased student achievement in the 89288  
educational service center's client school districts or other 89289  
schools or school districts that are members of the consortium; 89290

(2) Spending reduction in the five-year fiscal forecast 89291  
required under section 5705.391 of the Revised Code or positive 89292

performance on other fiscal measures established by the governing board created under division (B)(1) of this section;

(3) Utilization of a greater share of resources in the classrooms operated by the educational entity or by an educational service center's client school districts or other schools or school districts that are members of the consortium;

(4) Use of a shared services delivery model that demonstrates increased efficiency and effectiveness, long-term sustainability, and scalability.

(B)(1) Grants shall be awarded by a nine-member governing board consisting of the Superintendent of Public Instruction, or the Superintendent's designee, four members appointed by the Governor, two members appointed by the Speaker of the House of Representatives, and two members appointed by the President of the Senate. The Department of Education shall provide administrative support to the board. No member shall be compensated for the member's service on the board.

(2) The board shall select grant advisors with fiscal expertise and education expertise. These advisors shall evaluate proposals from grant applicants and advise the staff administering the program. No advisor shall be compensated for this service.

(3) The board shall issue an annual report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the chairpersons of the House and Senate committees that primarily deal with education regarding the types of grants awarded, the grant recipients, and the effectiveness of the grant program.

(4) The board shall create a grant application and publish on the Department's web site the application and timeline for the submission, review, notification, and awarding of grant proposals.

(5) With the approval of the board, the Department shall

establish a system for evaluating and scoring the grant applications received under this section.

(6) When determining whether to award grants from among two or more applicants of similar score, as determined by the board, the board shall award grants to applicants that demonstrate cost savings, as reflected in the goal described in division (A)(2) of this section, over applicants that do not demonstrate cost savings.

(C) Each grant applicant shall submit a proposal that includes all of the following:

(1) A description of the project for which the applicant is seeking a grant, including a description of how the project will have substantial value and lasting impact;

(2) An explanation of how the project will be self-sustaining. If the project will result in increased ongoing spending, the applicant shall show how the spending will be offset by verifiable, credible, permanent spending reductions.

(3) A description of quantifiable results of the project that can be benchmarked.

If an education consortium described in division (A) of this section applies for a grant, the lead applicant shall be the school district, school building, community school, STEM school, or educational service center that is a member of the consortium and shall so indicate on the grant application. In order for an educational service center to be the lead applicant on a grant application, at least one of the educational service center's client school districts shall also be included on the grant application as a member of the consortium.

(D)(1) The board shall issue a timely decision of "yes," "no," "hold," or "edit" for each application. In making its decision, the board shall consider whether the project has the

capability of being replicated in other school districts and 89355  
schools or creates something that can be used in other districts 89356  
and schools. A grant awarded under this section to a school 89357  
district, educational service center, community school, STEM 89358  
school, college-preparatory boarding school, individual school 89359  
building, institution of higher education, or private entity 89360  
partnering with one or more of the educational entities identified 89361  
in division (A) of this section shall not exceed \$1,000,000 in 89362  
each fiscal year. A grant awarded to an education consortium shall 89363  
not exceed \$15,000,000 in each fiscal year. The Superintendent of 89364  
Public Instruction may make recommendations to the Controlling 89365  
Board that these maximum amounts be exceeded. Upon Controlling 89366  
Board approval, grants may be awarded in excess of these amounts. 89367

(2) If the board issues a "hold" or "edit" decision for an 89368  
application, it shall, upon returning the application to the 89369  
applicant, specify the process for reconsideration of the 89370  
application. An applicant may work with the grant advisors and 89371  
staff to modify or improve a grant application. 89372

(E) Upon deciding to award a grant to an applicant, the board 89373  
shall enter into a grant agreement with the applicant that 89374  
includes all of the following: 89375

(1) The content of the applicant's proposal as outlined under 89376  
division (C) of this section; 89377

(2) The project's deliverables and a timetable for their 89378  
completion; 89379

(3) Conditions for receiving grant funding; 89380

(4) Conditions for receiving funding in future years if the 89381  
contract is a multi-year contract; 89382

(5) A provision specifying that funding will be returned to 89383  
the board if the applicant fails to implement the agreement. 89384

(6) A provision specifying that the agreement may be amended 89385  
by mutual agreement between the board and the applicant. 89386

(F) Each grant awarded under this section shall be subject to 89387  
approval by the Controlling Board prior to execution of the grant 89388  
agreement. 89389

(G) As used in this section, "client school district" has the 89390  
same meaning as in section 3311.0510 of the Revised Code. 89391

(H) At the discretion of the board, a portion of 89392  
appropriation item 200644, Straight A Fund, may be used by the 89393  
Department of Education to administer the Straight A Program. 89394

(I) Notwithstanding any provision of law to the contrary, 89395  
grants awarded under this section may be used by grant recipients 89396  
for grant-related expenses incurred for a period not to exceed two 89397  
years from the date of the award according to guidelines 89398  
established by the Straight A Fund governing board. 89399

**Section 263.360. LOTTERY PROFITS EDUCATION RESERVE FUND** 89400

(A) There is hereby created the Lottery Profits Education 89401  
Reserve Fund (Fund 7018) in the State Treasury. Investment 89402  
earnings of the Lottery Profits Education Reserve Fund shall be 89403  
credited to the fund. 89404

(B) Notwithstanding any other provision of law to the 89405  
contrary, the Director of Budget and Management may transfer cash 89406  
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 89407  
in fiscal year 2016 and fiscal year 2017. 89408

(C) On July 15, 2015, or as soon as possible thereafter, the 89409  
Director of the Ohio Lottery Commission shall certify to the 89410  
Director of Budget and Management the amount by which lottery 89411  
profit transfers received by Fund 7017 exceeded \$974,500,000 in 89412  
fiscal year 2015. 89413

(D) On July 15, 2016, or as soon as possible thereafter, the 89414

Director of the Ohio Lottery Commission shall certify to the 89415  
Director of Budget and Management the amount by which lottery 89416  
profit transfers received by Fund 7017 exceeded \$984,000,000 in 89417  
fiscal year 2016. 89418

(E) Notwithstanding any provision of law to the contrary, in 89419  
fiscal year 2016 and fiscal year 2017, the Director of Budget and 89420  
Management may transfer cash in excess of the amounts necessary to 89421  
support appropriations in Fund 7017 from that fund to Fund 7018. 89422

**Section 263.370. DISTRIBUTION FORMULAS** 89423

The Department of Education shall report the following to the 89424  
Director of Budget and Management and the Legislative Service 89425  
Commission: 89426

(A) Changes in formulas for distributing state 89427  
appropriations, including administratively defined formula 89428  
factors; 89429

(B) Discretionary changes in formulas for distributing 89430  
federal appropriations; 89431

(C) Federally mandated changes in formulas for distributing 89432  
federal appropriations. 89433

Any such changes shall be reported two weeks prior to the 89434  
effective date of the change. 89435

**Section 263.380. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS** 89436

Upon the request of the Superintendent of Public Instruction, 89437  
the Director of Budget and Management may transfer up to \$750,000 89438  
cash in each fiscal year from the General Revenue Fund to the 89439  
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 89440  
transferred cash is to be used by the Department of Education to 89441  
pay the expenses the Department incurs in administering the 89442  
Medicaid School Component of the Medicaid program established 89443

under sections 5162.36 to 5162.364 of the Revised Code. On June 1 89444  
of each fiscal year, or as soon as possible thereafter, the 89445  
Director of Budget and Management shall transfer cash from Fund 89446  
3AF0 back to the General Revenue Fund in an amount equal to the 89447  
total amount transferred to Fund 3AF0 in that fiscal year. 89448

The money deposited into Fund 3AF0 under division (B) of 89449  
section 5162.64 of the Revised Code is hereby appropriated for 89450  
fiscal years 2016 and 2017 and shall be used in accordance with 89451  
division (C) of section 5162.64 of the Revised Code. 89452

**Section 263.390. EDUCATIONAL SERVICE CENTERS FUNDING** 89453

As used in this section, "high-performing primary educational 89454  
service center" means an educational service center that reduces 89455  
client school district expenditures in fiscal year 2016 through 89456  
efficiencies attained by coordinating and consolidating services. 89457

As used in this section, "student count" means the count 89458  
calculated under division (G)(1) of section 3313.843 of the 89459  
Revised Code. 89460

In fiscal year 2016, the Department of Education shall pay 89461  
the governing board of each primary educational service center 89462  
state funds equal to twenty-five dollars times its student count. 89463

In fiscal year 2017, the Department of Education shall pay 89464  
the governing board of each high-performing primary educational 89465  
service center state funds equal to thirty-five dollars times its 89466  
student count and to the governing board of each other center, 89467  
state funds equal to twenty dollars times its student count. The 89468  
State Board of Education shall adopt rules by October 31, 2015, 89469  
governing the distribution of state funds under this section for 89470  
fiscal year 2017. The rules shall do all of the following: (1) 89471  
establish an application process whereby educational service 89472  
centers may provide evidence of reductions in client school 89473

district expenditures in fiscal year 2016; (2) require 89474  
applications to be submitted between July 1 and July 31, 2016; (3) 89475  
provide that determinations of which centers qualify for the 89476  
higher per student funding amount be made not later than September 89477  
1, 2016. 89478

If the amount earmarked for the state reimbursement of 89479  
educational service centers in appropriation item 200550, 89480  
Foundation Funding, is not sufficient, the Department of Education 89481  
shall prorate the payment amounts so that the appropriation is not 89482  
exceeded. 89483

Notwithstanding any provision of law to the contrary, the 89484  
Department of Education shall modify the payments under this 89485  
section as follows: 89486

(A) If an educational service center ceases operation, the 89487  
Department shall redistribute that center's funding, as calculated 89488  
under this section, to the remaining centers in proportion to each 89489  
center's service center ADM as defined in former section 3317.11 89490  
of the Revised Code, as that section existed prior to the date of 89491  
its repeal. 89492

(B) If two or more educational service centers merge 89493  
operations to create a single service center, the Department shall 89494  
distribute the sum of the original service centers' funding, as 89495  
calculated under this section, to the new service center. 89496

**Section 263.400.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL 89497  
ASSESSMENT OF EDUCATION PROGRESS 89498

The General Assembly intends for the Superintendent of Public 89499  
Instruction to provide for school district participation in the 89500  
administration of the National Assessment of Education Progress in 89501  
accordance with section 3301.27 of the Revised Code. Each school 89502  
and school district selected for participation by the 89503



Superintendent of Public Instruction shall participate. 89504

**Section 263.410.** COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 89505  
STUDENTS 89506

(A) As used in this section: 89507

(1) "IEP" has the same meaning as in section 3323.01 of the 89508  
Revised Code. 89509

(2) "SBH student" means a student receiving special education 89510  
and related services for severe behavior disabilities pursuant to 89511  
an IEP. 89512

(B) This section applies only to a community school 89513  
established under Chapter 3314. of the Revised Code that in each 89514  
of fiscal years 2016 and 2017 enrolls a number of SBH students 89515  
equal to at least fifty per cent of the total number of students 89516  
enrolled in the school in the applicable fiscal year. 89517

(C) In addition to any state foundation payments made, in 89518  
each of fiscal years 2016 and 2017, the Department of Education 89519  
shall pay to a community school to which this section applies a 89520  
subsidy equal to the difference between the aggregate amount 89521  
calculated and paid in that fiscal year to the community school 89522  
for special education and related services additional weighted 89523  
costs for the SBH students enrolled in the school and the 89524  
aggregate amount that would have been calculated for the school 89525  
for special education and related services additional weighted 89526  
costs for those same students in fiscal year 2001. If the 89527  
difference is a negative number, the amount of the subsidy shall 89528  
be zero. 89529

(D) The amount of any subsidy paid to a community school 89530  
under this section shall not be deducted from the school district 89531  
in which any of the students enrolled in the community school are 89532  
entitled to attend school under section 3313.64 or 3313.65 of the 89533

Revised Code. The amount of any subsidy paid to a community school 89534  
under this section shall be paid from funds appropriated to the 89535  
Department of Education in appropriation item 200550, Foundation 89536  
Funding. 89537

**Section 263.420. EARMARK ACCOUNTABILITY** 89538

At the request of the Superintendent of Public Instruction, 89539  
any entity that receives a budget earmark under the Department of 89540  
Education shall submit annually to the chairpersons of the 89541  
committees of the House of Representatives and the Senate 89542  
primarily concerned with education and education funding and to 89543  
the Department of Education a report that includes a description 89544  
of the services supported by the funds, a description of the 89545  
results achieved by those services, an analysis of the 89546  
effectiveness of the program, and an opinion as to the program's 89547  
applicability to other school districts. For an earmarked entity 89548  
that received state funds from an earmark in the prior fiscal 89549  
year, no funds shall be provided by the Department of Education to 89550  
an earmarked entity for a fiscal year until its report for the 89551  
prior fiscal year has been submitted. 89552

**Section 263.430. COMMUNITY SCHOOL OPERATING FROM HOME** 89553

A community school established under Chapter 3314. of the 89554  
Revised Code that was open for operation as a community school as 89555  
of May 1, 2005, may operate from or in any home, as defined in 89556  
section 3313.64 of the Revised Code, located in the state, 89557  
regardless of when the community school's operations from or in a 89558  
particular home began. 89559

**Section 263.440. USE OF VOLUNTEERS** 89560

The Department of Education may utilize the services of 89561  
volunteers to accomplish any of the purposes of the Department. 89562

The Superintendent of Public Instruction shall approve for what 89563  
purposes volunteers may be used and for these purposes may 89564  
recruit, train, and oversee the services of volunteers. The 89565  
Superintendent may reimburse volunteers for necessary and 89566  
appropriate expenses in accordance with state guidelines and may 89567  
designate volunteers as state employees for the purpose of motor 89568  
vehicle accident liability insurance under section 9.83 of the 89569  
Revised Code, for immunity under section 9.86 of the Revised Code, 89570  
and for indemnification from liability incurred in the performance 89571  
of their duties under section 9.87 of the Revised Code. 89572

**Section 263.450. RESTRICTION OF LIABILITY FOR CERTAIN** 89573  
**REIMBURSEMENTS** 89574

(A) Except as expressly required under a court judgment not 89575  
subject to further appeals, or a settlement agreement with a 89576  
school district executed on or before June 1, 2009, in the case of 89577  
a school district for which the formula ADM for fiscal year 2005, 89578  
as reported for that fiscal year under division (A) of section 89579  
3317.03 of the Revised Code, was reduced based on enrollment 89580  
reports for community schools, made under section 3314.08 of the 89581  
Revised Code, regarding students entitled to attend school in the 89582  
district, which reduction of formula ADM resulted in a reduction 89583  
of foundation funding or transitional aid funding for fiscal year 89584  
2005, 2006, or 2007, no school district, except a district named 89585  
in the court's judgment or the settlement agreement, shall have a 89586  
legal claim for reimbursement of the amount of such reduction in 89587  
foundation funding or transitional aid funding, and the state 89588  
shall not have liability for reimbursement of the amount of such 89589  
reduction in foundation funding or transitional aid funding. 89590

(B) As used in this section: 89591

(1) "Community school" means a community school established 89592  
under Chapter 3314. of the Revised Code. 89593

(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.

(3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code.

(4) "Transitional aid funding" means payments calculated for the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended; Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 of the 127th General Assembly.

**Section 263.460. UNAUDITABLE COMMUNITY SCHOOL**

(A) If the Auditor of State or a public accountant, pursuant to section 117.41 of the Revised Code, declares a community school established under Chapter 3314. of the Revised Code to be unauditabile, the Auditor of State shall provide written notification of that declaration to the school, the school's sponsor, and the Department of Education. The Auditor of State also shall post the notification on the Auditor of State's web site.

(B) Notwithstanding any provision to the contrary in Chapter 3314. of the Revised Code or any other provision of law, a sponsor of a community school that is notified by the Auditor of State under division (A) of this section that a community school it sponsors is unauditabile shall not enter into contracts with any additional community schools under section 3314.03 of the Revised Code until the Auditor of State or a public accountant has completed a financial audit of that school.

(C) Not later than forty-five days after receiving notification by the Auditor of State under division (A) of this

section that a community school is unauditabile, the sponsor of the 89624  
school shall provide a written response to the Auditor of State. 89625  
The response shall include the following: 89626

(1) An overview of the process the sponsor will use to review 89627  
and understand the circumstances that led to the community school 89628  
becoming unauditabile; 89629

(2) A plan for providing the Auditor of State with the 89630  
documentation necessary to complete an audit of the community 89631  
school and for ensuring that all financial documents are available 89632  
in the future; 89633

(3) The actions the sponsor will take to ensure that the plan 89634  
described in division (C)(2) of this section is implemented. 89635

(D) If a community school fails to make reasonable efforts 89636  
and continuing progress to bring its accounts, records, files, or 89637  
reports into an auditabile condition within ninety days after being 89638  
declared unauditabile, the Auditor of State, in addition to 89639  
requesting legal action under sections 117.41 and 117.42 of the 89640  
Revised Code, shall notify the Department of the school's failure. 89641  
If the Auditor of State or a public accountant subsequently is 89642  
able to complete a financial audit of the school, the Auditor of 89643  
State shall notify the Department that the audit has been 89644  
completed. 89645

(E) Notwithstanding any provision to the contrary in Chapter 89646  
3314. of the Revised Code or any other provision of law, upon 89647  
notification by the Auditor of State under division (D) of this 89648  
section that a community school has failed to make reasonable 89649  
efforts and continuing progress to bring its accounts, records, 89650  
files, or reports into an auditabile condition following a 89651  
declaration that the school is unauditabile, the Department shall 89652  
immediately cease all payments to the school under Chapter 3314. 89653  
of the Revised Code and any other provision of law. Upon 89654

subsequent notification from the Auditor of State under that 89655  
division that the Auditor of State or a public accountant was able 89656  
to complete a financial audit of the community school, the 89657  
Department shall release all funds withheld from the school under 89658  
this section. 89659

**Section 263.470. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 89660

In collaboration with the County Family and Children First 89661  
Council, a city, local, or exempted village school district, 89662  
community school, STEM school, joint vocational school district, 89663  
educational service center, or county board of developmental 89664  
disabilities that receives allocations from the Department of 89665  
Education from appropriation item 200550, Foundation Funding, or 89666  
appropriation item 200540, Special Education Enhancements, may 89667  
transfer portions of those allocations to a flexible funding pool 89668  
authorized by the Section of this act entitled "FAMILY AND 89669  
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 89670  
maintenance of effort or for federal or state funding matching 89671  
requirements shall not be transferred unless the allocation may 89672  
still be used to meet such requirements. 89673

**Section 263.480. PRIVATE TREATMENT FACILITY PROJECT** 89674

(A) As used in this section: 89675

(1) The following are "participating residential treatment 89676  
centers": 89677

(a) Private residential treatment facilities that have 89678  
entered into a contract with the Department of Youth Services to 89679  
provide services to children placed at the facility by the 89680  
Department and which, in fiscal year 2016 or fiscal year 2017 or 89681  
both, the Department pays through appropriation item 470401, 89682  
RECLAIM Ohio; 89683

(b) Abraxas, in Shelby; 89684

(c) Paint Creek, in Bainbridge; 89685

(d) F.I.R.S.T., in Mansfield. 89686

(2) "Education program" means an elementary or secondary 89687  
education program or a special education program and related 89688  
services. 89689

(3) "Served child" means any child receiving an education 89690  
program pursuant to division (B) of this section. 89691

(4) "School district responsible for tuition" means a city, 89692  
exempted village, or local school district that, if tuition 89693  
payment for a child by a school district is required under law 89694  
that existed in fiscal year 1998, is the school district required 89695  
to pay that tuition. 89696

(5) "Residential child" means a child who resides in a 89697  
participating residential treatment center and who is receiving an 89698  
educational program under division (B) of this section. 89699

(B) A youth who is a resident of the state and has been 89700  
assigned by a juvenile court or other authorized agency to a 89701  
residential treatment facility specified in division (A) of this 89702  
section shall be enrolled in an approved educational program 89703  
located in or near the facility. Approval of the educational 89704  
program shall be contingent upon compliance with the criteria 89705  
established for such programs by the Department of Education. The 89706  
educational program shall be provided by a school district or 89707  
educational service center, or by the residential facility itself. 89708  
Maximum flexibility shall be given to the residential treatment 89709  
facility to determine the provider. In the event that a voluntary 89710  
agreement cannot be reached and the residential facility does not 89711  
choose to provide the educational program, the educational service 89712  
center in the county in which the facility is located shall 89713  
provide the educational program at the treatment center to 89714  
children under twenty-two years of age residing in the treatment 89715

center. 89716

(C) Any school district responsible for tuition for a 89717  
residential child shall, notwithstanding any conflicting provision 89718  
of the Revised Code regarding tuition payment, pay tuition for the 89719  
child for fiscal year 2016 and fiscal year 2017 to the education 89720  
program provider and in the amount specified in this division. If 89721  
there is no school district responsible for tuition for a 89722  
residential child and if the participating residential treatment 89723  
center to which the child is assigned is located in the city, 89724  
exempted village, or local school district that, if the child were 89725  
not a resident of that treatment center, would be the school 89726  
district where the child is entitled to attend school under 89727  
sections 3313.64 and 3313.65 of the Revised Code, that school 89728  
district, notwithstanding any conflicting provision of the Revised 89729  
Code, shall pay tuition for the child for fiscal year 2016 and 89730  
fiscal year 2017 under this division unless that school district 89731  
is providing the educational program to the child under division 89732  
(B) of this section. 89733

A tuition payment under this division shall be made to the 89734  
school district, educational service center, or residential 89735  
treatment facility providing the educational program to the child. 89736

The amount of tuition paid shall be: 89737

(1) The amount of tuition determined for the district under 89738  
division (A) of section 3317.08 of the Revised Code; 89739

(2) In addition, for any student receiving special education 89740  
pursuant to an individualized education program as defined in 89741  
section 3323.01 of the Revised Code, a payment for excess costs. 89742  
This payment shall equal the actual cost to the school district, 89743  
educational service center, or residential treatment facility of 89744  
providing special education and related services to the student 89745  
pursuant to the student's individualized education program, minus 89746



the tuition paid for the child under division (C)(1) of this 89747  
section. 89748

A school district paying tuition under this division shall 89749  
not include the child for whom tuition is paid in the district's 89750  
average daily membership certified under division (A) of section 89751  
3317.03 of the Revised Code. 89752

(D) In each of fiscal years 2016 and 2017, the Department of 89753  
Education shall reimburse, from appropriations made for the 89754  
purpose, a school district, educational service center, or 89755  
residential treatment facility, whichever is providing the 89756  
service, that has demonstrated that it is in compliance with the 89757  
funding criteria for each served child for whom a school district 89758  
must pay tuition under division (C) of this section. The amount of 89759  
the reimbursement shall be the amount appropriated for this 89760  
purpose divided by the full-time equivalent number of children for 89761  
whom reimbursement is to be made. 89762

(E) Funds provided to a school district, educational service 89763  
center, or residential treatment facility under this section shall 89764  
be used to supplement, not supplant, funds from other public 89765  
sources for which the school district, service center, or 89766  
residential treatment facility is entitled or eligible. 89767

(F) The Department of Education shall track the utilization 89768  
of funds provided to school districts, educational service 89769  
centers, and residential treatment facilities under this section 89770  
and monitor the effect of the funding on the educational programs 89771  
they provide in participating residential treatment facilities. 89772  
The Department shall monitor the programs for educational 89773  
accountability. 89774

**Section 263.490.** Notwithstanding section 3302.21 of the 89775  
Revised Code, for the 2014-2015 school year only, the Department 89776  
of Education shall not rank school districts, community schools, 89777

and STEM schools according to the performance measures prescribed 89778  
in divisions (A)(1), (2), and (5) of that section. However, the 89779  
Department shall rank districts and schools according to the 89780  
measures prescribed in divisions (A)(3) and (4) of that section 89781  
for the 2014-2015 school year not later than January 31, 2016. 89782

**Section 263.510.** Notwithstanding section 3302.03 of the 89783  
Revised Code, the Department of Education shall issue grades as 89784  
described in division (E) of section 3302.03 of the Revised Code 89785  
for each of the performance measures prescribed in division (C)(1) 89786  
of that section for the 2014-2015 school year not later than 89787  
January 15, 2016. 89788

**Section 263.520.** Notwithstanding anything to the contrary in 89789  
section 3302.035 of the Revised Code, the Department of Education 89790  
shall issue the reports required under that section on the 89791  
performance measures for a school district's or school's students 89792  
with disabilities subgroup, using data from the 2014-2015 school 89793  
year, not later than January 31, 2016. 89794

For each school year thereafter, the Department shall issue 89795  
those reports on the first day of October as required under that 89796  
section. 89797

**Section 263.530.** (A) The Superintendent of Public Instruction 89798  
may form partnerships with Ohio's business community, including 89799  
the Ohio Business Roundtable, to create and implement initiatives 89800  
that connect students with the business community in an effort to 89801  
increase student engagement and job readiness through internships, 89802  
work study, and site-based learning experiences. 89803

(B) If the Superintendent forms a partnership pursuant to 89804  
division (A) of this section, the initiatives created and 89805  
implemented through that partnership shall do all of the 89806

following:	89807
(1) Support the career connection learning strategies described in division (B)(2) of section 3301.079 of the Revised Code;	89808 89809 89810
(2) Provide an opportunity for students to earn high school credit toward graduation or to meet curriculum requirements in accordance with divisions (J)(1) and (2) of section 3313.603 of the Revised Code;	89811 89812 89813 89814
(3) Inform the development of student success plans pursuant to division (C) of section 3313.6020 of the Revised Code.	89815 89816
<b>Section 263.540.</b> The Department of Education shall provide assistance to the State Board of Education for the purposes of updating the statewide plan on subject area competency, including credit by examination, pursuant to division (J)(2) of section 3313.603 of the Revised Code, to reduce barriers to student participation in credit flexibility options.	89817 89818 89819 89820 89821 89822
Upon completion, the Department shall inform students, parents, and schools of the updated plan.	89823 89824
<b>Section 263.560.</b> There is hereby created the School Transportation Joint Task Force to study the transportation of school children. The Task Force shall consist of members appointed equally by the Speaker of the House and by the President of the Senate. The members appointed shall choose a chair and vice-chair who shall be members of the General Assembly. The Task Force shall study and make recommendations to the General Assembly not later than February 1, 2016, on the following:	89825 89826 89827 89828 89829 89830 89831 89832
(1) The appropriate funding formula to assist local school districts with the transportation of students to public and nonpublic schools;	89833 89834 89835

(2) The appropriate relationship, duties, and 89836  
responsibilities between local school districts, community 89837  
schools, and nonpublic schools with regard to student 89838  
transportation. 89839

All state agencies shall provide such assistance to the Task 89840  
Force as is requested by the Task Force. 89841

**Section 263.570.** The assessments prescribed under sections 89842  
3301.0710 and 3301.0712 of the Revised Code shall be nationally 89843  
normed, standardized assessments. 89844

**Section 263.580.** Not later than July 1, 2016, the Department 89845  
of Education shall submit and present to the standing committees 89846  
of the House of Representatives and the Senate that consider 89847  
education legislation both of the following: 89848

(A) A plan that proposes the expansion of the Department's 89849  
authority to directly authorize community schools under section 89850  
3314.029 of the Revised Code; 89851

(B) Recommendations for a ratings rubric for the evaluation 89852  
of sponsors under section 3314.016 of the Revised Code. The 89853  
recommendations shall include research-based evidence that 89854  
demonstrates the rubric will result in improved academic results. 89855

**Section 263.590.** The Department of Education, in conjunction 89856  
with an association of education service centers in this state and 89857  
an association that advocates for gifted children in the state, 89858  
shall complete a feasibility analysis of the establishment of a 89859  
start-up community school in each of the sixteen regions of the 89860  
Educational Regional Service System to serve primarily identified 89861  
gifted students. Not later than July 1, 2016, the Department shall 89862  
submit the analysis to the chairpersons of the standing committees 89863  
and subcommittees of the House of Representatives and the Senate 89864

principally responsible for education policy and finance. 89865

**Section 263.600.** (A) This section applies only to a city 89866  
school district that is located in the same municipal corporation 89867  
as a professional sports museum. 89868

(B) Notwithstanding section 3313.41 of the Revised Code, the 89869  
board of education of a school district to which this section 89870  
applies may offer for sale property it owns to a professional 89871  
sports museum located in the same municipal corporation prior to 89872  
offering that property for sale under the provisions of section 89873  
3313.41 of the Revised Code. 89874

(C) This section shall expire on July 1, 2017. 89875

**Section 265.10.** ELC OHIO ELECTIONS COMMISSION 89876

General Revenue Fund 89877

GRF 051321 Operating Expenses \$ 333,117 \$ 333,117 89878

TOTAL GRF General Revenue Fund \$ 333,117 \$ 333,117 89879

Dedicated Purpose Fund Group 89880

4P20 051601 Operating Support \$ 194,500 \$ 194,500 89881

TOTAL DPF Dedicated Purpose Fund \$ 194,500 \$ 194,500 89882

Group

TOTAL ALL BUDGET FUND GROUPS \$ 527,617 \$ 527,617 89883

**Section 267.10.** FUN STATE BOARD OF EMBALMERS AND FUNERAL 89885

DIRECTORS 89886

Dedicated Purpose Fund Group 89887

4K90 881609 Operating Expenses \$ 741,000 \$ 771,000 89888

TOTAL DPF Dedicated Purpose 89889

Fund Group \$ 741,000 \$ 771,000 89890

TOTAL ALL BUDGET FUND GROUPS \$ 741,000 \$ 771,000 89891

**Section 269.10.** PAY EMPLOYEE BENEFITS FUNDS 89893

Fiduciary Fund Group					89894
1240 995673	Payroll Deductions	\$ 786,081,277	\$ 801,802,903		89895
8060 995666	Accrued Leave Fund	\$ 70,520,230	\$ 71,930,634		89896
8070 995667	Disability Fund	\$ 22,271,135	\$ 22,716,558		89897
8080 995668	State Employee Health Benefit Fund	\$ 711,136,583	\$ 767,740,540		89898
8090 995669	Dependent Care Spending Account	\$ 3,323,438	\$ 3,487,159		89899
8100 995670	Life Insurance Investment Fund	\$ 1,779,885	\$ 1,815,482		89900
8110 995671	Parental Leave Benefit Fund	\$ 3,510,481	\$ 3,580,691		89901
8130 995672	Health Care Spending Account	\$ 10,089,249	\$ 10,895,989		89902
TOTAL FID	Fiduciary Fund Group	\$ 1,608,712,278	\$ 1,683,969,956		89903
TOTAL ALL BUDGET FUND GROUPS		\$ 1,608,712,278	\$ 1,683,969,956		89904
	PAYROLL DEDUCTION FUND				89905
	The foregoing appropriation item 995673, Payroll Deductions,				89906
	shall be used to make payments from the Payroll Deduction Fund				89907
	(Fund 1240) pursuant to section 125.21 of the Revised Code. If it				89908
	is determined by the Director of Budget and Management that				89909
	additional amounts are necessary, the amounts are hereby				89910
	appropriated.				89911
	ACCRUED LEAVE LIABILITY FUND				89912
	The foregoing appropriation item 995666, Accrued Leave Fund,				89913
	shall be used to make payments from the Accrued Leave Liability				89914
	Fund (Fund 8060) pursuant to section 125.211 of the Revised Code.				89915
	If it is determined by the Director of Budget and Management that				89916
	additional amounts are necessary, the amounts are hereby				89917
	appropriated.				89918
	STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND				89919

The foregoing appropriation item 995667, Disability Fund, 89920  
shall be used to make payments from the State Employee Disability 89921  
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 89922  
Revised Code. If it is determined by the Director of Budget and 89923  
Management that additional amounts are necessary, the amounts are 89924  
hereby appropriated. 89925

STATE EMPLOYEE HEALTH BENEFIT FUND 89926

The foregoing appropriation item 995668, State Employee 89927  
Health Benefit Fund, shall be used to make payments from the State 89928  
Employee Health Benefit Fund (Fund 8080) pursuant to section 89929  
124.87 of the Revised Code. If it is determined by the Director of 89930  
Budget and Management that additional amounts are necessary, the 89931  
amounts are hereby appropriated. 89932

DEPENDENT CARE SPENDING FUND 89933

The foregoing appropriation item 995669, Dependent Care 89934  
Spending Account, shall be used to make payments from the 89935  
Dependent Care Spending Fund (Fund 8090) to employees eligible for 89936  
dependent care expenses pursuant to section 124.822 of the Revised 89937  
Code. If it is determined by the Director of Budget and Management 89938  
that additional amounts are necessary, the amounts are hereby 89939  
appropriated. 89940

LIFE INSURANCE INVESTMENT FUND 89941

The foregoing appropriation item 995670, Life Insurance 89942  
Investment Fund, shall be used to make payments from the Life 89943  
Insurance Investment Fund (Fund 8100) for the costs and expenses 89944  
of the state's life insurance benefit program pursuant to section 89945  
125.212 of the Revised Code. If it is determined by the Director 89946  
of Budget and Management that additional amounts are necessary, 89947  
the amounts are hereby appropriated. 89948

PARENTAL LEAVE BENEFIT FUND 89949

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

**HEALTH CARE SPENDING ACCOUNT FUND**

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for non-reimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Administrative Services that additional amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

**Section 271.10. ERB STATE EMPLOYMENT RELATIONS BOARD**

General Revenue Fund					89969
GRF 125321 Operating Expenses	\$	3,761,457	\$	3,761,457	89970
TOTAL GRF General Revenue Fund	\$	3,761,457	\$	3,761,457	89971
Dedicated Purpose Fund Group					89972
5720 125603 Training and Publications	\$	75,000	\$	75,000	89973
TOTAL DPF Dedicated Purpose Fund Group	\$	75,000	\$	75,000	89975
TOTAL ALL BUDGET FUND GROUPS	\$	3,836,457	\$	3,836,457	89976

**Section 273.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS**

Dedicated Purpose Fund Group 89979



4K90	892609	Operating Expenses	\$	993,889	\$	993,889	89980
TOTAL DPF Dedicated Purpose							89981
Fund Group			\$	993,889	\$	993,889	89982
TOTAL ALL BUDGET FUND GROUPS			\$	993,889	\$	993,889	89983
 <b>Section 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY</b>							89985
General Revenue Fund							89986
GRF	715502	Auto Emissions	\$	10,923,093	\$	10,923,093	89987
e-Check Program							
TOTAL GRF General Revenue Fund			\$	10,923,093	\$	10,923,093	89988
Dedicated Purpose Fund Group							89989
4D50	715618	Recycled State	\$	50,000	\$	50,000	89990
Materials							
4J00	715638	Underground Injection	\$	393,917	\$	399,125	89991
Control							
4K20	715648	Clean Air - Non Title	\$	3,309,301	\$	3,726,893	89992
V							
4K30	715649	Solid Waste	\$	13,118,573	\$	13,202,293	89993
4K40	715650	Surface Water	\$	9,265,000	\$	8,050,000	89994
Protection							
4K40	715686	Environmental	\$	2,096,007	\$	2,096,007	89995
Laboratory Services							
4K50	715651	Drinking Water	\$	6,637,044	\$	6,825,955	89996
Protection							
4P50	715654	Cozart Landfill	\$	10,000	\$	10,000	89997
4R50	715656	Scrap Tire Management	\$	1,040,161	\$	1,060,965	89998
4R90	715658	Voluntary Action	\$	825,759	\$	842,275	89999
Program							
4T30	715659	Clean Air - Title V	\$	13,507,000	\$	13,639,150	90000
Permit Program							
5000	715608	Immediate Removal	\$	718,793	\$	731,293	90001
Special Account							

5030	715621	Hazardous Waste Facility Management	\$	5,765,075	\$	6,082,805	90002
5050	715623	Hazardous Waste Cleanup	\$	14,388,348	\$	14,701,826	90003
5320	715646	Recycling and Litter Control	\$	4,691,000	\$	4,698,000	90004
5410	715670	Site Specific Cleanup	\$	2,048,101	\$	2,048,101	90005
5420	715671	Risk Management Reporting	\$	214,826	\$	214,826	90006
5860	715637	Scrap Tire Market Development	\$	1,150,000	\$	1,170,000	90007
5BC0	715622	Local Air Pollution Control	\$	1,999,172	\$	1,999,172	90008
5BC0	715624	Surface Water	\$	8,665,974	\$	8,665,974	90009
5BC0	715672	Air Pollution Control	\$	4,945,566	\$	4,945,566	90010
5BC0	715673	Drinking and Ground Water	\$	3,324,521	\$	3,324,520	90011
5BC0	715676	Assistance and Prevention	\$	1,583,098	\$	1,591,682	90012
5BC0	715677	Laboratory	\$	1,253,586	\$	1,253,586	90013
5BC0	715678	Corrective Actions	\$	1,316,878	\$	1,316,878	90014
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	90015
5BC0	715692	Administration	\$	12,885,000	\$	13,505,000	90016
5BC0	715694	Environmental Resource Coordination	\$	100,000	\$	100,000	90017
5BT0	715679	C&DD Groundwater Monitoring	\$	645,000	\$	919,000	90018
5CD0	715682	Clean Diesel School Buses	\$	150,000	\$	150,000	90019
5H40	715664	Groundwater Support	\$	350,499	\$	356,727	90020
5PZ0	715696	Drinking Water Loan Fee	\$	220,200	\$	126,200	90021

5Y30	715685	Surface Water Improvement	\$	1,800,000	\$	1,800,000	90022
6440	715631	Emergency Response Radiological Safety	\$	298,304	\$	303,174	90023
6760	715642	Water Pollution Control Loan Administration	\$	1,933,621	\$	1,990,262	90024
6780	715635	Air Toxic Release	\$	133,636	\$	133,636	90025
6790	715636	Emergency Planning	\$	2,623,252	\$	2,623,252	90026
6960	715643	Air Pollution Control Administration	\$	1,125,000	\$	1,125,000	90027
6990	715644	Water Pollution Control Administration	\$	800,000	\$	800,000	90028
6A10	715645	Environmental Education	\$	1,500,000	\$	1,500,000	90029
TOTAL DPF Dedicated Purpose Fund Group			\$	127,332,212	\$	128,529,143	90030
Internal Service Activity Fund Group							90031
1990	715602	Laboratory Services	\$	427,234	\$	594,566	90032
2190	715604	Central Support Indirect	\$	6,900,000	\$	6,600,000	90033
4A10	715640	Operating Expenses	\$	2,050,000	\$	2,050,000	90034
TOTAL ISA Internal Service Activity Fund Group			\$	9,377,234	\$	9,244,566	90035
Capital Projects Fund Group							90036
5S10	715607	Clean Ohio Revitalization Operating	\$	284,124	\$	284,124	90037
TOTAL CPF Capital Projects Fund Group			\$	284,124	\$	284,124	90038
Federal Fund Group							90039

3530	715612	Public Water Supply	\$	2,058,127	\$	2,113,020	90040
3540	715614	Hazardous Waste Management - Federal	\$	3,038,383	\$	3,038,383	90041
3570	715619	Air Pollution Control - Federal	\$	6,310,203	\$	6,310,203	90042
3620	715605	Underground Injection Control - Federal	\$	98,629	\$	102,859	90043
3BU0	715684	Water Quality Protection	\$	13,211,815	\$	14,537,389	90044
3CS0	715688	Federal NRD Settlements	\$	200,000	\$	200,000	90045
3F20	715630	Revolving Loan Fund - Operating	\$	2,800,000	\$	2,900,000	90046
3F30	715632	Federally Supported Cleanup and Response	\$	4,168,991	\$	4,291,191	90047
3T30	715669	Drinking Water State Revolving Fund	\$	2,824,076	\$	2,824,076	90048
3V70	715606	Agencywide Grants	\$	600,000	\$	600,000	90049
TOTAL FED		Federal Fund Group	\$	35,310,223	\$	36,917,121	90050
TOTAL ALL BUDGET FUND GROUPS			\$	183,226,886	\$	185,898,047	90051

AREAWIDE PLANNING AGENCIES 90052

The Director of Environmental Protection Agency may award 90053  
grants from appropriation item 715687, Areawide Planning Agencies, 90054  
to areawide planning agencies engaged in areawide water quality 90055  
management and planning activities in accordance with Section 208 90056  
of the "Federal Clean Water Act," 33 U.S.C. 1288. 90057

WATER POLLUTION CONTROL ADMINISTRATION FUND (FUND 6990) 90058

EXPENDITURES LIMITATION 90059

Notwithstanding division (B) of section 6111.09 of the 90060  
Revised Code, the Director of Environmental Protection may expend 90061  
not more than \$800,000 of the moneys credited to the Water 90062  
Pollution Control Administration Fund (Fund 6990) under that 90063

division in either of fiscal years 2016 or 2017 for the purposes 90064  
specified in that division. 90065

**Section 277.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 90066

General Revenue Fund 90067

GRF 172321 Operating Expenses \$ 545,530 \$ 545,530 90068

TOTAL GRF General Revenue Fund \$ 545,530 \$ 545,530 90069

TOTAL ALL BUDGET FUND GROUPS \$ 545,530 \$ 545,530 90070

**Section 279.10.** ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 90072

General Revenue Fund 90073

GRF 935401 Statehouse News \$ 324,533 \$ 324,533 90074

Bureau

GRF 935402 Ohio Government \$ 1,452,089 \$ 1,452,089 90075

Telecommunications  
Services

GRF 935408 General Operations \$ 745,000 \$ 745,000 90076

GRF 935409 Technology Operations \$ 3,171,962 \$ 3,171,962 90077

GRF 935410 Content Development, \$ 3,957,094 \$ 3,957,094 90078

Acquisition, and  
Distribution

GRF 935412 Information \$ 683,716 \$ 683,716 90079

Technology

TOTAL GRF General Revenue Fund \$ 10,334,394 \$ 10,334,394 90080

Dedicated Purpose Fund Group 90081

5FK0 935608 Media Services \$ 95,000 \$ 95,000 90082

TOTAL DPF Dedicated Purpose Fund \$ 95,000 \$ 95,000 90083

Group

Internal Service Activity Fund Group 90084

4F30 935603 Affiliate Services \$ 4,000 \$ 4,000 90085

4T20 935605 Government \$ 7,000 \$ 7,000 90086

Television/Telecommunications

Operating

TOTAL ISA Internal Service Activity				90087
Fund Group	\$	11,000	\$ 11,000	90088
TOTAL ALL BUDGET FUND GROUPS	\$	10,440,394	\$ 10,440,394	90089

**Section 279.20.** STATEHOUSE NEWS BUREAU 90091

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 90092  
90093  
90094

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 90095

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 90096  
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90100  
90101  
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TECHNOLOGY OPERATIONS 90103

The foregoing appropriation item 935409, Technology Operations, shall be used by the Broadcast Educational Media Commission to pay expenses of the network infrastructure, which includes the television and radio transmission infrastructure and infrastructure that shall link all public K-12 classrooms to each other and to the Internet, and provide access to voice, video, other communication services, and data educational resources for students and teachers. 90104  
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CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 90112

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the 90113  
90114  
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90116

classroom and online. 90117

Of the foregoing appropriation item 935410, Content 90118  
Development, Acquisition, and Distribution, up to \$658,099 in each 90119  
fiscal year shall be allocated equally among the Ohio educational 90120  
television stations. Funds shall be used for the production of 90121  
interactive instructional programming series with priority given 90122  
to resources aligned with state academic content standards. The 90123  
programming shall be targeted to the needs of the one-third lowest 90124  
capacity school districts as determined by the district's state 90125  
share percentage calculated by the Department of Education. 90126

Of the foregoing appropriation item 935410, Content 90127  
Development, Acquisition, and Distribution, up to \$1,749,283 in 90128  
each fiscal year shall be distributed by the Broadcast Educational 90129  
Media Commission to Ohio's qualified public educational television 90130  
stations and educational radio stations to support their 90131  
operations. The funds shall be distributed pursuant to an 90132  
allocation formula used by the Ohio Educational Telecommunications 90133  
Network Commission unless a substitute formula is developed by the 90134  
Broadcast Educational Media Commission in consultation with Ohio's 90135  
qualified public educational television stations and educational 90136  
radio stations. 90137

Of the foregoing appropriation item 935410, Content 90138  
Development, Acquisition, and Distribution, up to \$199,712 in each 90139  
fiscal year shall be distributed by the Broadcast Educational 90140  
Media Commission to Ohio's qualified radio reading services to 90141  
support their operations. The funds shall be distributed pursuant 90142  
to an allocation formula used by the Ohio Educational 90143  
Telecommunications Network Commission unless a substitute formula 90144  
is developed by the Broadcast Educational Media Commission in 90145  
consultation with Ohio's qualified radio reading services. 90146

**Section 281.10.** ETH OHIO ETHICS COMMISSION 90147

General Revenue Fund				90148
GRF 146321 Operating Expenses	\$	1,381,556	\$ 1,381,556	90149
TOTAL GRF General Revenue Fund	\$	1,381,556	\$ 1,381,556	90150
Dedicated Purpose Fund Group				90151
4M60 146601 Operating Support	\$	641,000	\$ 641,000	90152
TOTAL DPF Dedicated Purpose Fund	\$	641,000	\$ 641,000	90153
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	2,022,556	\$ 2,022,556	90154

**Section 283.10. EXP OHIO EXPOSITIONS COMMISSION** 90156

General Revenue Fund				90157
GRF 723403 Junior Fair Subsidy	\$	500,000	\$ 500,000	90158
TOTAL GRF General Revenue Fund	\$	500,000	\$ 500,000	90159
Dedicated Purpose Fund Group				90160
4N20 723602 Ohio State Fair	\$	235,000	\$ 235,000	90161
Harness Racing				
5060 723601 Operating Expenses	\$	13,345,000	\$ 13,585,000	90162
5060 723604 Grounds Maintenance	\$	300,000	\$ 300,000	90163
and Repairs				
TOTAL DPF Dedicated Purpose Fund	\$	13,880,000	\$ 14,120,000	90164
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	14,380,000	\$ 14,620,000	90165

**STATE FAIR RESERVE** 90166

The General Manager of the Expositions Commission, in 90167  
consultation with the Director of Budget and Management, may 90168  
submit a request to the Controlling Board to use available amounts 90169  
in the State Fair Reserve Fund (Fund 6400) if revenues from either 90170  
the 2015 or the 2016 Ohio State Fair are unexpectedly low. 90171

**GROUND'S MAINTENANCE AND REPAIRS** 90172

The foregoing appropriation item 723604, Grounds Maintenance 90173  
and Repairs, shall be used for maintenance and repairs on the 90174



grounds of the Ohio Expo Center. 90175

**Section 285.10.** FCC OHIO FACILITIES CONSTRUCTION COMMISSION 90176

General Revenue Fund 90177

GRF 230321 Operating Expenses \$ 6,500,000 \$ 6,500,000 90178

GRF 230401 Cultural Facilities \$ 29,728,000 \$ 25,737,900 90179

Lease Rental Bond  
Payments

GRF 230458 State Construction \$ 2,200,000 \$ 2,000,000 90180

Management Services

GRF 230459 Aronoff Center \$ 540,000 \$ 540,000 90181

Building Maintenance

GRF 230908 Common Schools \$ 366,000,000 \$ 377,000,000 90182

General Obligation  
Bond Debt Service

TOTAL GRF General Revenue Fund \$ 404,968,000 \$ 411,777,900 90183

Internal Service Activity Fund Group 90184

1310 230639 State Construction \$ 8,500,000 \$ 8,500,000 90185

Management Operations

TOTAL ISA Internal Service Activity \$ 8,500,000 \$ 8,500,000 90186

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 413,468,000 \$ 420,277,900 90187

**Section 285.20.** CULTURAL FACILITIES LEASE RENTAL BOND 90189

PAYMENTS 90190

The foregoing appropriation item 230401, Cultural Facilities 90191

Lease Rental Bond Payments shall be used to meet all payments 90192

during the period from July 1, 2015, through June 30, 2017, by the 90193

Ohio Facilities Construction Commission under the primary leases 90194

and agreements for cultural and sports facilities made under 90195

Chapters 152. and 154. of the Revised Code. These appropriations 90196

are the source of funds pledged for bond service charges on 90197

related obligations issued under Chapters 152. and 154. of the Revised Code. 90198  
90199

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 90200

The foregoing appropriation item 230908, Common Schools General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.03 of the Revised Code. 90201  
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90205

**Section 285.30.** COMMUNITY PROJECT ADMINISTRATION 90206

The foregoing appropriation item 230458, State Construction Management Services, shall be used by the Ohio Facilities Construction Commission in administering Cultural and Sports Facilities Building Fund (Fund 7030) projects pursuant to section 123.201 of the Revised Code. 90207  
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SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 90212

At the request of the Executive Director of the Ohio School Facilities Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within thirteen months of receiving Controlling Board approval under section 3318.05 or 3318.41 of the Revised Code. The Executive Director of the Ohio School Facilities Commission shall certify the amounts of the canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated. 90213  
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**Section 285.40.** CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS 90223  
90224

On July 1, 2015, or as soon as possible thereafter, the Executive Director of the Facilities Construction Commission shall 90225  
90226

certify to the Director of Budget and Management the amount of 90227  
cash receipts and related investment income, irrevocable letters 90228  
of credit from a bank, or certification of the availability of 90229  
funds that have been received from a county or a municipal 90230  
corporation for deposit into the Capital Donations Fund (Fund 90231  
5A10) and that are related to an anticipated project. These 90232  
amounts are hereby appropriated to appropriation item C37146, 90233  
Capital Donations. Prior to certifying these amounts to the 90234  
Director, the Executive Director shall make a written agreement 90235  
with the participating entity on the necessary cash flows required 90236  
for the anticipated construction or equipment acquisition project. 90237

**Section 285.50.** AMENDMENT TO PROJECT AGREEMENT FOR 90238  
MAINTENANCE LEVY 90239

The Ohio School Facilities Commission shall amend the project 90240  
agreement between the Commission and a school district that is 90241  
participating in the Accelerated Urban School Building Assistance 90242  
Program on the effective date of this section, if the Commission 90243  
determines that it is necessary to do so in order to comply with 90244  
division (B)(3)(c) of section 3318.38 of the Revised Code. 90245

**Section 285.60.** Notwithstanding any other provision of law to 90246  
the contrary, the Ohio School Facilities Commission may determine 90247  
the amount of funding available for disbursement in a given fiscal 90248  
year for any project approved under sections 3318.01 to 3318.20 of 90249  
the Revised Code in order to keep aggregate state capital spending 90250  
within approved limits and may take actions including, but not 90251  
limited to, determining the schedule for design or bidding of 90252  
approved projects, to ensure appropriate and supportable cash 90253  
flow. 90254

**Section 285.70.** ASSISTANCE TO JOINT VOCATIONAL SCHOOL 90255  
DISTRICT 90256

Notwithstanding division (B) of section 3318.40 of the Revised Code, the Ohio School Facilities Commission may provide assistance to at least one joint vocational school district each fiscal year for the acquisition of classroom facilities in accordance with sections 3318.40 to 3318.45 of the Revised Code.

**Section 285.80. FUNDING OF DISTRICT SHARE OF BASIC PROJECT COST**

(A) The Ohio School Facilities Commission, in consultation with the Office of Budget and Management, shall prepare a study of the impacts, benefits, and risks associated with a school district funding its share of the basic project cost of a school facilities project under Chapter 3318. of the Revised Code with cash-on-hand resulting from a lease-purchase agreement or certificate of participation under section 3313.375 of the Revised Code that is not subject to voter approval. The study shall be completed not later than nine months after the effective date of this section and submitted to the Governor and General Assembly in accordance with section 101.68 of the Revised Code. Until this study is completed, a school district shall not fund its share of the basic project cost of a school facilities project under Chapter 3318. of the Revised Code with cash-on-hand resulting from a lease-purchase agreement or certificate of participation under section 3313.375 of the Revised Code that is not subject to voter approval, except as provided in division (B) of this section.

(B) Notwithstanding division (A) of this section and any other provision of law to the contrary, with the approval of the School Facilities Commission, a school district may use cash-on-hand resulting from a lease-purchase agreement or certificate of participation under section 3313.375 of the Revised Code that is not subject to voter approval in the following limited circumstances:

(1) Funding the district's share of an increase in the basic project cost approved under section 3318.083 of the Revised Code; 90288  
90289

(2) Funding a locally funded initiative; or 90290

(3) Funding a project under the Expedited Local Partnership Program established under either section 3318.36 or 3318.46 of the Revised Code. 90291  
90292  
90293

**Section 287.10. GOV OFFICE OF THE GOVERNOR** 90294

General Revenue Fund 90295

GRF 040321 Operating Expenses	\$	3,157,386	\$	3,156,099	90296
TOTAL GRF General Revenue Fund	\$	3,157,386	\$	3,156,099	90297

Dedicated Purpose Fund Group 90298

5QY0 040608 Serve Ohio Support	\$	30,000	\$	30,000	90299
TOTAL DPF Dedicated Purpose Fund	\$	30,000	\$	30,000	90300

Group

Internal Service Activity Fund Group 90301

5AK0 040607 Government Relations	\$	300,000	\$	300,000	90302
TOTAL ISA Internal Service Activity					90303

Fund Group	\$	300,000	\$	300,000	90304
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Federal Fund Group 90305

3GW0 040609 AmeriCorps Programs	\$	7,182,899	\$	7,178,630	90306
TOTAL FED Federal Fund Group	\$	7,182,899	\$	7,178,630	90307

TOTAL ALL BUDGET FUND GROUPS	\$	10,670,285	\$	10,664,729	90308
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**OPERATING EXPENSES** 90309

Of the foregoing appropriation item 040321, Operating Expenses, \$305,834 in fiscal year 2016 and \$304,547 in fiscal year 2017 shall be used to support the operating expenses of the Commission on Service and Volunteerism. 90310  
90311  
90312  
90313

**GOVERNMENT RELATIONS** 90314

A portion of the foregoing appropriation item 040607, 90315

Government Relations, may be used to support Ohio's membership in national or regional associations. 90316  
90317

The Office of the Governor may charge any state agency of the executive branch using an intrastate transfer voucher such amounts necessary to defray the costs incurred for the conduct of governmental relations associated with issues that can be attributed to the agency. Amounts collected shall be deposited in the Government Relations Fund (Fund 5AK0). 90318  
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90323

**Section 289.10.** DOH DEPARTMENT OF HEALTH 90324

General Revenue Fund 90325

GRF 440412 Cancer Incidence \$ 600,000 \$ 600,000 90326  
Surveillance System

GRF 440413 Local Health \$ 823,061 \$ 823,061 90327  
Departments

GRF 440416 Mothers and Children \$ 4,428,015 \$ 4,428,015 90328  
Safety Net Services

GRF 440418 Immunizations \$ 5,988,545 \$ 5,988,545 90329

GRF 440431 Free Clinics Safety \$ 437,326 \$ 437,326 90330  
Net Services

GRF 440438 Breast and Cervical \$ 823,217 \$ 823,217 90331  
Cancer Screening

GRF 440444 AIDS Prevention and \$ 5,842,315 \$ 5,842,315 90332  
Treatment

GRF 440451 Public Health \$ 5,000,000 \$ 5,000,000 90333  
Laboratory

GRF 440452 Child and Family \$ 630,444 \$ 630,444 90334  
Health Services Match

GRF 440453 Health Care Quality \$ 5,000,000 \$ 5,000,000 90335  
Assurance

GRF 440454 Environmental Health \$ 1,209,430 \$ 1,209,430 90336

GRF 440459 Help Me Grow \$ 31,708,080 \$ 31,708,080 90337

GRF 440465	Federally Qualified Health Centers	\$	2,686,688	\$	2,686,688	90338
GRF 440467	Access to Dental Care	\$	540,484	\$	540,484	90339
GRF 440468	Chronic Disease and Injury Prevention	\$	2,466,127	\$	2,466,127	90340
GRF 440472	Alcohol Testing	\$	1,100,000	\$	1,100,000	90341
GRF 440473	Tobacco Prevention Cessation and Enforcement	\$	1,050,000	\$	1,050,000	90342
GRF 440474	Infant Vitality	\$	4,116,688	\$	4,116,688	90343
GRF 440477	Emergency Preparation and Response	\$	2,000,000	\$	2,000,000	90344
GRF 440505	Medically Handicapped Children	\$	7,512,451	\$	7,512,451	90345
GRF 440507	Targeted Health Care Services Over 21	\$	1,045,414	\$	1,045,414	90346
GRF 440518	Hope for A Smile	\$	700,000	\$	0	90347
GRF 654453	Medicaid - Health Care Quality Assurance	\$	3,300,000	\$	3,300,000	90348
TOTAL GRF	General Revenue Fund	\$	89,008,285	\$	88,308,285	90349
Highway Safety Fund Group						90350
4T40 440603	Child Highway Safety	\$	280,000	\$	280,000	90351
TOTAL HSF	Highway Safety Fund Group	\$	280,000	\$	280,000	90352
Dedicated Purpose Fund Group						90353
4700 440647	Fee Supported Programs	\$	23,958,743	\$	24,183,552	90354
4710 440619	Certificate of Need	\$	878,433	\$	878,433	90355
4730 440622	Lab Operating Expenses	\$	5,250,000	\$	5,250,000	90356
4770 440627	Medically Handicapped Children Audit	\$	3,692,703	\$	3,692,703	90357
4D60 440608	Genetics Services	\$	3,311,039	\$	3,311,039	90358

4F90	440610	Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824	90359
4G00	440636	Heirloom Birth Certificate	\$	5,000	\$	5,000	90360
4G00	440637	Birth Certificate Surcharge	\$	5,000	\$	5,000	90361
4L30	440609	HIV Care and Miscellaneous Expenses	\$	15,000,000	\$	15,000,000	90362
4P40	440628	Ohio Physician Loan Repayment	\$	700,000	\$	700,000	90363
4V60	440641	Save Our Sight	\$	2,550,000	\$	2,550,000	90364
5B50	440616	Quality, Monitoring, and Inspection	\$	716,511	\$	736,194	90365
5BX0	440656	Tobacco Use Prevention	\$	6,350,000	\$	6,350,000	90366
5CN0	440645	Choose Life	\$	75,000	\$	75,000	90367
5D60	440620	Second Chance Trust	\$	1,500,000	\$	1,500,000	90368
5ED0	440651	Smoke Free Indoor Air	\$	400,000	\$	400,000	90369
5G40	440639	Adoption Services	\$	20,000	\$	20,000	90370
5PE0	440659	Breast and Cervical Cancer Services	\$	300,000	\$	300,000	90371
5QH0	440661	Dental Hygiene Resources Shortage Area	\$	5,000	\$	5,000	90372
5QJ0	440662	Dental Hygienist Loan Repayment	\$	80,000	\$	80,000	90373
5Z70	440624	Ohio Dentist Loan Repayment	\$	140,000	\$	200,000	90374
6100	440626	Radiation Emergency Response	\$	1,086,098	\$	1,086,098	90375
6660	440607	Medically Handicapped Children - County	\$	19,739,617	\$	19,739,617	90376



Assessments				
6980	440634	Nurse Aide Training	\$ 120,000	\$ 120,000 90377
TOTAL DPF Dedicated Purpose Fund			\$ 86,915,968	\$ 87,220,460 90378
Group				
Internal Service Activity Fund Group				90379
1420	440646	Agency Health	\$ 3,279,509	\$ 3,130,613 90380
Services				
2110	440613	Central Support	\$ 30,052,469	\$ 30,052,469 90381
Indirect Costs				
TOTAL ISA Internal Service Activity			\$ 33,331,978	\$ 33,183,082 90382
Fund Group				
Holding Account Fund Group				90383
R014	440631	Vital Statistics	\$ 44,986	\$ 44,986 90384
R048	440625	Refunds, Grants	\$ 20,000	\$ 20,000 90385
Reconciliation, and Audit Settlements				
TOTAL HLD Holding Account Fund			\$ 64,986	\$ 64,986 90386
Group				
Federal Fund Group				90387
3200	440601	Maternal Child Health	\$ 22,000,000	\$ 22,000,000 90388
Block Grant				
3870	440602	Preventive Health	\$ 8,000,000	\$ 8,000,000 90389
Block Grant				
3890	440604	Women, Infants, and	\$ 240,000,000	\$ 240,000,000 90390
Children				
3910	440606	Medicare Survey and	\$ 18,000,000	\$ 18,000,000 90391
Certification				
3920	440618	Federal Public Health	\$ 107,198,791	\$ 107,198,791 90392
Programs				
3GD0	654601	Medicaid Program	\$ 22,392,094	\$ 22,392,094 90393
Support				
3GN0	440660	Public Health	\$ 27,941,795	\$ 27,941,795 90394

Emergency

Preparedness

TOTAL FED Federal Fund Group	\$	445,532,680	\$	445,532,680	90395
TOTAL ALL BUDGET FUND GROUPS	\$	655,133,897	\$	654,589,493	90396

**Section 289.20.** MOTHERS AND CHILDREN SAFETY NET SERVICES 90398

Of the foregoing appropriation item 440416, Mothers and 90399  
Children Safety Net Services, \$200,000 in each fiscal year shall 90400  
be used to assist families with hearing impaired children under 90401  
twenty-one years of age in purchasing hearing aids. The Director 90402  
of Health shall adopt rules governing the distribution of these 90403  
funds, including rules that do both of the following: (1) 90404  
establish eligibility criteria to include families with incomes at 90405  
or below four hundred per cent of the federal poverty guidelines 90406  
as defined in section 5101.46 of the Revised Code, and (2) develop 90407  
a sliding scale of disbursements under this section based on 90408  
family income. The Director may adopt other rules as necessary to 90409  
implement this section. Rules adopted under this section shall be 90410  
adopted in accordance with Chapter 119. of the Revised Code. 90411

The Department shall disburse all of the funds appropriated 90412  
under this section. 90413

HIV/AIDS PREVENTION/TREATMENT 90414

The foregoing appropriation item 440444, AIDS Prevention and 90415  
Treatment, shall be used to assist persons with HIV/AIDS in 90416  
acquiring HIV-related medications and to administer educational 90417  
prevention initiatives. 90418

PUBLIC HEALTH LABORATORY 90419

A portion of the foregoing appropriation item 440451, Public 90420  
Health Laboratory, shall be used for coordination and management 90421  
of prevention program operations and the purchase of drugs for 90422  
sexually transmitted diseases. 90423

HELP ME GROW 90424

The foregoing appropriation item 440459, Help Me Grow, shall 90425  
be used by the Department of Health to implement the Help Me Grow 90426  
Program. Funds shall be distributed to counties through 90427  
agreements, contracts, grants, or subsidies in accordance with 90428  
section 3701.61 of the Revised Code. Appropriation item 440459, 90429  
Help Me Grow, may be used in conjunction with other early 90430  
childhood funds and services to promote the optimal development of 90431  
young children and family-centered programs and services that 90432  
acknowledge and support the social, emotional, cognitive, 90433  
intellectual, and physical development of children and the vital 90434  
role of families in ensuring the well-being and success of 90435  
children. The Department of Health shall enter into interagency 90436  
agreements with the Department of Education, Department of 90437  
Developmental Disabilities, Department of Job and Family Services, 90438  
and Department of Mental Health and Addiction Services to ensure 90439  
that all early childhood programs and initiatives are coordinated 90440  
and school linked. 90441

The foregoing appropriation item 440459, Help Me Grow, may 90442  
also be used for the Developmental Autism and Screening Program. 90443

INFANT VITALITY 90444

The foregoing appropriation item 440474, Infant Vitality, 90445  
shall be used to fund initiatives including: 90446

(A) The Infant Safe Sleep Campaign to educate parents and 90447  
caregivers with a uniform message regarding safe sleep 90448  
environments; 90449

(B) The Progesterone Prematurity Prevention Project to enable 90450  
prenatal care providers to identify, screen, treat, and track 90451  
outcomes for women eligible for progesterone supplementation; and 90452

(C) The Prenatal Smoking Cessation Project to enable prenatal 90453  
care providers who work with women of reproductive age, including 90454

pregnant women, to have the tools, training, and technical 90455  
assistance needed to treat smokers effectively. 90456

EMERGENCY PREPARATION AND RESPONSE 90457

The foregoing appropriation item 440477, Emergency 90458  
Preparation and Response, shall be used to support public health 90459  
emergency preparedness and response efforts at the state level or 90460  
at a regional sub-level within the state, and may also be used to 90461  
support data infrastructure projects related to public health 90462  
emergency preparedness/response. 90463

TARGETED HEALTH CARE SERVICES OVER 21 90464

The foregoing appropriation item 440507, Targeted Health Care 90465  
Services Over 21, shall be used to administer the Cystic Fibrosis 90466  
Program and to implement the Hemophilia Insurance Premium Payment 90467  
Program. 90468

The foregoing appropriation item 440507, Targeted Health Care 90469  
Services Over 21, shall also be used to provide essential 90470  
medications and to pay the copayments for drugs approved by the 90471  
Department of Health and covered by Medicare Part D that are 90472  
dispensed to Bureau for Children with Medical Handicaps (BCMh) 90473  
participants for the Cystic Fibrosis Program. 90474

The Department shall expend all of these funds. 90475

HOPE FOR A SMILE 90476

The foregoing appropriation item 440518, Hope For A Smile, 90477  
shall be used to provide for the start-up costs of one bus for the 90478  
Hope For A Smile Program. 90479

MEDICALLY HANDICAPPED CHILDREN AUDIT 90480

The Medically Handicapped Children Audit Fund (Fund 4770) 90481  
shall receive revenue from audits of hospitals and recoveries from 90482  
third-party payers. Moneys may be expended for payment of audit 90483  
settlements and for costs directly related to obtaining recoveries 90484

from third-party payers and for encouraging Medically Handicapped Children's Program recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of medically handicapped children, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis or hemophilia. Moneys may also be expended for administrative expenses incurred in operating the Medically Handicapped Children's Program.

GENETICS SERVICES

The foregoing appropriation item 440608, Genetics Services (Fund 4D60), shall be used by the Department of Health to administer programs authorized by sections 3701.501 and 3701.502 of the Revised Code. None of these funds shall be used to counsel or refer for abortion, except in the case of a medical emergency.

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS

The foregoing appropriation item 440607, Medically Handicapped Children - County Assessments (Fund 6660), shall be used to make payments under division (E) of section 3701.023 of the Revised Code.

**Section 289.30.** IMMUNIZATIONS

Beginning on January 1, 2016, the Department of Health shall no longer provide GRF-funded vaccines or GRF funding for vaccines from GRF appropriation item 440418, Immunizations. Local health departments and other local providers who receive GRF funded vaccines or GRF funding for vaccines from the Department of Health before January 1, 2016, shall instead bill private insurance companies as appropriate to recover the costs of providing and administering vaccines. However, the Department of Health may continue to provide GRF-funded vaccines or GRF funding for

vaccines to cover uninsured adults, to cover individuals on 90515  
grandfathered private insurance plans that do not cover vaccines, 90516  
and in certain exceptional cases as determined by the Director of 90517  
Health. 90518

**Section 289.40. WIC VENDOR CONTRACTS** 90519

(A) As used in this section, "WIC" means the Special 90520  
Supplemental Nutrition Program for Women, Infants, and Children 90521  
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 90522  
42 U.S.C. 1786, as amended. 90523

(B) During fiscal year 2016 and fiscal year 2017, the 90524  
Department of Health shall process and review a WIC vendor 90525  
contract application pursuant to Chapter 3701-42 of the 90526  
Administrative Code not later than forty-five days after receipt 90527  
of the application if the applicant is a WIC-contracted vendor at 90528  
the time of application and meets all of the following 90529  
requirements: 90530

(1) Submits a complete WIC vendor application with all 90531  
required documents and information; 90532

(2) Passes the required unannounced preauthorization visit 90533  
within forty-five days of submitting a complete application; 90534

(3) Completes the required in-person training within 90535  
forty-five days of submitting the complete application. 90536

(C) If an applicant fails to meet any of the requirements 90537  
described in division (B) of this section, the Department shall 90538  
deny the application for the contract. After an application has 90539  
been denied, the applicant may reapply for a contract to act as a 90540  
WIC vendor during the contracting cycle that is applicable to the 90541  
applicant's WIC region. 90542

**Section 289.50. CASH TRANSFERS TO THE PUBLIC HEALTH EMERGENCY** 90543

PREPAREDNESS FUND 90544

On July 1, 2015, or as soon as possible thereafter, the 90545  
 Director of Health shall certify to the Director of Budget and 90546  
 Management the cash balance relating to public health emergency 90547  
 preparedness and response activities in the General Operations 90548  
 Fund (Fund 3920) and the Central Support Indirect Cost Fund (Fund 90549  
 2110), both used by the Department of Health. Upon receiving this 90550  
 certification, the Director of Budget and Management may transfer 90551  
 the amount certified to the Public Health Emergency Preparedness 90552  
 Fund (Fund 3GN0) and/or the General Operations Fund (Fund 3920), 90553  
 both used by the Department of Health. 90554

**Section 291.10.** HEF HIGHER EDUCATIONAL FACILITY COMMISSION 90555

Dedicated Purpose Fund Group 90556

4610 372601	Operating Expenses	\$	12,500	\$	12,500	90557
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TOTAL DPF	Dedicated Purpose Fund	\$	12,500	\$	12,500	90558
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	12,500	\$	12,500	90559
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**Section 293.10.** SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 90561

General Revenue Fund 90562

GRF 148100	Personal Services	\$	347,852	\$	347,852	90563
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GRF 148402	Community Programs	\$	44,924	\$	44,924	90564
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TOTAL GRF	General Revenue Fund	\$	392,776	\$	392,776	90565
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Dedicated Purpose Fund Group 90566

6010 148602	Special Initiatives	\$	24,558	\$	24,558	90567
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TOTAL DPF	Dedicated Purpose					90568
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Fund Group		\$	24,558	\$	24,558	90569
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TOTAL ALL BUDGET FUND GROUPS		\$	417,334	\$	417,334	90570
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**Section 295.10.** OHS OHIO HISTORY CONNECTION 90572

General Revenue Fund				90573
GRF	360501	Education and Collections	\$ 4,368,997 \$ 4,218,997	90574
GRF	360502	Site and Museum Operations	\$ 6,591,086 \$ 6,441,086	90575
GRF	360504	Ohio Preservation Office	\$ 790,000 \$ 790,000	90576
GRF	360505	National Afro-American Museum	\$ 500,000 \$ 500,000	90577
GRF	360506	Hayes Presidential Center	\$ 500,000 \$ 500,000	90578
GRF	360508	State Historical Grants	\$ 500,000 \$ 500,000	90579
GRF	360509	Outreach and Partnership	\$ 160,395 \$ 160,395	90580
TOTAL GRF	General Revenue Fund		\$ 13,410,478 \$ 13,110,478	90581
Dedicated Purpose Fund Group				90582
5KL0	360602	Ohio History Tax Check-off	\$ 250,000 \$ 250,000	90583
5PD0	360603	Ohio History License Plate	\$ 10,000 \$ 10,000	90584
TOTAL DPF	Dedicated Purpose Fund Group		\$ 260,000 \$ 260,000	90585
TOTAL ALL BUDGET FUND GROUPS			\$ 13,670,478 \$ 13,370,478	90586
SUBSIDY APPROPRIATION				90587
Upon approval by the Director of Budget and Management, the				90588
foregoing appropriation items shall be released to the Ohio				90589
History Connection in quarterly amounts that in total do not				90590
exceed the annual appropriations. The funds and fiscal records of				90591
the society for fiscal year 2016 and fiscal year 2017 shall be				90592
examined by independent certified public accountants approved by				90593
the Auditor of State, and a copy of the audited financial				90594



statements shall be filed with the Office of Budget and 90595  
Management. The society shall prepare and submit to the Office of 90596  
Budget and Management the following: 90597

(A) An estimated operating budget for each fiscal year of the 90598  
biennium. The operating budget shall be submitted at or near the 90599  
beginning of each calendar year. 90600

(B) Financial reports, indicating actual receipts and 90601  
expenditures for the fiscal year to date. These reports shall be 90602  
filed at least semiannually during the fiscal biennium. 90603

The foregoing appropriations shall be considered to be the 90604  
contractual consideration provided by the state to support the 90605  
state's offer to contract with the Ohio History Connection under 90606  
section 149.30 of the Revised Code. 90607

SITE AND MUSEUM OPERATIONS 90608

Of the foregoing appropriation item 360502, Site and Museum 90609  
Operations, \$500,000 in each fiscal year shall be distributed to 90610  
Lake View Cemetery for maintenance of the James A. Garfield 90611  
Monument. 90612

OHIO PRESERVATION OFFICE 90613

Of the foregoing appropriation item 360504, Ohio Preservation 90614  
Office, \$500,000 in each fiscal year shall be distributed to the 90615  
Murphy Theatre for preservation of the structure. 90616

STATE HISTORICAL GRANTS 90617

Of the foregoing appropriation item 360508, State Historical 90618  
Grants, \$250,000 in each fiscal year shall be used for the 90619  
Cincinnati Museum Center, and \$250,000 in each fiscal year shall 90620  
be used for the Western Reserve Historical Society. 90621

OUTREACH AND PARTNERSHIP 90622

Of the foregoing appropriation item 360509, Outreach and 90623  
Partnership, \$70,000 in each fiscal year shall be distributed to 90624

the Ohio World War I Centennial Working Group. 90625

**Section 297.10.** REP OHIO HOUSE OF REPRESENTATIVES 90626

General Revenue Fund 90627

GRF 025321 Operating Expenses \$ 23,272,941 \$ 23,272,941 90628

TOTAL GRF General Revenue Fund \$ 23,272,941 \$ 23,272,941 90629

Internal Service Activity Fund Group 90630

1030 025601 House Reimbursement \$ 1,433,664 \$ 1,433,664 90631

4A40 025602 Miscellaneous Sales \$ 37,849 \$ 37,849 90632

TOTAL Internal Service Activity 90633

Fund Group \$ 1,471,513 \$ 1,471,513 90634

TOTAL ALL BUDGET FUND GROUPS \$ 24,744,454 \$ 24,744,454 90635

OPERATING EXPENSES 90636

On July 1, 2015, or as soon as possible thereafter, the Chief 90637  
Administrative Officer of the House of Representatives may certify 90638  
to the Director of Budget and Management the amount of the 90639  
unexpended, unencumbered balance of the foregoing appropriation 90640  
item 025321, Operating Expenses, at the end of fiscal year 2015 to 90641  
be reappropriated to fiscal year 2016. The amount certified is 90642  
hereby reappropriated to the same appropriation item for fiscal 90643  
year 2016. 90644

On July 1, 2016, or as soon as possible thereafter, the Chief 90645  
Administrative Officer of the House of Representatives may certify 90646  
to the Director of Budget and Management the amount of the 90647  
unexpended, unencumbered balance of the foregoing appropriation 90648  
item 025321, Operating Expenses, at the end of fiscal year 2016 to 90649  
be reappropriated to fiscal year 2017. The amount certified is 90650  
hereby reappropriated to the same appropriation item for fiscal 90651  
year 2017. 90652

HOUSE REIMBURSEMENT 90653

If it is determined by the Chief Administrative Officer of 90654

the House of Representatives that additional appropriations are 90655  
 necessary for the foregoing appropriation item 025601, House 90656  
 Reimbursement, the amounts are hereby appropriated. 90657

**Section 299.10.** HFA OHIO HOUSING FINANCE AGENCY 90658

Dedicated Purpose Fund Group 90659

5AZ0 997601 Housing Finance Agency \$ 12,111,500 \$ 12,176,700 90660

Personal Services

TOTAL DPF Dedicated Purpose Fund \$ 12,111,500 \$ 12,176,700 90661

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,111,500 \$ 12,176,700 90662

**Section 301.10.** IGO OFFICE OF THE INSPECTOR GENERAL 90664

General Revenue Fund 90665

GRF 965321 Operating Expenses \$ 1,327,759 \$ 1,327,759 90666

TOTAL GRF General Revenue Fund \$ 1,327,759 \$ 1,327,759 90667

Internal Service Activity Fund Group 90668

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 90669

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 90670

General for BWC/OIC

TOTAL ISA Internal Service Activity 90671

Fund Group \$ 825,000 \$ 825,000 90672

TOTAL ALL BUDGET FUND GROUPS \$ 2,152,759 \$ 2,152,759 90673

**Section 303.10.** INS DEPARTMENT OF INSURANCE 90675

Dedicated Purpose Fund Group 90676

5540 820601 Operating Expenses - \$ 180,000 \$ 180,000 90677

OSHIIP

5540 820606 Operating Expenses \$ 26,235,367 \$ 26,235,367 90678

5550 820605 Examination \$ 8,184,065 \$ 8,184,065 90679

5PT0 820613 Captive Insurance \$ 496,252 \$ 1,198,696 90680

Regulation &				
Supervision				
TOTAL DPF Dedicated Purpose				90681
Fund Group	\$	35,095,684	\$ 35,798,128	90682
Federal Fund Group				90683
3U50 820602 OSHIIP Operating	\$	1,970,725	\$ 1,970,725	90684
Grant				
TOTAL FED Federal Fund Group	\$	1,970,725	\$ 1,970,725	90685
TOTAL ALL BUDGET FUND GROUPS	\$	37,066,409	\$ 37,768,853	90686
MARKET CONDUCT EXAMINATION				90687
When conducting a market conduct examination of any insurer				90688
doing business in this state, the Superintendent of Insurance may				90689
assess the costs of the examination against the insurer. The				90690
superintendent may enter into consent agreements to impose				90691
administrative assessments or fines for conduct discovered that				90692
may be violations of statutes or rules administered by the				90693
Superintendent. All costs, assessments, or fines collected shall				90694
be deposited to the credit of the Department of Insurance				90695
Operating Fund (Fund 5540).				90696
EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES				90697
The Director of Budget and Management, at the request of the				90698
Superintendent of Insurance, may transfer cash from the Department				90699
of Insurance Operating Fund (Fund 5540), established by section				90700
3901.021 of the Revised Code, to the Superintendent's Examination				90701
Fund (Fund 5550), established by section 3901.071 of the Revised				90702
Code, only for expenses incurred in examining domestic fraternal				90703
benefit societies as required by section 3921.28 of the Revised				90704
Code.				90705
TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND				90706
Not later than the thirty-first day of July each fiscal year,				90707
the Director of Budget and Management shall transfer \$5,000,000				90708

from the Department of Insurance Operating Fund (Fund 5540) to the 90709  
General Revenue Fund. 90710

**Section 303.20.** TRANSFER OF FUNDS FOR CAPTIVE INSURANCE 90711  
COMPANY REGULATION AND SUPERVISION 90712

During fiscal years 2016 and 2017, the Director of Budget and 90713  
Management, in consultation with the Superintendent of Insurance, 90714  
may transfer up to \$1,000,000 cash, from the Department of 90715  
Insurance Operating Fund (Fund 5540) to the Captive Insurance 90716  
Regulation and Supervision Fund (Fund 5PT0), to meet the operating 90717  
needs associated with regulatory work related to the formation of 90718  
captive insurance companies in this state that will occur before 90719  
receipts from this activity are deposited into Fund 5PT0. Once 90720  
funds from captive insurance company application fees, 90721  
reimbursements from captive insurance companies for examinations, 90722  
and other sources have accrued to Fund 5PT0 in such amounts as are 90723  
deemed sufficient to sustain operations, the Director of Budget 90724  
and Management, in consultation with the Superintendent of 90725  
Insurance, shall establish a schedule for repaying the amounts 90726  
previously transferred during fiscal years 2016 and 2017 from Fund 90727  
5PT0 to Fund 5540. 90728

**Section 305.10.** JFS DEPARTMENT OF JOB AND FAMILY SERVICES 90729

General Revenue Fund 90730

GRF 600321 Program Support \$ 29,189,231 \$ 29,189,231 90731

GRF 600410 TANF State/Maintenance \$ 152,386,934 \$ 152,386,934 90732  
of Effort

GRF 600413 Child Care \$ 84,732,730 \$ 84,732,730 90733  
State/Maintenance of  
Effort

GRF 600416 Information Technology \$ 54,365,961 \$ 54,365,961 90734  
Projects

GRF 600420	Child Support Programs	\$	6,591,048	\$	6,591,048	90735
GRF 600421	Family Assistance Programs	\$	3,161,930	\$	3,161,930	90736
GRF 600423	Families and Children Programs	\$	6,542,517	\$	6,542,517	90737
GRF 600445	Unemployment Insurance Administration	\$	25,218,724	\$	25,523,501	90738
GRF 600502	Child Support - Local	\$	23,814,103	\$	23,814,103	90739
GRF 600511	Disability Financial Assistance	\$	17,000,000	\$	17,000,000	90740
GRF 600521	Family Assistance - Local	\$	46,132,751	\$	46,132,751	90741
GRF 600523	Family and Children Services	\$	57,755,323	\$	57,755,323	90742
GRF 600528	Adoption Services					90743
	State	\$	28,623,389	\$	28,623,389	90744
	Federal	\$	38,202,557	\$	38,202,557	90745
	Adoption Services Total	\$	66,825,946	\$	66,825,946	90746
GRF 600533	Child, Family, and Community Protective Services	\$	13,500,000	\$	13,500,000	90747
GRF 600534	Adult Protective Services	\$	3,526,153	\$	3,526,153	90748
GRF 600535	Early Care and Education	\$	143,617,211	\$	143,436,793	90749
GRF 600540	Food Banks	\$	8,750,000	\$	8,750,000	90750
GRF 600546	Healthy Food Financing Initiative	\$	1,500,000	\$	2,000,000	90751
GRF 600541	Kinship Permanency Incentive Program	\$	3,500,000	\$	3,500,000	90752
GRF 655522	Medicaid Program Support - Local	\$	31,067,970	\$	31,067,970	90753
GRF 655523	Medicaid Program	\$	42,280,495	\$	45,080,495	90754

		Support - Local					
		Transportation					
TOTAL GRF		General Revenue Fund					90755
		State	\$	783,256,470	\$	786,680,829	90756
		Federal	\$	38,202,557	\$	38,202,557	90757
		GRF Total	\$	821,459,027	\$	824,883,386	90758
		Dedicated Purpose Fund Group					90759
1980	600647	Children's Trust Fund	\$	5,873,848	\$	5,873,848	90760
4A80	600658	Public Assistance	\$	26,000,000	\$	26,000,000	90761
		Activities					
4A90	600607	Unemployment	\$	15,850,000	\$	15,250,000	90762
		Compensation					
		Administration Fund					
4E70	600604	Family and Children	\$	400,000	\$	400,000	90763
		Services Collections					
4F10	600609	Family and Children	\$	383,549	\$	383,549	90764
		Activities					
5DM0	600633	Audit Settlements and	\$	5,000,000	\$	5,000,000	90765
		Contingency					
5DP0	600634	Adoption Assistance	\$	500,000	\$	500,000	90766
		Loan					
5ES0	600630	Food Bank Assistance	\$	500,000	\$	500,000	90767
5HC0	600695	Unemployment	\$	38,701,835	\$	28,668,609	90768
		Compensation Interest					
5KU0	600611	Unemployment		500,000		500,000	90769
		Insurance Support -					
		Other Sources					
5NG0	600660	Victims of Human	\$	100,000	\$	100,000	90770
		Trafficking					
5U60	600663	Family and Children	\$	4,000,000	\$	4,000,000	90771
		Support					
5RC0	600669	Healthier Buckeye	\$	8,500,000	\$	9,500,000	90772
		Councils					

TOTAL DPF Dedicated Purpose Fund Group	\$	106,309,232	\$	96,676,006	90773
Internal Service Activity Fund Group					90774
5HL0 600602 State and County Shared Services	\$	3,000,000	\$	3,000,000	90775
TOTAL ISA Internal Service Activity Fund Group	\$	3,000,000	\$	3,000,000	90776
Fiduciary Fund Group					90777
1920 600646 Child Support Intercept - Federal	\$	129,250,000	\$	129,250,000	90778
5830 600642 Child Support Intercept - State	\$	14,000,000	\$	14,000,000	90779
5B60 600601 Food Assistance Intercept	\$	1,000,000	\$	1,000,000	90780
TOTAL FID Fiduciary Fund Group	\$	144,250,000	\$	144,250,000	90781
Holding Account Fund Group					90782
R012 600643 Refunds and Audit Settlements	\$	500,000	\$	500,000	90783
R013 600644 Forgery Collections	\$	10,000	\$	10,000	90784
TOTAL HLD Holding Account Fund Group	\$	510,000	\$	510,000	90785
Federal Fund Group					90786
3270 600606 Child Welfare	\$	29,769,866	\$	29,769,866	90787
3310 600615 Veterans Programs	\$	8,000,000	\$	8,000,000	90788
3310 600624 Employment Services Programs	\$	26,000,000	\$	26,000,000	90789
3310 600686 Workforce Programs	\$	6,260,000	\$	6,260,000	90790
3840 600610 Food Assistance Programs	\$	160,381,394	\$	160,381,394	90791
3850 600614 Refugee Services	\$	12,564,952	\$	12,564,952	90792
3950 600616 Federal Discretionary Grants	\$	2,259,264	\$	2,259,264	90793



3960	600620	Social Services Block Grant	\$	47,000,000	\$	47,000,000	90794
3970	600626	Child Support - Federal	\$	200,000,000	\$	200,000,000	90795
3980	600627	Adoption Program - Federal	\$	171,178,779	\$	171,178,779	90796
3A20	600641	Emergency Food Distribution	\$	5,000,000	\$	5,000,000	90797
3D30	600648	Children's Trust Fund Federal	\$	3,477,699	\$	3,477,699	90798
3F01	655624	Medicaid Program Support	\$	122,280,495	\$	125,080,495	90799
3H70	600617	Child Care Federal	\$	222,212,089	\$	213,000,000	90800
3N00	600628	Foster Care Program - Federal	\$	291,968,616	\$	291,968,616	90801
3S50	600622	Child Support Projects	\$	534,050	\$	534,050	90802
3V00	600688	Workforce Innovation and Opportunity Act Programs	\$	128,000,000	\$	128,000,000	90803
3V40	600678	Federal Unemployment Programs	\$	133,814,212	\$	133,814,212	90804
3V40	600679	UC Review Commission - Federal	\$	6,185,788	\$	6,185,788	90805
3V60	600689	TANF Block Grant	\$	824,500,560	\$	836,037,504	90806
TOTAL FED	Federal Fund Group		\$	2,401,387,764	\$	2,406,512,619	90807
TOTAL ALL BUDGET FUND GROUPS			\$	3,476,916,023	\$	3,475,832,011	90808

**Section 305.20.** FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 90810

The Fiduciary Fund Group and Holding Account Fund Group shall 90811  
be used to hold revenues until the appropriate fund is determined 90812  
or until the revenues are directed to the appropriate governmental 90813  
agency other than the Department of Job and Family Services. If 90814  
receipts credited to the Support Intercept - Federal Fund (Fund 90815

1920), the Support Intercept - State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit Settlements Fund (Fund R012), or the Forgery Collections Fund (Fund R013) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 305.23. OHIO PARENTING AND PREGNANCY PROGRAM**

Of the foregoing appropriation item 600410, TANF State/Maintenance of Effort, \$500,000 in each fiscal year shall be used to support the Ohio Parenting and Pregnancy Program.

**Section 305.25. HEALTHY FOOD FINANCING INITIATIVE**

The foregoing GRF appropriation item 600546, Healthy Food Financing Initiative, shall be used by the Director of Job and Family Services to support healthy food access in low- to moderate-income and underserved urban and rural areas of the state.

The Director of Job and Family Services, in cooperation with the Director of Health and with the approval of the Director of the Governor's Office of Health Transformation, shall, not later than October 1, 2015, contract with an Ohio domiciled community development financial institution certified by the United States Department of the Treasury and designated as a statewide community development financial institution to initiate and administer a Healthy Food Financing Initiative. The selected community development financial institution shall demonstrate a capacity to administer grant and loan programs in accordance with state and federal rules and accounting principles and shall partner with one

or more entities with demonstrable experience in healthy food 90846  
access-related policy matters. 90847

Of the foregoing appropriation item 600546, Healthy Food 90848  
Financing Initiative, \$250,000 in each fiscal year shall be 90849  
provided for the East Side Market in Cleveland to support healthy 90850  
food access under the Healthy Food Financing Initiative. 90851

The Director of Job and Family Services shall, not later than 90852  
December 31, 2016, provide to the Governor, Speaker of the House 90853  
of Representatives, President of the Senate, and Minority Leaders 90854  
of the House of Representatives and Senate a written progress 90855  
report on the Health Food Financing Initiative including, but not 90856  
limited to, state funds granted or loaned, the number of new or 90857  
retained jobs associated with related projects, and the number and 90858  
location of healthy food access projects established or in 90859  
development. 90860

**Section 305.27. CINCINNATI COOKS! PROGRAM EXPANSION** 90861

Of the foregoing appropriation item 600540, Food Banks, 90862  
\$200,000 in each fiscal year shall be used to expand the Freestone 90863  
Foodbank's Cincinnati COOKS! Program to the Food Bank operations 90864  
in the City of Logan and the City of Cleveland. 90865

These programs shall be offered free of charge to unemployed 90866  
or underemployed adults between the ages of eighteen and 90867  
twenty-four years of age with incomes below two hundred per cent 90868  
of the federal poverty guidelines. Participants must be drug free. 90869  
Participants shall receive a ServSafe culinary safety and 90870  
sanitation certification and a certificate of completion. Each 90871  
program shall be affiliated with a local community college and 90872  
have the support of the local restaurant industry. The expansion 90873  
programs in the cities of Logan and Cleveland shall provide 90874  
training to a total of not fewer than seventy-five participants 90875  
combined over the course of the biennium. 90876

The Food Bank shall submit a report, not later than June 30, 2017, to the Governor and to the General Assembly in accordance with section 101.68 of the Revised Code. The report shall outline the number of people trained through the program, the number of graduates who found jobs within three months of completing the course, the number of graduates who retained their jobs for at least a twelve-month period after completing the program, and the average starting wage of all graduates of the program.

**Section 305.30. COUNTY ADMINISTRATIVE FUNDS**

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs.

(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program.

(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local, in order to ensure county administrative funds are expended from the proper appropriation item.

(D) If receipts credited to the Medicaid Program Support Fund (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund (Fund 3840) exceed the amounts appropriated, the Director of Job and Family Services shall request the Director of Budget and Management to authorize expenditures from those funds in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 305.40.** FOOD STAMPS TRANSFER 90907

On July 1, 2015, or as soon as possible thereafter, the 90908  
Director of Budget and Management may transfer up to \$1,000,000 90909  
cash from the Supplemental Nutrition Assistance Program Fund (Fund 90910  
3840), to the Food Assistance Fund (Fund 5ES0). 90911

**Section 305.50.** NAME OF FOOD STAMP PROGRAM 90912

The Director of Job and Family Services is not required to 90913  
amend rules regarding the Food Stamp Program to change the name of 90914  
the program to the Supplemental Nutrition Assistance Program. The 90915  
Director may refer to the program as the Food Stamp Program, the 90916  
Supplemental Nutrition Assistance Program, or the Food Assistance 90917  
Program in rules and documents of the Department of Job and Family 90918  
Services. 90919

**Section 305.60.** OHIO ASSOCIATION OF FOOD BANKS 90920

The foregoing appropriation item 600540, Food Banks, shall be 90921  
used to provide funds to the Ohio Association of Food Banks to 90922  
purchase and distribute food products. 90923

Notwithstanding section 5101.46 of the Revised Code and any 90924  
other provision in this bill, including funds designated for the 90925  
Ohio Association of Food Banks in this section, in fiscal year 90926  
2016 and fiscal year 2017, the Director of Job and Family Services 90927  
shall provide assistance from eligible funds to the Ohio 90928  
Association of Food Banks in an amount not less than \$17,250,000 90929  
in each fiscal year. 90930

Eligible nonfederal expenditures made by member food banks of 90931  
the Association shall be counted by the Department of Job and 90932  
Family Services toward the TANF maintenance of effort requirements 90933  
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 90934  
shall enter into an agreement with the Ohio Association of Food 90935

Banks, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to carry out the requirements under this section.

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**Section 305.70. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE** 90938

The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities.

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**Section 305.80. GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES** 90947  
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Of the foregoing appropriation item 600689, TANF Block Grant, up to \$6,540,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to provide support to programs or organizations that provide services that align with the mission and goals of the Governor's Office of Faith-Based and Community Initiatives, as outlined in section 107.12 of the Revised Code, and that further at least one of the four purposes of the TANF program, as specified in 42 U.S.C. 601.

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**Section 305.90. INDEPENDENT LIVING INITIATIVE** 90957

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$2,000,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support the Independent Living Initiative, including life skills training and work supports for older children in foster care and those who have recently aged out of foster care.

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**Section 305.100.** OHIO COMMISSION ON FATHERHOOD 90964

Of the foregoing appropriation item 600689, TANF Block Grant, 90965  
\$1,000,000 in each fiscal year shall be provided to the Ohio 90966  
Commission on Fatherhood. 90967

**Section 305.103.** OHIO ALLIANCE OF BOYS & GIRLS CLUBS 90968

Of the foregoing appropriation item 600689, TANF Block Grant, 90969  
\$625,000 in each fiscal year shall be provided to the Ohio 90970  
Alliance of Boys & Girls Clubs for after-school and summer 90971  
programs that protect at-risk children and enable youth to become 90972  
responsible adults. 90973

**Section 305.105.** HARVARD COMMUNITY SERVICES CENTER 90974

Of the foregoing appropriation item 600689, TANF Block Grant, 90975  
\$250,000 in fiscal year 2016 shall be provided, in accordance with 90976  
sections 5101.80 and 5101.801 of the Revised Code, to the Harvard 90977  
Community Services Center in Cleveland to provide workforce 90978  
development and other supportive services to individuals under the 90979  
Harvard Hands-On Initiative. At the end of fiscal year 2016, any 90980  
amount equal to the unexpended portion of this earmark is hereby 90981  
reappropriated in fiscal year 2017 for the same purpose. 90982

**Section 305.110.** FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 90983

In collaboration with the county family and children first 90984  
council, a county department of job and family services or public 90985  
children services agency that receives an allocation from the 90986  
Department of Job and Family Services from the foregoing 90987  
appropriation item 600523, Family and Children Services, or 90988  
600533, Child, Family, and Community Protective Services, may 90989  
transfer a portion of either or both allocations to a flexible 90990  
funding pool as authorized by the section of this act titled 90991

"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 90992

**Section 305.120.** STATE CHILD PROTECTION ALLOCATION 90993

Of the foregoing appropriation item 600523, Family and 90994  
Children Services, up to \$3,200,000 shall be used to match 90995  
eligible federal Title IV-B ESSA funds and federal Title IV-E 90996  
Chafee funds allocated to public children services agencies. 90997

CHILD PLACEMENT LEVEL OF CARE TOOL PILOT PROGRAM 90998

(A) The Ohio Department of Job and Family Services shall 90999  
implement and oversee use of a Child Placement Level of Care Tool 91000  
on a pilot basis. The Department shall implement the pilot program 91001  
in up to ten counties selected by the Department and shall include 91002  
the county and at least one private child placing agency or 91003  
private noncustodial agency. The pilot program shall be developed 91004  
with the participating counties and agencies and must be 91005  
acceptable to all participants. A selected county or agency must 91006  
agree to participate in the pilot program. 91007

(B) The pilot program shall begin not later than one hundred 91008  
eighty days after the effective date of this section and end not 91009  
later than eighteen months after the date the pilot program 91010  
begins. The length of the pilot program shall not include any time 91011  
expended in preparation for implementation or any post-pilot 91012  
program evaluation activity. 91013

(C)(1) In accordance with sections 125.01 to 125.11 of the 91014  
Revised Code, the Ohio Department of Job and Family Services shall 91015  
provide for an independent evaluation of the pilot program to rate 91016  
the program's success in the following areas: 91017

(a) Placement stability, length of stay, and other outcomes 91018  
for children; 91019

(b) Cost; 91020

(c) Worker satisfaction; 91021



(d) Any other criteria the Department determines will be 91022  
useful in the consideration of statewide implementation. 91023

(2) The evaluation design shall include: 91024

(a) A comparison of data to historical outcomes or control 91025  
counties; 91026

(b) A prospective data evaluation in each of the pilot 91027  
counties. 91028

(D) The Ohio Department of Job and Family Services may adopt 91029  
rules in accordance with Chapter 119. of the Revised Code as 91030  
necessary to carry out the purposes of this section. The 91031  
Department shall seek maximum federal financial participation to 91032  
support the pilot program and the evaluation. 91033

(E) Notwithstanding division (E) of section 5101.141 of the 91034  
Revised Code, the Department of Job and Family Services shall seek 91035  
state funding to implement the Child Placement Level of Care Tool 91036  
pilot program described in this section and to contract for the 91037  
independent evaluation of the pilot program. 91038

(F) As used in this section, "Child Placement Level of Care 91039  
Tool" means an assessment tool to be used by participating 91040  
counties and agencies to assess a child's placement needs when a 91041  
child must be removed from the child's own home and cannot be 91042  
placed with a relative or kin not certified as a foster caregiver 91043  
that includes assessing a child's functioning, needs, strengths, 91044  
risk behaviors, and exposure to traumatic experiences. 91045

**Section 305.123. CHILDREN'S CRISIS CARE FACILITIES** 91046

Of the foregoing appropriation item 600523, Family and 91047  
Children Services, \$300,000 in each fiscal year shall be provided 91048  
to children's crisis care facilities as defined in section 5103.13 91049  
of the Revised Code. The Director of Job and Family Services shall 91050  
allocate funds based on the number of children at each facility. A 91051

children's crisis care facility may decline to receive funds 91052  
provided under this section. A children's crisis care facility 91053  
that accepts funds provided under this section shall use the funds 91054  
in accordance with section 5103.13 of the Revised Code and rules 91055  
as defined in rule 5101:2-9-36 of the Administrative Code. 91056

**Section 305.130. CHILD, FAMILY, AND COMMUNITY PROTECTIVE 91057**  
**SERVICES 91058**

(A) The foregoing appropriation item 600533, Child, Family, 91059  
and Community Protective Services, shall be distributed to each 91060  
county department of job and family services using the formula the 91061  
Department of Job and Family Services uses when distributing Title 91062  
XX funds to county departments of job and family services under 91063  
section 5101.46 of the Revised Code. County departments shall use 91064  
the funds distributed to them under this section as follows, in 91065  
accordance with the written plan of cooperation entered into under 91066  
section 307.983 of the Revised Code: 91067

(1) To assist individuals in achieving or maintaining 91068  
self-sufficiency, including by reducing or preventing dependency 91069  
among individuals with family income not exceeding two hundred per 91070  
cent of the federal poverty guidelines; 91071

(2) Subject to division (B) of this section, to respond to 91072  
reports of abuse, neglect, or exploitation of children and adults, 91073  
including through the differential response approach program 91074  
developed under Section 309.50.10 of this act; 91075

(3) To provide outreach and referral services regarding home 91076  
and community-based services to individuals at risk of placement 91077  
in a group home or institution, regardless of the individuals' 91078  
family income and without need for a written application; 91079

(4) To provide outreach, referral, application assistance, 91080  
and other services to assist individuals receive assistance, 91081

benefits, or services under Medicaid; Title IV-A programs, as 91082  
defined in section 5101.80 of the Revised Code; the Supplemental 91083  
Nutrition Assistance Program; and other public assistance 91084  
programs. 91085

(B) Protective services may be provided to a child or adult 91086  
as part of a response, under division (A)(2) of this section, to a 91087  
report of abuse, neglect, or exploitation without regard to a 91088  
child or adult's family income and without need for a written 91089  
application. The protective services may be provided if the case 91090  
record documents circumstances of actual or potential abuse, 91091  
neglect, or exploitation. 91092

**Section 305.140. FAMILY AND CHILDREN SERVICES ACTIVITIES** 91093

The foregoing appropriation item 600609, Family and Children 91094  
Services Activities, shall be used to expend miscellaneous 91095  
foundation funds and grants to support family and children 91096  
services activities. 91097

**Section 305.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND** 91098

Notwithstanding section 5101.073 of the Revised Code, the 91099  
Audit Settlements and Contingency Fund (Fund 5DM0) may also 91100  
consist of earned federal revenue the final disposition of which 91101  
is unknown. 91102

**Section 305.160. ADOPTION ASSISTANCE LOAN** 91103

Of the foregoing appropriation item 600634, Adoption 91104  
Assistance Loan, the Department of Job and Family Services may use 91105  
up to ten per cent for administration of adoption assistance loans 91106  
pursuant to section 3107.018 of the Revised Code. 91107

**Section 305.170. VICTIMS OF HUMAN TRAFFICKING** 91108

The foregoing appropriation item 600660, Victims of Human 91109

Trafficking, shall be used to provide treatment, care, 91110  
rehabilitation, education, housing, and assistance for victims of 91111  
trafficking in persons as specified in section 5101.87 of the 91112  
Revised Code. If receipts credited to the Victims of Human 91113  
Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to 91114  
the fund, the Director of Job and Family Services may request the 91115  
Director of Budget and Management to authorize expenditures from 91116  
the fund in excess of the amounts appropriated. Upon the approval 91117  
of the Director of Budget and Management, the additional amounts 91118  
are hereby appropriated. 91119

**Section 305.180. UNEMPLOYMENT COMPENSATION INTEREST** 91120

The foregoing appropriation item 600695, Unemployment 91121  
Compensation Interest, shall be used for payment of interest costs 91122  
paid to the United States Secretary of the Treasury for the 91123  
repayment of accrued interest related to federal unemployment 91124  
account borrowing. 91125

**Section 305.183. HEALTHIER BUCKEYE COUNCILS** 91126

Of the foregoing appropriation item 600669, Healthier Buckeye 91127  
Councils, up to \$250,000 in each fiscal year may be used by the 91128  
Ohio Healthier Buckeye Advisory Council to support the 91129  
administration of the Healthier Buckeye Grant Program created 91130  
under section 5101.93 of the Revised Code. 91131

**Section 305.190. CASE MANAGEMENT** 91132

(A) As used in this section, "workforce development agency" 91133  
has the same meaning as in section 6301.01 of the Revised Code. 91134

(B) It is the intent of the General Assembly that any 91135  
publicly administered case management services made available to 91136  
individuals regarding their employment and training needs be 91137  
governed at the county level and provided through county 91138

departments of job and family services and workforce development 91139  
agencies. 91140

**Section 305.200.** STATE AND COUNTY SHARED SERVICES TRANSFER 91141

Upon receipt of a request from the Director of the Department 91142  
of Job and Family Services and the Director of the Department of 91143  
Medicaid, the Director of Budget and Management may transfer up to 91144  
\$7,200,000 cash from the State and County Shared Services Fund 91145  
(Fund 5HL0) in the Department of Job and Family Services, to the 91146  
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) in 91147  
the Department of Medicaid. 91148

**Section 307.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 91149

General Revenue Fund 91150

GRF 029321 Operating Expenses	\$	493,139	\$	512,253	91151
TOTAL GRF General Revenue Fund	\$	493,139	\$	512,253	91152
TOTAL ALL BUDGET FUND GROUPS	\$	493,139	\$	512,253	91153

OPERATING GUIDANCE 91154

The Chief Administrative Officer of the House of 91155  
Representatives and the Clerk of the Senate shall determine, by 91156  
mutual agreement, which of them shall act as fiscal agent for the 91157  
Joint Committee on Agency Rule Review. Members of the Committee 91158  
shall be paid in accordance with section 101.35 of the Revised 91159  
Code. 91160

OPERATING EXPENSES 91161

On July 1, 2015, or as soon as possible thereafter, the 91162  
Executive Director of the Joint Committee on Agency Rule Review 91163  
may certify to the Director of Budget and Management the amount of 91164  
the unexpended, unencumbered balance of the foregoing 91165  
appropriation item 029321, Operating Expenses, at the end of 91166  
fiscal year 2015 to be reappropriated to fiscal year 2016. The 91167

amount certified is hereby reappropriated to the same 91168  
appropriation item for fiscal year 2016. 91169

On July 1, 2016, or as soon as possible thereafter, the 91170  
Executive Director of the Joint Committee on Agency Rule Review 91171  
may certify to the Director of Budget and Management the amount of 91172  
the unexpended, unencumbered balance of the foregoing 91173  
appropriation item 029321, Operating Expenses, at the end of 91174  
fiscal year 2016 to be reappropriated to fiscal year 2017. The 91175  
amount certified is hereby reappropriated to the same 91176  
appropriation item for fiscal year 2017. 91177

**Section 307.30.** JEO JOINT EDUCATION OVERSIGHT COMMITTEE 91178

General Revenue Fund 91179

GRF 047321 Operating Expenses	\$	1,250,000	\$	1,250,000	91180
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TOTAL GRF General Revenue Fund	\$	1,250,000	\$	1,250,000	91181
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TOTAL ALL BUDGET FUND GROUPS	\$	1,250,000	\$	1,250,000	91182
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OPERATING EXPENSES 91183

The foregoing appropriation item 047321, Operating Expenses, 91184  
shall be used to support expenses related to the Joint Education 91185  
Oversight Committee under section 103.45 to 103.50 of the Revised 91186  
Code. 91187

On July 1, 2016, or as soon as possible thereafter, the Joint 91188  
Education Oversight Committee may certify to the Director of 91189  
Budget and Management the amount of the unexpended, unencumbered 91190  
balance of the foregoing appropriation item 047321, Operating 91191  
Expenses, at the end of fiscal year 2016 to be reappropriated to 91192  
fiscal year 2017. The amount certified is hereby reappropriated to 91193  
the same appropriation item for fiscal year 2017. 91194

**Section 308.10.** JMO JOINT MEDICAID OVERSIGHT COMMITTEE 91195

General Revenue Fund 91196

GRF 048321 Operating Expenses	\$	321,995	\$	490,320	91197
TOTAL GRF General Revenue Fund	\$	321,995	\$	490,320	91198
TOTAL ALL BUDGET FUND GROUPS	\$	321,995	\$	490,320	91199

OPERATING EXPENSES 91200

The foregoing appropriation item 048321, Operating Expenses, 91201  
shall be used to support expenses related to the Joint Medicaid 91202  
Oversight Committee created by section 103.41 of the Revised Code. 91203

On July 1, 2015, or as soon as possible thereafter, the 91204  
Executive Director of the Joint Medicaid Oversight Committee may 91205  
certify to the Director of Budget and Management the amount of the 91206  
unexpended, unencumbered balance of the foregoing appropriation 91207  
item 048321, Operating Expenses, at the end of fiscal year 2015 to 91208  
be reappropriated to fiscal year 2016. The amount certified is 91209  
hereby reappropriated to the same appropriation item for fiscal 91210  
year 2016. 91211

On July 1, 2016, or as soon as possible thereafter, the 91212  
Executive Director of the Joint Medicaid Oversight Committee may 91213  
certify to the Director of Budget and Management the amount of the 91214  
unexpended, unencumbered balance of the foregoing appropriation 91215  
item 048321, Operating Expenses, at the end of fiscal year 2016 to 91216  
be reappropriated to fiscal year 2017. The amount certified is 91217  
hereby reappropriated to the same appropriation item for fiscal 91218  
year 2017. 91219

REVIEW OF CERTAIN DEPARTMENT OF HEALTH LINE ITEMS 91220

The Joint Medicaid Oversight Committee shall review the 91221  
following Department of Health appropriation items: 440416, 91222  
Mothers and Children Safety Net Services; 440418, Immunizations; 91223  
440438, Breast and Cervical Cancer Screening; 440444, AIDS 91224  
Prevention and Treatment; and 440505, Medically Handicapped 91225  
Children. The review shall include the uses and the necessity of 91226  
these appropriation items both before and after the enactment of 91227

section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 91228  
U.S.C. 1396a(a)(10)(A)(i)(VIII). The review shall also detail all 91229  
funding sources, maintenance of effort requirements, and any grant 91230  
restrictions. Additionally, the review shall include analysis and 91231  
recommendations to maximize integration into the formal health 91232  
care system with the goal of achieving the statutory goals of the 91233  
Joint Medicaid Oversight Committee. 91234

**Section 309.10.** JCO JUDICIAL CONFERENCE OF OHIO 91235

General Revenue Fund 91236

GRF 018321 Operating Expenses \$ 999,000 \$ 1,038,000 91237

TOTAL GRF General Revenue Fund \$ 999,000 \$ 1,038,000 91238

Dedicated Purpose Fund Group 91239

4030 018601 Ohio Jury \$ 337,000 \$ 337,000 91240

Instructions

TOTAL DPF Dedicated Purpose Fund \$ 337,000 \$ 337,000 91241

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,336,000 \$ 1,375,000 91242

STATE COUNCIL OF UNIFORM STATE LAWS 91243

Notwithstanding section 105.26 of the Revised Code, of the 91244  
foregoing appropriation item 018321, Operating Expenses, up to 91245  
\$88,300 in fiscal year 2016 and up to \$91,832 in fiscal year 2017 91246  
shall be used to pay the expenses of the State Council of Uniform 91247  
State Laws, including membership dues to the National Conference 91248  
of Commissioners on Uniform State Laws. 91249

OHIO JURY INSTRUCTIONS FUND 91250

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 91251  
grants, royalties, dues, conference fees, bequests, devises, and 91252  
other gifts received for the purpose of supporting costs incurred 91253  
by the Judicial Conference of Ohio in its activities as a part of 91254  
the judicial system of the state as determined by the Judicial 91255



Conference Executive Committee. Fund 4030 shall be used by the 91256  
 Judicial Conference of Ohio to pay expenses incurred in its 91257  
 activities as a part of the judicial system of the state as 91258  
 determined by the Judicial Conference Executive Committee. All 91259  
 moneys accruing to Fund 4030 in excess of \$337,000 in fiscal year 91260  
 2016 and in excess of \$337,000 in fiscal year 2017 are hereby 91261  
 appropriated for the purposes authorized. 91262

No money in Fund 4030 shall be transferred to any other fund 91263  
 by the Director of Budget and Management or the Controlling Board. 91264

**Section 311.10.** JSC THE JUDICIARY/SUPREME COURT 91265

General Revenue Fund 91266

GRF 005321 Operating Expenses - \$ 144,352,316 \$ 146,884,490 91267  
 Judiciary/Supreme  
 Court

GRF 005406 Law-Related Education \$ 236,172 \$ 236,172 91268

GRF 005409 Ohio Courts \$ 3,350,000 \$ 3,350,000 91269  
 Technology Initiative

TOTAL GRF General Revenue Fund \$ 147,938,488 \$ 150,470,662 91270

Dedicated Purpose Fund Group 91271

4C80 005605 Attorney Services \$ 5,841,263 \$ 5,795,909 91272

5HT0 005617 Court Interpreter \$ 10,000 \$ 10,000 91273  
 Certification

5T80 005609 Grants and Awards \$ 6,000 \$ 6,000 91274

6720 005601 Continuing Judicial \$ 120,000 \$ 120,000 91275  
 Education

6A80 005606 Supreme Court \$ 1,415,963 \$ 1,425,709 91276  
 Admissions

TOTAL DPF Dedicated Purpose Fund \$ 7,393,226 \$ 7,357,618 91277

Group

Fiduciary Fund Group 91278

5JY0 005620	County Law Library	\$	423,000	\$	423,000	91279
	Resources Boards					
TOTAL FID	Fiduciary Fund Group	\$	423,000	\$	423,000	91280
	Federal Fund Group					91281
3J00 005603	Federal Grants	\$	1,389,018	\$	1,402,091	91282
TOTAL FED	Federal Fund Group	\$	1,389,018	\$	1,402,091	91283
TOTAL ALL BUDGET FUND GROUPS		\$	157,143,732	\$	159,653,371	91284
	OPERATING EXPENSES - JUDICIARY/SUPREME COURT					91285
	Of the foregoing appropriation item 005321, Operating					91286
	Expenses - Judiciary/Supreme Court, up to \$304,353 in fiscal year					91287
	2016 and up to \$308,433 in fiscal year 2017 may be used to support					91288
	the functions of the State Criminal Sentencing Council.					91289
	LAW-RELATED EDUCATION					91290
	The foregoing appropriation item 005406, Law-Related					91291
	Education, shall be distributed directly to the Ohio Center for					91292
	Law-Related Education for the purposes of providing continuing					91293
	citizenship education activities to primary and secondary					91294
	students, expanding delinquency prevention programs, increasing					91295
	activities for at-risk youth, and accessing additional public and					91296
	private money for new programs.					91297
	OHIO COURTS TECHNOLOGY INITIATIVE					91298
	The foregoing appropriation item 005409, Ohio Courts					91299
	Technology Initiative, shall be used to fund an initiative by the					91300
	Supreme Court to facilitate the exchange of information and					91301
	warehousing of data by and between Ohio courts and other justice					91302
	system partners through the creation of an Ohio Courts Network,					91303
	the delivery of technology services to courts throughout the					91304
	state, including the provision of hardware, software, and the					91305
	development and implementation of educational and training					91306
	programs for judges and court personnel, and operation of the					91307
	Commission on Technology and the Courts by the Supreme Court for					91308

the promulgation of statewide rules, policies, and uniform 91309  
standards, and to aid in the orderly adoption and comprehensive 91310  
use of technology in Ohio courts. 91311

ATTORNEY SERVICES 91312

The Attorney Services Fund (Fund 4C80), formerly known as the 91313  
Attorney Registration Fund, shall consist of money received by the 91314  
Supreme Court (The Judiciary) pursuant to the Rules for the 91315  
Government of the Bar of Ohio. In addition to funding other 91316  
activities considered appropriate by the Supreme Court, the 91317  
foregoing appropriation item 005605, Attorney Services, may be 91318  
used to compensate employees and to fund appropriate activities of 91319  
the following offices established by the Supreme Court: the Office 91320  
of Disciplinary Counsel, the Board of Commissioners on Grievances 91321  
and Discipline, the Clients' Security Fund, and the Attorney 91322  
Services Division. If it is determined by the Administrative 91323  
Director of the Supreme Court that additional appropriations are 91324  
necessary, the amounts are hereby appropriated. 91325

No money in Fund 4C80 shall be transferred to any other fund 91326  
by the Director of Budget and Management or the Controlling Board. 91327  
Interest earned on money in Fund 4C80 shall be credited to the 91328  
fund. 91329

COURT INTERPRETER CERTIFICATION 91330

The Court Interpreter Certification Fund (Fund 5HT0) shall 91331  
consist of money received by the Supreme Court (The Judiciary) 91332  
pursuant to Rules 80 through 87 of the Rules of Superintendence 91333  
for the Courts of Ohio. The foregoing appropriation item 005617, 91334  
Court Interpreter Certification, shall be used to provide 91335  
training, to provide the written examination, and to pay language 91336  
experts to rate, or grade, the oral examinations of those applying 91337  
to become certified court interpreters. If it is determined by the 91338  
Administrative Director that additional appropriations are 91339

necessary, the amounts are hereby appropriated. 91340

No money in Fund 5HT0 shall be transferred to any other fund 91341  
by the Director of Budget and Management or the Controlling Board. 91342  
Interest earned on money in Fund 5HT0 shall be credited to the 91343  
fund. 91344

GRANTS AND AWARDS 91345

The Grants and Awards Fund (Fund 5T80) shall consist of 91346  
grants and other money awarded to the Supreme Court (The 91347  
Judiciary) by the State Justice Institute, the Division of 91348  
Criminal Justice Services, or other entities. The foregoing 91349  
appropriation item 005609, Grants and Awards, shall be used in a 91350  
manner consistent with the purpose of the grant or award. If it is 91351  
determined by the Administrative Director of the Supreme Court 91352  
that additional appropriations are necessary, the amounts are 91353  
hereby appropriated. 91354

No money in Fund 5T80 shall be transferred to any other fund 91355  
by the Director of Budget and Management or the Controlling Board. 91356  
Interest earned on money in Fund 5T80 shall be credited or 91357  
transferred to the General Revenue Fund. 91358

CONTINUING JUDICIAL EDUCATION 91359

The Continuing Judicial Education Fund (Fund 6720) shall 91360  
consist of fees paid by judges and court personnel for attending 91361  
continuing education courses and other gifts and grants received 91362  
for the purpose of continuing judicial education. The foregoing 91363  
appropriation item 005601, Continuing Judicial Education, shall be 91364  
used to pay expenses for continuing education courses for judges 91365  
and court personnel. If it is determined by the Administrative 91366  
Director of the Supreme Court that additional appropriations are 91367  
necessary, the amounts are hereby appropriated. 91368

No money in Fund 6720 shall be transferred to any other fund 91369  
by the Director of Budget and Management or the Controlling Board. 91370

Interest earned on money in Fund 6720 shall be credited to the fund. 91371  
91372

SUPREME COURT ADMISSIONS 91373

The foregoing appropriation item 005606, Supreme Court Admissions, shall be used to compensate Supreme Court employees who are primarily responsible for administering the attorney admissions program under the Rules for the Government of the Bar of Ohio, and to fund any other activities considered appropriate by the court. Moneys shall be deposited into the Supreme Court Admissions Fund (Fund 6A80) under the Supreme Court Rules for the Government of the Bar of Ohio. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated. 91374  
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No money in Fund 6A80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 6A80 shall be credited to the fund. 91384  
91385  
91386  
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COUNTY LAW LIBRARY RESOURCES BOARD 91388

The Statewide Consortium of County Law Library Resources Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant to section 307.515 of the Revised Code into a county's law library resources fund and forwarded by that county's treasurer for deposit in the state treasury pursuant to division (E)(1) of section 3375.481 of the Revised Code. The foregoing appropriation item 005620, County Law Library Resources Board, shall be used for the operation of the Statewide Consortium of County Law Library Resources Boards. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated. 91389  
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No money in Fund 5JY0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. 91400  
91401

Interest earned on money in Fund 5JY0 shall be credited to the fund. 91402  
 91403

FEDERAL GRANTS 91404

The Federal Grants Fund (Fund 3J00) shall consist of grants and other moneys awarded to the Supreme Court (The Judiciary) by the United States Government or other entities that receive the moneys directly from the United States Government and distribute those moneys to the Supreme Court (The Judiciary). The foregoing appropriation item 005603, Federal Grants, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated. 91405  
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No money in Fund 3J00 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on money in Fund 3J00 shall be credited or transferred to the General Revenue Fund. 91415  
 91416  
 91417  
 91418

**Section 313.10. LEC LAKE ERIE COMMISSION** 91419

Dedicated Purpose Fund Group 91420

4C00 780601	Lake Erie Protection	\$	300,000	\$	300,000	91421
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5D80 780602	Lake Erie Resources	\$	329,000	\$	367,000	91422
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TOTAL DPF Dedicated Purpose						91423
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Fund Group		\$	629,000	\$	667,000	91424
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Federal Fund Group 91425

3EP0 780603	Lake Erie Federal	\$	30,000	\$	0	91426
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Grants

TOTAL FED Federal Fund Group		\$	30,000	\$	0	91427
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TOTAL ALL BUDGET FUND GROUPS		\$	659,000	\$	667,000	91428
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CASH TRANSFERS TO THE LAKE ERIE RESOURCES FUND 91429

On July 1 of each fiscal year, or as soon as possible 91430

thereafter, the Director of Budget and Management may transfer 91431  
cash from the funds specified below, up to the amounts specified 91432  
below, to the Lake Erie Resources Fund (Fund 5D80). Fund 5D80 may 91433  
accept contributions and transfers made to the fund. 91434

Fund	Fund Name	User	FY 2016	FY 2017	
5BC0	Environmental Protection	Environmental Protection Agency	\$44,000	\$44,000	91435
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$44,000	\$44,000	91436
4700	General Operations	Department of Health	\$44,000	\$44,000	91437
1570	Central Support Indirect	Department of Natural Resources	\$44,000	\$44,000	91438

On July 1, 2015, or as soon as possible thereafter, the 91440  
Director of Budget and Management may transfer \$44,000 cash from a 91441  
fund used by the Development Services Agency, as specified by the 91442  
Director of Development Services, to Fund 5D80. 91443

On July 1, 2016, or as soon as possible thereafter, the 91444  
Director of Budget and Management may transfer \$44,000 cash from a 91445  
fund used by the Development Services Agency, as specified by the 91446  
Director of Development Services, to Fund 5D80. 91447

**Section 315.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE** 91448

General Revenue Fund					91449		
GRF	028321	Legislative Ethics Committee	\$	550,000	\$ 550,000	91450	
TOTAL GRF	General Revenue Fund			\$	550,000	\$ 550,000	91451
Dedicated Purpose Fund Group					91452		
4G70	028601	Joint Legislative Ethics Committee	\$	150,000	\$ 150,000	91453	
TOTAL DPF	Dedicated Purpose Fund			\$	150,000	\$ 150,000	91454

Group

TOTAL ALL BUDGET FUND GROUPS \$ 700,000 \$ 700,000 91455

LEGISLATIVE ETHICS COMMITTEE 91456

On July 1, 2015, or as soon as possible thereafter, the 91457  
Legislative Inspector General of the Joint Legislative Ethics 91458  
Committee may certify to the Director of Budget and Management the 91459  
amount of the unexpended, unencumbered balance of the foregoing 91460  
appropriation item 028321, Legislative Ethics Committee, at the 91461  
end of fiscal year 2015 to be reappropriated to fiscal year 2016. 91462  
The amount certified is hereby reappropriated to the same 91463  
appropriation item for fiscal year 2016. 91464

On July 1, 2016, or as soon as possible thereafter, the 91465  
Legislative Inspector General of the Joint Legislative Ethics 91466  
Committee may certify to the Director of Budget and Management the 91467  
amount of the unexpended, unencumbered balance of the foregoing 91468  
appropriation item 028321, Legislative Ethics Committee, at the 91469  
end of fiscal year 2016 to be reappropriated to fiscal year 2017. 91470  
The amount certified is hereby reappropriated to the same 91471  
appropriation item for fiscal year 2017. 91472

**Section 317.10.** LSC LEGISLATIVE SERVICE COMMISSION 91473

General Revenue Fund 91474

GRF 035321 Operating Expenses \$ 15,600,000 \$ 15,600,000 91475

GRF 035402 Legislative Fellows \$ 1,022,120 \$ 1,022,120 91476

GRF 035405 Correctional \$ 460,845 \$ 460,845 91477

Institution Inspection  
Committee

GRF 035407 Legislative Task Force \$ 400,000 \$ 400,000 91478

on Redistricting

GRF 035409 National Associations \$ 460,560 \$ 460,560 91479

GRF 035410 Legislative \$ 6,126,953 \$ 6,126,953 91480

Information Systems



GRF 035411	Ohio Constitutional	\$	600,000	\$	600,000	91481
	Modernization					
	Commission					
TOTAL GRF	General Revenue Fund	\$	24,670,478	\$	24,670,478	91482
	Dedicated Purpose Fund Group					91483
4100 035601	Sale of Publications	\$	10,000	\$	10,000	91484
TOTAL DPF	Dedicated Purpose Fund	\$	10,000	\$	10,000	91485
	Group					
	Internal Service Activity Fund Group					91486
4F60 035603	Legislative Budget	\$	100,000	\$	0	91487
	Services					
TOTAL ISA	Internal Service Activity					91488
	Fund Group	\$	100,000	\$	0	91489
TOTAL ALL BUDGET FUND GROUPS		\$	24,780,478	\$	24,680,478	91490

OPERATING EXPENSES

On July 1, 2015, or as soon as possible thereafter, the 91492  
 Director of the Legislative Service Commission may certify to the 91493  
 Director of Budget and Management the amount of the unexpended, 91494  
 unencumbered balance of the foregoing appropriation item 035321, 91495  
 Operating Expenses, at the end of fiscal year 2015 to be 91496  
 reappropriated to fiscal year 2016. The amount certified is hereby 91497  
 reappropriated to the same appropriation item for fiscal year 91498  
 2016. 91499

On July 1, 2016, or as soon as possible thereafter, the 91500  
 Director of the Legislative Service Commission may certify to the 91501  
 Director of Budget and Management the amount of the unexpended, 91502  
 unencumbered balance of the foregoing appropriation item 035321, 91503  
 Operating Expenses, at the end of fiscal year 2016 to be 91504  
 reappropriated to fiscal year 2017. The amount certified is hereby 91505  
 reappropriated to the same appropriation item for fiscal year 91506  
 2017. 91507

LEGISLATIVE TASK FORCE ON REDISTRICTING 91508

An amount equal to the unexpended, unencumbered portion of 91509  
the foregoing appropriation item 035407, Legislative Task Force on 91510  
Redistricting, at the end of fiscal year 2015 is hereby 91511  
reappropriated to the Legislative Service Commission for the same 91512  
purpose for fiscal year 2016. 91513

An amount equal to the unexpended, unencumbered portion of 91514  
the foregoing appropriation item 035407, Legislative Task Force on 91515  
Redistricting, at the end of fiscal year 2016 is hereby 91516  
reappropriated to the Legislative Service Commission for the same 91517  
purpose for fiscal year 2017. 91518

LEGISLATIVE INFORMATION SYSTEMS 91519

On July 1, 2015, or as soon as possible thereafter, the 91520  
Director of the Legislative Service Commission may certify to the 91521  
Director of Budget and Management the amount of the unexpended, 91522  
unencumbered balance of the foregoing appropriation item 035410, 91523  
Legislative Information Systems, at the end of fiscal year 2015 to 91524  
be reappropriated to fiscal year 2016. The amount certified is 91525  
hereby reappropriated to the same appropriation item for fiscal 91526  
year 2016. 91527

On July 1, 2016, or as soon as possible thereafter, the 91528  
Director of the Legislative Service Commission may certify to the 91529  
Director of Budget and Management the amount of the unexpended, 91530  
unencumbered balance of the foregoing appropriation item 035410, 91531  
Legislative Information Systems, at the end of fiscal year 2016 to 91532  
be reappropriated to fiscal year 2017. The amount certified is 91533  
hereby reappropriated to the same appropriation item for fiscal 91534  
year 2017. 91535

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION 91536

The foregoing appropriation item 035411, Ohio Constitutional 91537  
Modernization Commission, shall be used to support the operation 91538

and expenses of the Ohio Constitutional Modernization Commission 91539  
under sections 103.61 to 103.67 of the Revised Code. All 91540  
expenditures paid from the appropriation item must be approved by 91541  
the director and chairperson of the Legislative Service Commission 91542  
under division (A) of section 103.21 of the Revised Code. 91543

An amount equal to the unexpended, unencumbered portion of 91544  
the foregoing appropriation item 035411, Ohio Constitutional 91545  
Modernization Commission, at the end of fiscal year 2015 is hereby 91546  
reappropriated to the Legislative Service Commission for the same 91547  
purpose for fiscal year 2016. 91548

An amount equal to the unexpended, unencumbered portion of 91549  
the foregoing appropriation item 035411, Ohio Constitutional 91550  
Modernization Commission, at the end of fiscal year 2016 is hereby 91551  
reappropriated to the Legislative Service Commission for the same 91552  
purpose for fiscal year 2017. 91553

**Section 319.10. LIB STATE LIBRARY BOARD** 91554

General Revenue Fund 91555

GRF	350321	Operating Expenses	\$	5,057,364	\$	5,057,364	91556
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GRF	350401	Ohioana Library	\$	260,114	\$	260,114	91557
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Association

GRF	350502	Regional Library	\$	582,469	\$	582,469	91558
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Systems

TOTAL GRF	General Revenue Fund	\$	5,899,947	\$	5,899,947	91559
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Dedicated Purpose Fund Group 91560

4590	350603	Services for	\$	4,094,092	\$	4,190,834	91561
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Libraries

4S40	350604	Ohio Public Library	\$	5,689,788	\$	5,689,788	91562
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Information Network

5GB0	350605	Library for the Blind	\$	1,274,194	\$	1,274,194	91563
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TOTAL DPF	Dedicated Purpose	91564
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Fund Group	\$	11,058,074	\$	11,154,816	91565
Internal Service Activity Fund					91566
1390 350602 Services for State	\$	8,000	\$	8,000	91567
Agencies					
TOTAL ISA Internal Service Activity					91568
Fund Group	\$	8,000	\$	8,000	91569
Federal Fund Group					91570
3130 350601 LSTA Federal	\$	5,350,000	\$	5,350,000	91571
TOTAL FED Federal Fund Group	\$	5,350,000	\$	5,350,000	91572
TOTAL ALL BUDGET FUND GROUPS	\$	22,316,021	\$	22,412,763	91573
OHIOANA LIBRARY ASSOCIATION					91574
Of the foregoing appropriation item 350401, Ohioana Library					91575
Association, \$140,000 in each fiscal year shall be used to support					91576
the operating expenses of the Ohioana Library Association.					91577
The remainder of the foregoing appropriation item 350401,					91578
Ohioana Library Association, shall be used to pay the rental					91579
expenses of the Martha Kinney Cooper Ohioana Library Association					91580
under section 3375.61 of the Revised Code.					91581
REGIONAL LIBRARY SYSTEMS					91582
The foregoing appropriation item 350502, Regional Library					91583
Systems, shall be used to support regional library systems					91584
eligible for funding under sections 3375.83 and 3375.90 of the					91585
Revised Code.					91586
OHIO PUBLIC LIBRARY INFORMATION NETWORK					91587
(A) The foregoing appropriation item 350604, Ohio Public					91588
Library Information Network, shall be used for an information					91589
telecommunications network linking public libraries in the state					91590
and such others as may participate in the Ohio Public Library					91591
Information Network (OPLIN).					91592
The Ohio Public Library Information Network Board of Trustees					91593

created under section 3375.65 of the Revised Code may make 91594  
decisions regarding use of the foregoing appropriation item 91595  
350604, Ohio Public Library Information Network. 91596

(B) The OPLIN Board shall research and assist or advise local 91597  
libraries with regard to emerging technologies and methods that 91598  
may be effective means to control access to obscene and illegal 91599  
materials. The OPLIN Director shall provide written reports upon 91600  
request within ten days to the Governor, the Speaker and Minority 91601  
Leader of the House of Representatives, and the President and 91602  
Minority Leader of the Senate on any steps being taken by OPLIN 91603  
and public libraries in the state to limit and control such 91604  
improper usage as well as information on technological, legal, and 91605  
law enforcement trends nationally and internationally affecting 91606  
this area of public access and service. 91607

(C) The Ohio Public Library Information Network, INFOhio, and 91608  
OhioLINK shall, to the extent feasible, coordinate and cooperate 91609  
in their purchase or other acquisition of the use of electronic 91610  
databases for their respective users and shall contribute funds in 91611  
an equitable manner to such effort. 91612

LIBRARY FOR THE BLIND 91613

The foregoing appropriation item 350605, Library for the 91614  
Blind, shall be used for the statewide Talking Book Program to 91615  
assist the blind and disabled. 91616

TRANSFER TO OPLIN TECHNOLOGY FUND 91617

Notwithstanding sections 5747.03 and 5747.47 of the Revised 91618  
Code and any other provision of law to the contrary, in accordance 91619  
with a schedule established by the Director of Budget and 91620  
Management, the Director of Budget and Management shall transfer 91621  
\$3,689,788 cash in each fiscal year from the Public Library Fund 91622  
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 91623

TRANSFER TO LIBRARY FOR THE BLIND FUND 91624

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$1,274,194 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 5GB0).

**Section 321.10. LCO LIQUOR CONTROL COMMISSION**

Dedicated Purpose Fund Group  
5LP0 970601 Commission Operating \$ 796,368 \$ 796,368  
Expenses  
TOTAL DPF Dedicated Purpose Fund \$ 796,368 \$ 796,368  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 796,368 \$ 796,368

**Section 323.10. LOT STATE LOTTERY COMMISSION**

State Lottery Fund Group  
7044 950321 Operating Expenses \$ 52,218,910 \$ 53,320,434  
7044 950402 Advertising Contracts \$ 24,550,000 \$ 24,550,000  
7044 950403 Gaming Contracts \$ 68,934,057 \$ 69,081,749  
7044 950601 Direct Prize Payments \$ 131,894,037 \$ 132,397,721  
7044 950605 Problem Gambling \$ 3,000,000 \$ 3,000,000  
8710 950602 Annuity Prizes \$ 81,705,325 \$ 82,313,553  
TOTAL SLF State Lottery Fund  
Group \$ 362,302,329 \$ 364,663,457  
TOTAL ALL BUDGET FUND GROUPS \$ 362,302,329 \$ 364,663,457

**OPERATING EXPENSES**

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of

lottery products. Upon the approval of the Controlling Board, the 91654  
additional amounts are hereby appropriated. 91655

DIRECT PRIZE PAYMENTS 91656

Any amounts, in addition to the amounts appropriated in 91657  
appropriation item 950601, Direct Prize Payments, that the 91658  
Director of the State Lottery Commission determines to be 91659  
necessary to fund prizes are hereby appropriated. 91660

ANNUITY PRIZES 91661

Upon request of the State Lottery Commission, the Director of 91662  
Budget and Management may transfer cash from the State Lottery 91663  
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 91664  
an amount sufficient to fund deferred prizes. The Treasurer of 91665  
State, from time to time, shall credit the Deferred Prizes Trust 91666  
Fund (Fund 8710) the pro rata share of interest earned by the 91667  
Treasurer of State on invested balances. 91668

Any amounts, in addition to the amounts appropriated in 91669  
appropriation item 950602, Annuity Prizes, that the Director of 91670  
the State Lottery Commission determines to be necessary to fund 91671  
deferred prizes and interest earnings are hereby appropriated. 91672

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 91673

Estimated transfers from the State Lottery Fund (Fund 7044) 91674  
to the Lottery Profits Education Fund (Fund 7017) are to be 91675  
\$984,000,000 in fiscal year 2016 and \$988,000,000 in fiscal year 91676  
2017. The Director of Budget and Management shall transfer such 91677  
amounts contingent upon the availability of resources. Transfers 91678  
from the State Lottery Fund to the Lottery Profits Education Fund 91679  
shall represent the estimated net income from operations for the 91680  
Commission in fiscal year 2016 and fiscal year 2017. Transfers by 91681  
the Director of Budget and Management to the Lottery Profits 91682  
Education Fund shall be administered as the statutes direct. 91683

<b>Section 325.10. MHC MANUFACTURED HOMES COMMISSION</b>				91684
Dedicated Purpose Fund Group				91685
4K90	996609	Operating Expenses	\$ 459,134 \$ 459,134	91686
5MC0	996610	Manufactured Homes	\$ 747,825 \$ 747,825	91687
Regulation				
TOTAL DPF	Dedicated Purpose Fund		\$ 1,206,959 \$ 1,206,959	91688
Group				
TOTAL ALL BUDGET FUND GROUPS			\$ 1,206,959 \$ 1,206,959	91689
 <b>Section 327.10. MCD DEPARTMENT OF MEDICAID</b>				91691
General Revenue Fund				91692
GRF	651425	Medicaid Program	\$ 189,107,820 \$ 196,608,060	91693
Support - State				
GRF	651525	Medicaid/Health Care		91694
Services				
		State	\$ 4,836,872,281 \$ 5,019,421,818	91695
		Federal	\$12,276,038,504 \$13,016,357,321	91696
		Medicaid/Health Care	\$17,112,910,785 \$18,035,779,139	91697
Services Total				
GRF	651526	Medicare Part D	\$ 308,823,000 \$ 328,424,000	91698
GRF	651527	Medicaid for Inmates	\$ 500,000 \$ 500,000	91699
Pilot Program				
TOTAL GRF	General Revenue Fund			91700
		State	\$ 5,335,303,101 \$ 5,544,953,878	91701
		Federal	\$12,276,038,504 \$13,016,357,321	91702
		GRF Total	\$17,611,341,605 \$18,561,311,199	91703
Dedicated Purpose Fund Group				91704
4E30	651605	Resident Protection	\$ 2,878,000 \$ 2,878,000	91705
Fund				
5AJ0	651631	Money Follows the	\$ 6,911,000 \$ 6,660,000	91706
Person				



5DL0	651639	Medicaid Services - Recoveries	\$	551,125,000	\$	561,317,000	91707
5FX0	651638	Medicaid Services - Payment Withholding	\$	6,000,000	\$	6,000,000	91708
5GF0	651656	Medicaid Services - Hospitals/UPL	\$	881,067,756	\$	927,048,527	91709
5KC0	651682	Health Care Grants - State	\$	10,000,000	\$	10,000,000	91710
5R20	651608	Medicaid Services - Long Term Care	\$	400,000,000	\$	403,311,000	91711
5U30	651654	Medicaid Program Support	\$	62,885,000	\$	53,834,000	91712
6510	651649	Medicaid Services - HCAP	\$	451,535,858	\$	237,049,000	91713
TOTAL DPF Group		Dedicated Purpose Fund Group	\$	2,372,402,614	\$	2,208,097,527	91714
		Holding Account Fund Group					91715
R055	651644	Refunds and Reconciliations	\$	1,000,000	\$	1,000,000	91716
TOTAL HLD Group		Holding Account Fund Group	\$	1,000,000	\$	1,000,000	91717
		Federal Fund Group					91718
3ER0	651603	Medicaid Health Information Technology	\$	71,764,000	\$	61,896,000	91719
3F00	651623	Medicaid Services - Federal	\$	4,041,951,708	\$	3,772,494,772	91720
3F00	651624	Medicaid Program Support - Federal	\$	564,857,000	\$	562,547,000	91721
3FA0	651680	Health Care Grants - Federal	\$	45,718,000	\$	36,296,000	91722
3G50	651655	Medicaid Interagency	\$	91,400,000	\$	91,406,000	91723

Pass-Through

TOTAL FED Federal Fund Group	\$ 4,815,690,708	\$ 4,524,639,772	91724
TOTAL ALL BUDGET FUND GROUPS	\$24,800,434,927	\$25,295,048,498	91725

**Section 327.20.** TEMPORARY AUTHORITY REGARDING EMPLOYEES 91727

(A) As used in this section, "medical assistance program" has 91728  
the same meaning as in section 5160.01 of the Revised Code. 91729

(B) During the period beginning July 1, 2015, and ending June 91730  
30, 2017, all of the following apply: 91731

(1) The Medicaid Director has the authority to establish, 91732  
change, and abolish positions for the Department of Medicaid, and 91733  
to assign, reassign, classify, reclassify, transfer, reduce, 91734  
promote, or demote all employees of the Department of Medicaid who 91735  
are not subject to Chapter 4117. of the Revised Code. 91736

(2) As part of the transfer of medical assistance programs to 91737  
the Department of Medicaid, the Director of Job and Family 91738  
Services has the authority to establish, change, and abolish 91739  
positions for the Department of Job and Family Services, and to 91740  
assign, reassign, classify, reclassify, transfer, reduce, promote, 91741  
or demote all employees of the Department of Job and Family 91742  
Services who are not subject to Chapter 4117. of the Revised Code. 91743

(C) The authority granted under division (B) of this section 91744  
includes assigning or reassigning an exempt employee, as defined 91745  
in section 124.152 of the Revised Code, to a bargaining unit 91746  
classification if the Medicaid Director or Director of Job and 91747  
Family Services determines that the bargaining unit classification 91748  
is the proper classification for that employee. The actions of the 91749  
Medicaid Director or Director of Job and Family Services shall be 91750  
consistent with the requirements of 5 C.F.R. 900.603 for those 91751  
employees subject to such requirements. If an employee in the E-1 91752  
pay range is to be assigned, reassigned, classified, reclassified, 91753  
transferred, reduced, or demoted to a position in a lower 91754

classification during the period specified in this section, the 91755  
Medicaid Director or Director of Job and Family Services, or in 91756  
the case of a transfer outside the Department of Medicaid or 91757  
Department of Job and Family Services, the Director of 91758  
Administrative Services, shall assign the employee to the 91759  
appropriate classification and place the employee in Step X. The 91760  
employee shall not receive any increase in compensation until the 91761  
maximum rate of pay for that classification exceeds the employee's 91762  
compensation. 91763

(D) Actions taken by the Medicaid Director, Director of Job 91764  
and Family Services, and Director of Administrative Services 91765  
pursuant to this section are not subject to appeal to the State 91766  
Personnel Board of Review. 91767

(E) A portion of the foregoing appropriation items 651425, 91768  
Medicaid Program Support - State, 651603, Medicaid Health 91769  
Information Technology, 651624, Medicaid Program Support - 91770  
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 91771  
Interagency Pass-Through, 651605, Resident Protection Fund, 91772  
651631, Money Follows the Person, 651682, Health Care Grants - 91773  
State, and 651654, Medicaid Program Support, may be used to pay 91774  
for costs associated with the administration of the Medicaid 91775  
program, including the assignment, reassignment, classification, 91776  
reclassification, transfer, reduction, promotion, or demotion of 91777  
employees authorized by this section. 91778

**Section 327.30. NEW AND AMENDED GRANT AGREEMENTS** 91779

(A) As used in this section: 91780

(1) "Grant agreement" has the same meaning as in section 91781  
5101.21 of the Revised Code. 91782

(2) "Medical assistance program" has the same meaning as in 91783  
section 5160.01 of the Revised Code. 91784

(B) The Director of Job and Family Services and boards of county commissioners may enter into negotiations to amend an existing grant agreement or to enter into a new grant agreement regarding the transfer of medical assistance programs to the Department of Medicaid. Any such amended or new grant agreement shall be drafted in the name of the Department of Job and Family Services. The amended or new grant agreement may be executed before July 1, 2015, if the amendment or agreement does not become effective sooner than that date.

(C) A portion of the foregoing appropriation items 651525, Medicaid/Health Care Services, 651603, Medicaid Health Information Technology, 651623, Medicaid Services - Federal, 651624, Medicaid Program Support - Federal, 651680, Health Care Grants - Federal, and 651682, Health Care Grants - State, may be used to pay for Medicaid services and costs associated with the administration of the Medicaid program.

**Section 327.40. EXCHANGE OF CERTAIN INFORMATION BETWEEN SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES**

A portion of the foregoing appropriation items 651425, Medicaid Program Support-State, 651525, Medicaid/Health Care Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid Services-Payment Withholding, 651624, Medicaid Program Support-Federal, 651680, Health Care Grants-Federal, 651655, Medicaid Interagency Pass-Through, 651605, Resident Protection Fund, 651631, Money Follows the Person, 651656, Medicaid Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, Medicaid Services-Long Term Care, 651654, Medicaid Program Support, and 651649, Medicaid Services-HCAP, may be used to pay for services and costs associated with operating protocols adopted under sections 191.04 and 191.06 of the Revised Code.

**Section 327.60.** MANAGED CARE PERFORMANCE PAYMENT PROGRAM 91815

At the beginning of each quarter, or as soon as possible 91816  
thereafter, the Medicaid Director shall certify to the Director of 91817  
Budget and Management the amount withheld in accordance with 91818  
section 5167.30 of the Revised Code for purposes of the Managed 91819  
Care Performance Payment Program. Upon receiving certification, 91820  
the Director of Budget and Management shall transfer cash in the 91821  
amount certified from the General Revenue Fund to the Managed Care 91822  
Performance Payment Fund. Appropriation item 651525, 91823  
Medicaid/Health Care Services, is hereby reduced by the amount of 91824  
the transfer and by the corresponding federal share of the 91825  
transfer. Upon request of the Medicaid Director and approval of 91826  
the Director of Budget and Management, appropriation up to the 91827  
cash balance in the Managed Care Performance Payment Fund is 91828  
hereby appropriated. The federal share of the cash balance may 91829  
also be appropriated in a federal appropriation item specified in 91830  
the request. Any federal share specified in the request is hereby 91831  
appropriated. 91832

In addition to any other purpose authorized by law, the 91833  
Department of Medicaid may use money in the Managed Care 91834  
Performance Payment Fund for the following purposes for fiscal 91835  
year 2016 and fiscal year 2017: 91836

(A) To meet obligations specified in provider agreements with 91837  
Medicaid managed care organizations; 91838

(B) To pay for Medicaid services provided by a Medicaid 91839  
managed care organization; 91840

(C) To reimburse a Medicaid managed care organization that 91841  
has paid a fine for failure to meet performance standards or other 91842  
requirements specified in provider agreements or rules adopted 91843  
under section 5167.02 of the Revised Code if the organization 91844  
comes into compliance with the standards or requirements. 91845

<b>Section 327.70.</b> PERFORMANCE PAYMENTS FOR MEDICAID MANAGED	91846
CARE	91847
(A) As used in this section:	91848
(1) "ICDS participant" has the same meaning as in section	91849
5164.01 of the Revised Code.	91850
(2) "Integrated Care Delivery System" and "ICDS" have the	91851
same meaning as section 5164.01 of the Revised Code.	91852
(3) "Medicaid managed care organization" has the same meaning	91853
as in section 5167.01 of the Revised Code.	91854
(B) For fiscal year 2016 and fiscal year 2017, the Department	91855
of Medicaid shall provide performance payments as provided under	91856
this section to Medicaid managed care organizations providing care	91857
under the Integrated Care Delivery System.	91858
(C) If ICDS participants receive care through Medicaid	91859
managed care organizations under ICDS, the Department shall, in	91860
consultation with the United States Centers for Medicare and	91861
Medicaid Services, do both of the following:	91862
(1) Develop quality measures designed specifically to	91863
determine the effectiveness of the health care and other services	91864
provided to ICDS participants by Medicaid managed care	91865
organizations;	91866
(2) Determine an amount to be withheld from the Medicaid	91867
premium payments paid to Medicaid managed care organizations for	91868
ICDS participants.	91869
(D)(1) For the purposes of division (C)(2) of this section,	91870
the Department shall establish an amount that is to be withheld	91871
each time a premium payment is made to a Medicaid managed care	91872
organization for an ICDS participant. The amount shall be	91873
established as a percentage of each premium payment. The	91874
percentage shall be the same for all Medicaid managed care	91875

organizations providing care to ICDS participants. 91876

(2) Each Medicaid managed care organization shall agree to 91877  
the withholding as a condition of receiving or maintaining its 91878  
Medicaid provider agreement with the Department. 91879

(3) When the amount is established and each time the amount 91880  
is modified thereafter, the Department shall certify the amount to 91881  
the Director of Budget and Management and begin withholding the 91882  
amount from each premium the Department pays to a Medicaid managed 91883  
care organization for an ICDS participant. 91884

(E) The Director of Budget and Management shall transfer the 91885  
amounts certified in accordance with division (D) of this section 91886  
into the Managed Care Performance Payment Fund created under 91887  
section 5162.60 of the Revised Code. The amounts transferred may 91888  
be used to make performance payments to Medicaid managed care 91889  
organizations providing care to ICDS participants in accordance 91890  
with rules that may be adopted by the Medicaid Director under 91891  
Chapter 119. of the Revised Code. 91892

(F) A Medicaid managed care organization subject to this 91893  
section is not subject to section 5167.30 of the Revised Code for 91894  
premium payments attributed to ICDS participants during fiscal 91895  
year 2016 and fiscal year 2017. 91896

**Section 327.80. INTEGRATED CARE DELIVERY SYSTEM PERFORMANCE** 91897  
**PAYMENT PROGRAM** 91898

At the beginning of each quarter, or as soon as possible 91899  
thereafter, the Medicaid Director may certify to the Director of 91900  
Budget and Management the amount withheld in accordance with the 91901  
section in this act titled "PERFORMANCE PAYMENTS FOR MEDICAID 91902  
MANAGED CARE." On receipt of certification, the Director of Budget 91903  
and Management shall transfer cash in the amount certified from 91904  
the General Revenue Fund to the Managed Care Performance Payment 91905

Fund (Fund 5KW0). The federal share may also be appropriated in a 91906  
federal appropriation item specified in the request. The 91907  
transferred cash and the corresponding federal share is hereby 91908  
appropriated. Appropriation item 651525, Medicaid/Health Care 91909  
Services, is hereby reduced by the amount of the transfer and the 91910  
corresponding federal share of the transfer. 91911

**Section 327.90.** HOSPITAL FRANCHISE FEE PROGRAM 91912

The Director of Budget and Management may authorize 91913  
additional expenditures from appropriation item 651623, Medicaid 91914  
Services - Federal, appropriation item 651525, Medicaid/Health 91915  
Care Services, and appropriation item 651656, Medicaid Services - 91916  
Hospital/UPL, in order to implement the programs authorized by 91917  
sections 5168.20 through 5168.28 of the Revised Code. Any amounts 91918  
authorized are hereby appropriated. 91919

**Section 327.93.** HOSPITAL FRANCHISE PERMIT FEE ASSESSMENT RATE 91920

(A) As used in this section, "applicable assessment 91921  
percentage" and "assessment program year" have the same meanings 91922  
as in section 5168.20 of the Revised Code. 91923

(B) For the purpose of the assessments imposed on hospitals 91924  
pursuant to sections 5168.20 to 5168.28 of the Revised Code for 91925  
the two assessment program years that begin during the period 91926  
beginning July 1, 2015, and ending June 30, 2017, the applicable 91927  
assessment percentage shall be four per cent. 91928

**Section 327.100.** ADMINISTRATIVE ISSUES RELATED TO TERMINATION 91929  
OF MEDICAID WAIVER PROGRAMS 91930

(A) As used in this section, "MCD or ODA Medicaid waiver 91931  
component" means the following: 91932

(1) The Medicaid waiver component of the PASSPORT program 91933  
created under section 173.52 of the Revised Code; 91934



- (2) The Medicaid waiver component of the Assisted Living program created under section 173.54 of the Revised Code. 91935  
91936
- (3) The Ohio Home Care Waiver program as defined in section 5166.01 of the Revised Code; 91937  
91938
- (4) The Ohio Transitions II Aging Carve-Out program as defined in section 5166.01 of the Revised Code; 91939  
91940
- (B) If an MCD or ODA Medicaid waiver component is terminated under section 173.52, 173.53, 173.54, 5166.12, or 5166.13 of the Revised Code, all of the following apply: 91941  
91942  
91943
- (1) All applicable statutes, and all applicable rules, standards, guidelines, or orders issued by the Medicaid Director or Department of Medicaid or Director or Department of Aging before the component is terminated, shall remain in full force and effect on and after that date, but solely for purposes of concluding the component's operations, including fulfilling the Departments' legal obligations for claims arising from the component relating to eligibility determinations, covered medical assistance provided to eligible persons, and recovering erroneous overpayments. 91944  
91945  
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91953
- (2) Notwithstanding the termination of the component, the right of subrogation for the cost of medical assistance given under section 5160.37 of the Revised Code to the Department of Medicaid and an assignment of the right to medical assistance given under section 5160.38 of the Revised Code to the Department continue to apply with respect to the component and remain in force to the full extent provided under those sections. 91954  
91955  
91956  
91957  
91958  
91959  
91960
- (3) The Department of Medicaid and Department of Aging may use appropriated funds to satisfy any claims or contingent claims for medical assistance provided under the component before the component's termination. 91961  
91962  
91963  
91964
- (4) Neither the Department of Medicaid nor the Department of 91965

Aging has liability under the component to reimburse any provider 91966  
or other person for claims for medical assistance rendered under 91967  
the component after it is terminated. 91968

(C) The Medicaid Director and Director of Aging may adopt 91969  
rules in accordance with Chapter 119. of the Revised Code to 91970  
implement this section. 91971

**Section 327.110. MONEY FOLLOWS THE PERSON ENHANCED 91972**  
**REIMBURSEMENT FUND 91973**

The federal payments made to the state under subsection (e) 91974  
of section 6071 of the "Deficit Reduction Act of 2005," Pub. L. 91975  
No. 109-171, as amended, shall be deposited into the Money Follows 91976  
the Person Enhanced Reimbursement Fund. The Department of Medicaid 91977  
shall continue to use money deposited into the fund for system 91978  
reform activities related to the Money Follows the Person 91979  
demonstration project. 91980

**Section 327.113. OHIO ALL-PAYER HEALTH CLAIMS DATABASE 91981**

Of the foregoing appropriation item 651631, Money Follows the 91982  
Person, \$2,000,000 in each fiscal year shall be used to support 91983  
the electronic Ohio All-Payer Health Claims Database. 91984

**Section 327.120. MEDICARE PART D 91985**

The foregoing appropriation item 651526, Medicare Part D, may 91986  
be used by the Department of Medicaid for the implementation and 91987  
operation of the Medicare Part D requirements contained in the 91988  
"Medicare Prescription Drug, Improvement, and Modernization Act of 91989  
2003," Pub. L. No. 108-173, as amended. Upon the request of the 91990  
Department of Medicaid, the Director of Budget and Management may 91991  
transfer the state share of appropriations between appropriation 91992  
item 651525, Medicaid/Health Care Services, and appropriation item 91993  
651526, Medicare Part D. If the state share of appropriation item 91994

651525, Medicaid/Health Care Services, is adjusted, the Director 91995  
of Budget and Management shall adjust the federal share 91996  
accordingly. The Department of Medicaid shall provide notification 91997  
to the Controlling Board of any transfers at the next scheduled 91998  
Controlling Board meeting. 91999

**Section 327.130. OHIO ACCESS SUCCESS PROJECT** 92000

Of the foregoing appropriation item, 651525, Medicaid/Health 92001  
Care Services, up to \$450,000 in each fiscal year may be used to 92002  
provide one-time transitional benefits under the Ohio Access 92003  
Success Project that the Medicaid Director may establish under 92004  
section 5166.35 of the Revised Code. 92005

**Section 327.140. HEALTH CARE SERVICES ADMINISTRATION FUND** 92006

Of the amount received by the Department of Medicaid during 92007  
fiscal year 2016 and fiscal year 2017 from the first installment 92008  
of assessments paid under section 5168.06 of the Revised Code and 92009  
intergovernmental transfers made under section 5168.07 of the 92010  
Revised Code, the Medicaid Director shall deposit \$350,000 in each 92011  
fiscal year into the state treasury to the credit of the Health 92012  
Care Services Administration Fund (Fund 5U30). 92013

**Section 327.150. TRANSFERS OF OFFSETS TO THE HEALTH CARE** 92014  
**SERVICES ADMINISTRATION FUND** 92015

(A) As used in this section: 92016

"Hospital offset" means an offset from a hospital's Medicaid 92017  
payment authorized by section 5168.991 of the Revised Code. 92018

"Vendor offset" means a reduction of a Medicaid payment to a 92019  
Medicaid provider to correct a previous, incorrect Medicaid 92020  
payment. 92021

(B) During fiscal year 2016 and fiscal year 2017, at 92022

intervals selected by the Medicaid Director, the Director shall 92023  
certify to the Director of Budget and Management the amount of 92024  
hospital offsets and vendor offsets for the period covered by the 92025  
certification and the particular funds that would have been used 92026  
to make Medicaid payments to providers if not for the offsets. 92027  
Each certification shall specify the amount that would have been 92028  
taken from each of the funds if not for the hospital offsets and 92029  
vendor offsets. 92030

(C) On receipt of a certification under division (B) of this 92031  
section, the Director of Budget and Management shall transfer cash 92032  
from the funds identified in the certification to the Health Care 92033  
Services Administration Fund (Fund 5U30). The amount transferred 92034  
from a fund shall equal the amount that would have been taken from 92035  
the fund if not for the hospital offsets and vendor offsets as 92036  
specified in the certification. The federal share may also be 92037  
appropriated in a federal appropriation item specified in the 92038  
certification. The transferred cash and the corresponding federal 92039  
share is hereby appropriated. The appropriations for those 92040  
appropriation items identified in the certification, and from 92041  
which transfers occurred, are hereby reduced by the amount of the 92042  
transfer and the amount of the corresponding federal share. 92043

**Section 327.160. HOSPITAL CARE ASSURANCE MATCH** 92044

If receipts credited to the Health Care Federal Fund (Fund 92045  
3F00) exceed the amounts appropriated from the fund for making the 92046  
hospital care assurance program distribution, the Medicaid 92047  
Director may request the Director of Budget and Management to 92048  
authorize expenditures from the fund in excess of the amounts 92049  
appropriated. Upon the approval of the Director of Budget and 92050  
Management, the additional amounts are hereby appropriated. 92051

The foregoing appropriation item 651649, Medicaid Services - 92052  
HCAP, shall be used by the Department of Medicaid for distributing 92053

the state share of all hospital care assurance program funds to 92054  
hospitals under section 5168.09 of the Revised Code. If receipts 92055  
credited to the Hospital Care Assurance Program Fund (Fund 6510) 92056  
exceed the amounts appropriated from the fund for making the 92057  
hospital care assurance program distribution, the Medicaid 92058  
Director may request the Director of Budget and Management to 92059  
authorize expenditures from the fund in excess of the amounts 92060  
appropriated. Upon the approval of the Director of Budget and 92061  
Management, the additional amounts are hereby appropriated. 92062

**Section 327.170. REFUNDS AND RECONCILIATION FUND** 92063

The Refunds and Reconciliation Fund (Fund R055) shall be used 92064  
to hold refund and reconciliation revenues until the appropriate 92065  
fund is determined or until the revenues are directed to the 92066  
appropriate governmental agency other than the Department of 92067  
Medicaid. Any Medicaid refunds or reconciliations received or held 92068  
by the Department of Job and Family Services shall be transferred 92069  
or credited to this fund. If receipts credited to the Refunds and 92070  
Reconciliation Fund exceed the amounts appropriated from the fund, 92071  
the Medicaid Director may request the Director of Budget and 92072  
Management to authorize expenditures from the fund in excess of 92073  
the amounts appropriated. Upon approval of the Director of Budget 92074  
and Management, the additional amounts are hereby appropriated. 92075

**Section 327.180. MEDICAID INTERAGENCY PASS-THROUGH** 92076

The Medicaid Director may request the Director of Budget and 92077  
Management to increase appropriation item 651655, Medicaid 92078  
Interagency Pass-Through. Upon the approval of the Director of 92079  
Budget and Management, the additional amounts are hereby 92080  
appropriated. 92081

**Section 327.190. STATE PLAN HOME AND COMMUNITY-BASED SERVICES** 92082

(A) As used in this section: 92083

"Federal poverty line" means the official poverty line 92084  
defined by the United States Office of Management and Budget based 92085  
on the most recent data available from the United States Bureau of 92086  
the Census and revised by the United States Secretary of Health 92087  
and Human Services pursuant to the "Omnibus Budget Reconciliation 92088  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 92089

"State plan home and community-based services" means home and 92090  
community-based services that may be included in the Medicaid 92091  
state plan pursuant to the "Social Security Act," section 1915(i), 92092  
42 U.S.C. 1396n(i). 92093

(B) During fiscal year 2016 and fiscal year 2017, the 92094  
Medicaid program may cover state plan home and community-based 92095  
services for Medicaid recipients of any age who have behavioral 92096  
health issues and countable incomes not exceeding one hundred 92097  
fifty per cent of the federal poverty line. A Medicaid recipient 92098  
is not required to undergo a level of care determination to be 92099  
eligible for the state plan home and community-based services. 92100

The Medicaid Director may adopt rules under section 5164.02 92101  
of the Revised Code as necessary to implement this section. 92102

**Section 327.200.** UPDATING AUTHORIZING STATUTE CITATIONS 92103

As used in this section, "authorizing statute" means a 92104  
Revised Code section or provision of a Revised Code section that 92105  
is cited in the Ohio Administrative Code as the statute that 92106  
authorizes the adoption of a rule. 92107

The Medicaid Director is not required to amend any rule for 92108  
the sole purpose of updating the citation in the Ohio 92109  
Administrative Code to the rule's authorizing statute to reflect 92110  
that this act renumbers the authorizing statute or relocates it to 92111  
another Revised Code section. Such citations shall be updated as 92112

the Director amends the rules for other purposes. 92113

**Section 327.210.** NON-EMERGENCY MEDICAL TRANSPORTATION 92114

In order to ensure access to a non-emergency medical 92115  
transportation brokerage program established pursuant to section 92116  
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 92117  
upon the request of the Medicaid Director, the Director of Budget 92118  
and Management may transfer appropriations between General Revenue 92119  
Fund appropriation item 651525, Medicaid/Health Care Services, 92120  
within the Department of Medicaid and 655523, Medicaid Program 92121  
Support - Local Transportation, within the Department of Job and 92122  
Family Services. If appropriation transfers occur from 92123  
appropriation item 651525, Medicaid/Health Care Services, the 92124  
Director of Budget and Management shall transfer the corresponding 92125  
federal share of the transfer in cash from the General Revenue 92126  
Fund to the Medicaid Program Support Fund (Fund 3F01), used by the 92127  
Department of Job and Family Services. The amount transferred to 92128  
Fund 3F01 is hereby appropriated to appropriation item 655624, 92129  
Medicaid Program Support, and the federal share portion of GRF 92130  
appropriation item 651525, Medicaid/Health Care Services, is 92131  
hereby reduced by such amount. The Director of Budget and 92132  
Management may also transfer cash from the Medicaid Program 92133  
Support Fund (Fund 3F01) to the General Revenue Fund. The amount 92134  
transferred to the General Revenue Fund is hereby appropriated to 92135  
the federal share portion of appropriation item 651525, 92136  
Medicaid/Health Care Services, and the appropriation to 655624, 92137  
Medicaid Program Support, is hereby reduced by such amount. 92138

**Section 327.220.** PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION 92139  
SYSTEM IMPLEMENTATION 92140

Upon the request of the Medicaid Director, the Director of 92141  
Budget and Management, in each fiscal year, may increase 92142

appropriation by up to \$7,200,000 in appropriation item 655522, 92143  
Medicaid Program Support-Local, used by the Department of Job and 92144  
Family Services. In addition, the Director of Budget and 92145  
Management may transfer cash from the General Revenue Fund in the 92146  
amount equal to the federal share to a federal fund identified by 92147  
the Medicaid Director. Any amount transferred is hereby 92148  
appropriated. Appropriation item 651525, Medicaid/Health Care 92149  
Services, is hereby reduced by the amount of the state share of 92150  
the appropriation increase and the corresponding federal share. 92151

Any increase in funding shall be provided to county 92152  
departments of job and family services and shall only be used for 92153  
costs related to transitioning to a new public assistance 92154  
eligibility determination system. These funds shall not be used 92155  
for existing and ongoing operating expenses. The Medicaid Director 92156  
shall establish criteria for distributing these funds and for 92157  
county departments of job and family services to submit allowable 92158  
expenses. 92159

County departments of job and family services shall comply 92160  
with new roles, processes, and responsibilities related to the new 92161  
eligibility determination system. County departments of job and 92162  
family services shall report to the Ohio Department of Job and 92163  
Family Services and the Ohio Department of Medicaid, on a schedule 92164  
determined by the Medicaid Director, how the funds were used. 92165

**Section 327.223.** MONTGOMERY AND JACKSON COUNTIES MEDICAID FOR 92166  
INMATES PILOT PROGRAM 92167

(A) As used in this section, "local correctional facility" 92168  
has the same meaning as in section 2903.13 of the Revised Code. 92169

(B) The Department of Medicaid shall operate a two-year pilot 92170  
program under which the suspension of a person's eligibility for 92171  
Medicaid that occurs under section 5163.45 of the Revised Code 92172  
ends when the remainder of the period for which the person is to 92173



be confined in a local correctional facility owned and operated by 92174  
Montgomery or Jackson County is thirty days or less. Only state 92175  
funds shall be used for the Medicaid payments made for the 92176  
Medicaid services provided to such a recipient during the last 92177  
thirty days of the recipient's confinement in such a local 92178  
correctional facility. 92179

Section 5162.06 of the Revised Code does not apply to this 92180  
section. 92181

**Section 327.230.** ABOLISHMENT OF THE HOME AND COMMUNITY-BASED 92182  
SERVICES FUND (FUND 4J50) 92183

On July 1, 2015, or as soon as possible thereafter, the 92184  
Director of Budget and Management shall transfer the cash balance 92185  
in the Home and Community - Based Services Fund (Fund 4J50) to the 92186  
Nursing Facility Franchise Permit Fee Fund (Fund 5R20), both used 92187  
by the Department of Medicaid. Upon completion of the transfer, 92188  
Fund 4J50 is hereby abolished. 92189

**Section 327.240.** DENTAL PROVIDER RATES AND PILOT PROJECT 92190

Of the foregoing appropriation item 651525, Medicaid/Health 92191  
Care Services, \$8,002,000 in fiscal year 2016 and \$7,974,000 in 92192  
fiscal year 2017 shall be provided for the purpose of establishing 92193  
a demonstration pilot project which pays Medicaid dental providers 92194  
in Brown, Scioto, Adams, Lawrence, Jackson, Gallia, Vinton, Perry, 92195  
Hocking, Meigs, Morgan, Washington, Pike, Athens, Noble, and 92196  
Monroe counties at 65 per cent of the American Dental Association 92197  
survey of fees for dental services. 92198

HOLZER CLINIC PAYMENT 92199

Of the foregoing appropriation item 651525, Medicaid/Health 92200  
Care Services, \$500,000 in fiscal year 2016 and \$1,000,000 in 92201  
fiscal year 2017 shall be used to make Medicaid payments in 92202  
accordance with rule 5160-1-60.1 of the Administrative Code, as 92203

the rule is in effect on the day immediately preceding the 92204  
effective date of this section, for physician, pregnancy-related, 92205  
evaluation, and management services provided by physician groups 92206  
that meet the criteria described in the rule. 92207

**Section 327.250. RATE FOR HOME HEALTH AIDE SERVICES** 92208

(A) As used in this section, "independent provider" means an 92209  
individual who personally provides home health aide services and 92210  
is not employed by, under contract with, or affiliated with 92211  
another entity that provides those services. 92212

(B) Notwithstanding section 5164.77 of the Revised Code, the 92213  
Medicaid payment rate for home health aide services that are 92214  
provided by a provider, other than an independent provider, during 92215  
the period beginning July 1, 2015, and ending June 30, 2017, shall 92216  
be at least ten per cent higher than the rate in effect on June 92217  
30, 2015, for those services. 92218

**Section 327.260. HOME HEALTH AIDE SERVICES** 92219

Of the foregoing appropriation item 651525, Medicaid/Health 92220  
Care Services, \$29,000,000 in each fiscal year shall be used to 92221  
increase the Medicaid payment rate for agency providers for home 92222  
health services rendered under the Medicaid program by home health 92223  
aides, during fiscal year 2016 and fiscal year 2017, by ten per 92224  
cent relative to such rate in effect on June 30, 2015. 92225

**Section 329.10. MED STATE MEDICAL BOARD** 92226

Dedicated Purpose Fund Group				92227	
5C60 883609 Operating Expenses	\$	9,467,737	\$	9,655,200	92228
TOTAL DPF Dedicated Purpose Fund	\$	9,467,737	\$	9,655,200	92229
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	9,467,737	\$	9,655,200	92230

		<b>Section 331.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION</b>			92232
		SERVICES			92233
		General Revenue Fund			92234
GRF	336321	Central	\$ 13,632,646	\$ 13,632,646	92235
		Administration			
GRF	336402	Resident Trainees	\$ 450,000	\$ 450,000	92236
GRF	336405	Family & Children	\$ 1,386,000	\$ 1,386,000	92237
		First			
GRF	336406	Prevention and	\$ 3,488,659	\$ 3,488,659	92238
		Wellness			
GRF	336412	Hospital Services	\$ 200,658,333	\$ 200,658,333	92239
GRF	336415	Mental Health	\$ 20,817,900	\$ 19,902,200	92240
		Facilities			
		Lease-Rental Bond			
		Payments			
GRF	336421	Continuum of Care	\$ 71,989,846	\$ 71,989,846	92241
		Services			
GRF	336422	Criminal Justice	\$ 12,916,418	\$ 12,916,418	92242
		Services			
GRF	336423	Addiction Services	\$ 27,422,269	\$ 34,362,315	92243
		Partnership with			
		Corrections			
GRF	336424	Recovery Housing	\$ 2,500,000	\$ 2,500,000	92244
GRF	336425	Specialized Docket	\$ 5,000,000	\$ 5,000,000	92245
		Support			
GRF	336504	Community Innovations	\$ 9,250,000	\$ 9,250,000	92246
GRF	336506	Court Costs	\$ 1,284,210	\$ 1,284,210	92247
GRF	336510	Residential State	\$ 15,002,875	\$ 15,002,875	92248
		Supplement			
GRF	336511	Early Childhood	\$ 2,500,000	\$ 2,500,000	92249
		Mental Health			
		Counselors and			

		Consultation				
GRF	652321	Medicaid Support	\$	1,736,600	\$	1,736,600 92250
TOTAL GRF		General Revenue Fund	\$	390,035,756	\$	396,060,102 92251
		Dedicated Purpose Fund Group				92252
2320	336621	Family and Children	\$	400,000	\$	400,000 92253
		First Administration				
4750	336623	Statewide Treatment	\$	15,550,000	\$	15,550,000 92254
		and Prevention				
4850	336632	Mental Health	\$	2,611,733	\$	2,611,733 92255
		Operating				
5AU0	336615	Behaviorial Health	\$	7,850,000	\$	7,850,000 92256
		Care				
5JL0	336629	Problem Gambling and	\$	6,250,000	\$	6,250,000 92257
		Casino Addictions				
5T90	336641	Problem Gambling	\$	435,000	\$	435,000 92258
		Services				
6320	336616	Community Capital	\$	350,000	\$	350,000 92259
		Replacement				
6890	336640	Education and	\$	150,000	\$	150,000 92260
		Conferences				
TOTAL DPF		Dedicated Purpose Fund	\$	33,596,733	\$	33,596,733 92261
		Group				
		Internal Service Activity Fund Group				92262
1490	336609	Hospital Operating	\$	24,790,000	\$	24,790,000 92263
		Expenses				
1490	336610	Operating Expenses	\$	6,743,190	\$	6,743,190 92264
1500	336620	Special Education	\$	150,000	\$	150,000 92265
1510	336601	Ohio Pharmacy	\$	75,000,000	\$	75,000,000 92266
		Services				
4P90	336604	Community Mental	\$	250,000	\$	250,000 92267
		Health Projects				
TOTAL ISA		Internal Service Activity	\$	106,933,190	\$	106,933,190 92268

Fund Group

Federal Fund Group						92269
3240 336605	Medicaid/Medicare	\$	28,200,000	\$	28,200,000	92270
3A60 336608	Federal Miscellaneous	\$	2,510,000	\$	2,510,000	92271
3A70 336612	Social Services Block Grant	\$	8,450,000	\$	8,450,000	92272
3A80 336613	Federal Grants	\$	11,417,000	\$	11,417,000	92273
3A90 336614	Mental Health Block Grant	\$	16,058,470	\$	16,058,470	92274
3B10 652635	Community Medicaid Legacy Costs	\$	5,000,000	\$	5,000,000	92275
3B10 652636	Community Medicaid Legacy Support	\$	7,000,000	\$	7,000,000	92276
3FR0 336638	Race to the Top - Early Learning Challenge Grant	\$	1,164,000	\$	1,164,000	92277
3G40 336618	Substance Abuse Block Grant	\$	65,865,756	\$	65,865,756	92278
3H80 336606	Demonstration Grants	\$	20,050,000	\$	20,050,000	92279
3N80 336639	Administrative Reimbursement	\$	1,300,000	\$	1,300,000	92280
TOTAL FED	Federal Fund Group	\$	167,015,226	\$	167,015,226	92281
TOTAL ALL BUDGET	FUND GROUPS	\$	697,580,905	\$	703,605,251	92282

**Section 331.40. PREVENTION AND WELLNESS** 92284

Of the foregoing appropriation item 336406, Prevention and Wellness: 92285  
 92286

(A) Up to \$1,500,000 in each fiscal year shall be used to expand evidence-based prevention resources statewide. 92287  
 92288

(B) Up to \$1,000,000 in each fiscal year shall be used to support and expand suicide prevention efforts. 92289  
 92290

(C) \$120,000 in each fiscal year shall be allocated to 92291

Northeast Ohio Medical University to use for campus safety and 92292  
mental health programs. 92293

**Section 331.50. HOSPITAL SERVICES** 92294

The foregoing appropriation item 336412, Hospital Services, 92295  
shall be used for the operation of the State Regional Psychiatric 92296  
Hospitals, including, but not limited to, all aspects involving 92297  
civil and forensic commitment, treatment, and discharge as 92298  
determined by the Director of Mental Health and Addiction 92299  
Services. A portion of this appropriation may be used by the 92300  
Department of Mental Health and Addiction Services to create, 92301  
purchase, or contract for the custody, supervision, control, and 92302  
treatment of persons committed to the Department of Mental Health 92303  
and Addiction Services in other clinically appropriate 92304  
environments, consistent with public safety. 92305

**Section 331.60. MENTAL HEALTH FACILITIES LEASE-RENTAL BOND** 92306  
**PAYMENTS** 92307

The foregoing appropriation item 336415, Mental Health 92308  
Facilities Lease-Rental Bond Payments, shall be used to meet all 92309  
payments during the period from July 1, 2015, through June 30, 92310  
2017, by the Department of Mental Health and Addiction Services 92311  
under leases and agreements made under section 154.20 of the 92312  
Revised Code. These appropriations are the source of funds pledged 92313  
for bond service charges on obligations issued pursuant to Chapter 92314  
154. of the Revised Code. 92315

**Section 331.70. CONTINUUM OF CARE SERVICES** 92316

The foregoing appropriation item 336421, Continuum of Care 92317  
Services, shall be used as follows: 92318

(A) A portion of this appropriation shall be allocated to 92319  
community alcohol, drug addiction, and mental health services 92320

boards in accordance with a distribution methodology determined by 92321  
the Director of Mental Health and Addiction Services for the 92322  
boards to purchase mental health and addiction services permitted 92323  
under Chapter 340. of the Revised Code. Boards may use a portion 92324  
of the funds allocated: 92325

(1) To provide subsidized support for psychotropic medication 92326  
needs of indigent citizens in the community to reduce unnecessary 92327  
hospitalization due to lack of medication; and 92328

(2) To provide subsidized support for medication-assisted 92329  
treatment costs. 92330

(B) A portion of this appropriation may be distributed to 92331  
community alcohol, drug addiction, and mental health services 92332  
boards, community addiction and/or mental health services 92333  
providers, courts, or other governmental entities to provide 92334  
specific grants in support of initiatives concerning mental health 92335  
and addiction services. 92336

**Section 331.80. CRIMINAL JUSTICE SERVICES** 92337

The foregoing appropriation item 336422, Criminal Justice 92338  
Services, shall be used to provide forensic psychiatric 92339  
evaluations to courts of common pleas and to conduct evaluations 92340  
of patients of forensic status in facilities operated or 92341  
designated by the Department of Mental Health and Addiction 92342  
Services prior to conditional release to the community. A portion 92343  
of this appropriation may be allocated through community alcohol, 92344  
drug addiction, and mental health services boards to community 92345  
addiction and/or mental health services providers in accordance 92346  
with a distribution methodology as determined by the Director of 92347  
Mental Health and Addiction Services. 92348

Of the foregoing appropriation item 336422, Criminal Justice 92349  
Services, up to \$1,000,000 in each fiscal year shall be used to 92350

support specialty dockets and expand and/or create new certified court programs. 92351  
92352

Appropriation item 336422, Criminal Justice Services, may also be used to: 92353  
92354

(A) Provide forensic monitoring and tracking of individuals on conditional release; 92355  
92356

(B) Provide forensic training; 92357

(C) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders; 92358  
92359  
92360

(D) Provide specialized re-entry services to offenders leaving prisons and jails; 92361  
92362

(E) Provide specific grants in support of addiction services alternatives to incarceration; and 92363  
92364

(F) Support therapeutic communities. 92365

**Section 331.90.** ADDICTION TREATMENT PROGRAM FOR SPECIALIZED DOCKET PROGRAMS 92366  
92367

(A) As used in this section: 92368

(1) "Addiction treatment program" means a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs: a common pleas court, municipal court, or county court, or a division of any of those courts. 92369  
92370  
92371  
92372  
92373

(2) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code. 92374  
92375

(B)(1) The Department of Mental Health and Addiction Services shall conduct a program to provide addiction treatment, including medication-assisted treatment, to persons who are offenders within the Criminal Justice System, eligible to participate in an 92376  
92377  
92378  
92379



addiction treatment program, and are selected under this section 92380  
to be participants in the program because of their dependence on 92381  
opioids, alcohol, or both. 92382

(2) The Department shall conduct the program in those courts 92383  
of Adams, Allen, Butler, Clinton, Crawford, Delaware, Fairfield, 92384  
Franklin, Gallia, Hamilton, Hardin, Hocking, Jackson, Lawrence, 92385  
Lucas, Mercer, Montgomery, Noble, Summit, and Warren counties that 92386  
are conducting addiction treatment programs. If in any of these 92387  
counties there is no court conducting an addiction treatment 92388  
program, the Department shall conduct the program in a court that 92389  
is conducting an addiction treatment program in another county. 92390

(3) In addition to conducting the program in accordance with 92391  
division (B)(2) of this section, the Department may conduct the 92392  
program in any court that is conducting an addiction treatment 92393  
program. 92394

(C) In conducting the program, the Department shall 92395  
collaborate with the Supreme Court, the Department of 92396  
Rehabilitation and Correction, and any agency of the state that 92397  
the Department determines may be of assistance in accomplishing 92398  
the objectives of the program. The Department may collaborate with 92399  
the boards of alcohol, drug addiction, and mental health services 92400  
and with local law enforcement agencies that serve the counties in 92401  
which a court participating in the program is located. 92402

(D)(1) An addiction treatment program shall select persons 92403  
who are criminal offenders to be participants in the program. A 92404  
person shall not be selected to be a participant unless the person 92405  
meets the legal and clinical eligibility criteria for the 92406  
addiction treatment program and is an active participant in the 92407  
program. 92408

(2) The total number of persons participating in a program at 92409  
any time shall not exceed one thousand five hundred, except that 92410

the Department of Mental Health and Addiction Services may 92411  
authorize the maximum number to be exceeded in circumstances that 92412  
the Department considers to be appropriate. 92413

(3) After being enrolled in an addiction treatment program, a 92414  
participant shall comply with all requirements of the addiction 92415  
treatment program. 92416

(E) The treatment provided in an addiction treatment program 92417  
shall be provided by a community addiction services provider that 92418  
is certified under section 5119.36 of the Revised Code. In serving 92419  
as a community addiction services provider, a provider shall do 92420  
all of the following: 92421

(1) Provide treatment based on an integrated service delivery 92422  
model that consists of the coordination of care between a 92423  
prescriber and the community addiction services provider; 92424

(2) Conduct professional, comprehensive substance abuse and 92425  
mental health diagnostic assessments of a person under 92426  
consideration for selection as a program participant to determine 92427  
whether the person would benefit from substance abuse treatment 92428  
and monitoring; 92429

(3) Determine, based on the assessment described in division 92430  
(E)(2) of this section, the treatment needs of the participants 92431  
served by the treatment provider; 92432

(4) Develop, for participants served by the treatment 92433  
provider, individualized goals and objectives; 92434

(5) Provide access to the long-acting antagonist therapies, 92435  
partial agonist therapies, or both, that are included in the 92436  
program's medication-assisted treatment; 92437

(6) Provide other types of therapies, including psychosocial 92438  
therapies, for both substance abuse and any disorders that are 92439  
considered by the treatment provider to be co-occurring disorders; 92440

(7) Provide detoxification services;	92441
(8) Provide participants with transportation to the treatments and therapies;	92442 92443
(9) Monitor program compliance through the use of regular drug testing, including urinalysis, of the participants being served by the community addiction services provider.	92444 92445 92446
(F) In the case of medication-assisted treatment provided under the program, all of the following conditions apply:	92447 92448
(1) A drug may be used only if the drug has been approved by the United States Food and Drug Administration for use in treating dependence on opioids, alcohol, or both, or for preventing relapse into the use of opioids, alcohol, or both.	92449 92450 92451 92452
(2) One or more drugs may be used, but each drug that is used must constitute long-acting antagonist therapy or partial agonist therapy.	92453 92454 92455
(3) If a drug constituting partial agonist therapy is used, the program shall provide safeguards to minimize abuse and diversion of the drug, including such safeguards as routine drug testing of program participants.	92456 92457 92458 92459
(G) Within 90 days after the effective date of this section, the Department shall select a nationally recognized research institution with experience in evaluating multiple court systems across jurisdictions in both rural and urban regions. The research institution shall have demonstrated experience evaluating the use of agonist and antagonist medication assisted treatment in drug courts, a track record of scientific publications, experience in health economics, and ethical and patient selection and consent issues. The institution shall also have an internal institutional review board. The institution shall prepare the report described in division (H) of this section.	92460 92461 92462 92463 92464 92465 92466 92467 92468 92469 92470

(H) A report of the findings obtained from the addiction treatment pilot program established by Section 327.120 of Am. Sub. H.B. 59 of the 130th General Assembly shall be prepared by a research institution and include data derived from the drug testing and performance measures used in the program. The research institution shall complete its report not later than December 31, 2016. Upon completion, the institution shall submit the report to the Governor, Chief Justice of the Supreme Court, President of the Senate, Speaker of the House of Representatives, Department of Mental Health and Addiction Services, Department of Rehabilitation and Correction, and any other state agency that the Department of Mental Health and Addiction Services collaborates with in conducting the program.

(I) It is anticipated and expected that drug courts will expand their ability to serve more drug court participants as a result of increased access to commercial or publicly funded health insurance. In order to ensure that funds appropriated to support this addiction treatment program are used in the most efficient manner with a goal of enrolling the maximum number of participants, the Medicaid Director with major Ohio healthcare plans, shall develop plans consistent with this division. There shall be no prior authorizations or step therapy for medication-assisted treatment for participants in the addiction treatment program. The plans developed under this division shall ensure all of the following:

(1) The development of an efficient and timely process for review of eligibility for health benefits for all offenders selected to participate in the addiction treatment program;

(2) A rapid conversion to reimbursement for all healthcare services by the participant's health insurance company following approval for coverage of healthcare benefits;

(3) The development of a consistent benefit package that

provides ready access to and reimbursement for essential 92503  
healthcare services including, but not be limited to, primary 92504  
healthcare, alcohol and opiate detoxification services, 92505  
appropriate psychosocial services, and medication for long-acting 92506  
injectable antagonist therapies and partial agonist therapies; 92507

(4) The development of guidelines that require the provision 92508  
of all treatment services, including medication, with minimal 92509  
administrative barriers and within a timeframe that meets the 92510  
requirements of individual patient care plans. 92511

(J) Of the foregoing appropriation item 336422, Criminal 92512  
Justice Services, \$7.0 million in each fiscal year shall be used 92513  
to support the Addiction Treatment Program for Specialized Docket 92514  
Programs. 92515

**Section 331.100. ADDICTION SERVICES PARTNERSHIP WITH 92516**  
CORRECTIONS 92517

On the effective date of this section, the Bureau of Recovery 92518  
Services within the Department of Rehabilitation and Correction is 92519  
abolished and all of its functions, assets, and liabilities, 92520  
regardless of form or medium, agreements and contracts of the 92521  
program are transferred to the Department of Mental Health and 92522  
Addiction Services. The Department of Mental Health and Addiction 92523  
Services is thereupon and thereafter successor to, assumes the 92524  
obligations of, and otherwise constitutes the continuation of the 92525  
Bureau of Recovery Services. 92526

Any business commenced but not completed by the effective 92527  
date of this section by the Department of Rehabilitation and 92528  
Correction regarding recovery services shall be completed by the 92529  
Department of Mental Health and Addiction Services. No validation, 92530  
cure, right, privilege, remedy, obligation, or liability is lost 92531  
or impaired by reason of the transfer required by this section and 92532  
shall be administered by the Department of Mental Health and 92533

Addiction Services. Any rules, orders, and determinations 92534  
pertaining to the Bureau of Recovery Services continue in effect 92535  
as rules, orders, and determinations of the Department of Mental 92536  
Health and Addiction Services until modified or rescinded by the 92537  
Department of Mental Health and Addiction Services. If necessary 92538  
to ensure the integrity of the numbering of the Administrative 92539  
Code, the Director of the Legislative Service Commission shall 92540  
renumber the numbers to reflect their transfer to the Department 92541  
of Mental Health and Addiction Services. 92542

Subject to the lay-off provisions of sections 124.321 to 92543  
124.382 of the Revised Code, all employees of the Bureau of 92544  
Recovery Services are hereby transferred to the Department of 92545  
Mental Health and Addiction Services and retain their positions 92546  
and all of their benefits. 92547

Wherever the Bureau of Recovery Services is referred to in 92548  
any law, contract, or other document, the reference shall be 92549  
deemed to refer to the Department of Mental Health and Addiction 92550  
Services or its director, as appropriate. 92551

No action or proceeding pending on the effective date of this 92552  
act, is affected by the transfer, and shall be prosecuted or 92553  
defended in the name of the Department of Mental Health and 92554  
Addiction Services or its director. In all such actions and 92555  
proceedings, the Department of Mental Health and Addiction 92556  
Services or its director shall be substituted as a party. 92557

On July 1, 2015, or as soon as possible thereafter, the 92558  
Director of Budget and Management shall cancel any existing 92559  
encumbrances against appropriation item 505321, Institutional 92560  
Medical Services, used by the Department of Rehabilitation and 92561  
Correction, that pertain to the Bureau of Recovery Services in the 92562  
Department of Rehabilitation and Correction. The canceled 92563  
encumbrances shall be reestablished against appropriation item 92564  
336423, Addiction Services Partnership with Corrections, used by 92565

the Department of Mental Health and Addiction Services. The 92566  
reestablished encumbrance amounts are hereby appropriated. Any 92567  
business commenced but not completed under appropriation item 92568  
505321, Institutional Medical Services, pertaining to the Bureau 92569  
of Recovery Services, shall be completed under appropriation item 92570  
336423, Addiction Services Partnership with Corrections, in the 92571  
same manner, and with the same effect, as if completed with regard 92572  
to appropriation item 505321, Institutional Medical Services. 92573

**Section 331.110. RECOVERY HOUSING** 92574

The foregoing appropriation item 336424, Recovery Housing, 92575  
shall be used to expand and support access to recovery housing. 92576  
"Recovery housing" means housing for individuals recovering from 92577  
alcoholism or drug addiction that provides an alcohol and 92578  
drug-free living environment, peer support, assistance with 92579  
obtaining alcohol and drug addiction services, and other alcohol 92580  
and drug addiction recovery assistance where the length of stay is 92581  
not limited to a specific duration. Recovery housing does not 92582  
include residential facilities subject to licensure pursuant to 92583  
section 5119.34 of the Revised Code. Medication-assisted treatment 92584  
may be allowed in recovery housing. Support for projects in 92585  
counties of the state that are underserved or do not currently 92586  
have recovery housing stock shall be given priority. For 92587  
expenditures that are capital in nature, the Department of Mental 92588  
Health and Addiction Services shall develop procedures to 92589  
administer these funds in a manner that is consistent with current 92590  
community capital assistance guidelines. 92591

New recovery housing projects awarded grants through this 92592  
appropriation item shall have at least one public meeting to 92593  
present the project to the community before purchase. Following 92594  
the public meeting, a resolution of support from the county 92595  
commissioners shall be submitted to the Department by the grantee 92596

before purchasing the property using grant funds. The Department 92597  
shall not release grant monies awarded under this section until 92598  
receiving the resolution of support from the county commissioners. 92599

**Section 331.113. SPECIALIZED DOCKET SUPPORT** 92600

(A) The foregoing appropriation item 336425, Specialized 92601  
Docket Support, shall be used to defray a portion of the annual 92602  
payroll costs associated with the employment of one full-time, or 92603  
full-time equivalent, specialized docket staff member by a 92604  
specialized docket of a common pleas court, municipal court, 92605  
county court, juvenile court, or family court that meets all of 92606  
the eligibility requirements in division (B) of this section, 92607  
including a family dependency treatment docket. A specialized 92608  
docket staff member employed under this section shall be 92609  
considered an employee of the court. 92610

(B) To be eligible, the specialized docket must have received 92611  
Supreme Court of Ohio final certification and include participants 92612  
with a drug addiction or dependency in its target population. In 92613  
addition, the specialized docket staff member must have received 92614  
training for or education in alcohol and other drug addiction, 92615  
abuse, and recovery and have demonstrated, prior to or within 92616  
ninety days of hire, competencies in fundamental alcohol and other 92617  
drug addiction, abuse, and recovery. Fundamental competencies 92618  
shall include, at a minimum, an understanding of alcohol and other 92619  
drug treatment and recovery, how to engage a person in treatment 92620  
and recovery, and an understanding of other health care systems, 92621  
social service systems, and the criminal justice system. 92622

(C) For the purposes of this section, payroll costs include 92623  
annual compensation and fringe benefits. 92624

(D) The Department, solely for the purpose of determining the 92625  
amount of the state share available to a court under division (F) 92626  
of this section for the employment of one full-time or full-time 92627



equivalent specialized docket staff member, shall use the lesser 92628  
of: 92629

(1) The actual annual compensation and fringe benefits paid 92630  
to that staff member proportionally reflecting the staff member's 92631  
time allocated for specialized docket duties and responsibilities; 92632  
or 92633

(2) \$78,000. 92634

(E) In accordance with any applicable rules, guidelines, or 92635  
procedures adopted by the Department pursuant to this section, the 92636  
county auditor shall certify, for any court located within the 92637  
county that is applying for or receiving funding under this 92638  
section, to the Department the information necessary to determine 92639  
that court's eligibility for, and the amount of, funding under 92640  
this section. 92641

(F) For a specialized docket staff member employed by a 92642  
court, the amount of state funding available under this section 92643  
shall be sixty-five per cent of the payroll costs specified in 92644  
division (D) of this section. The state funding shall not exceed 92645  
\$50,700. 92646

(G) The Department shall disburse this state funding in 92647  
semi-annual installments to the appropriate county or municipality 92648  
in which the court is located. 92649

(H) Of the foregoing appropriation item 336425, Specialized 92650  
Docket Support, the Department shall use up to one per cent of the 92651  
funds appropriated in each fiscal year to pay the cost it incurs 92652  
in administering the duties established in this section. 92653

(I) The Department, in consultation with the Supreme Court of 92654  
Ohio, may adopt rules, guidelines, and procedures as necessary to 92655  
carry out the purposes of this section. 92656

**Section 331.120. COMMUNITY INNOVATIONS** 92657

The foregoing appropriation item 336504, Community Innovations, may be used by the Department of Mental Health and Addiction Services to make targeted investments in programs, projects, or systems operated by or under the authority of other state agencies, governmental entities, or private not-for-profit agencies that impact, or are impacted by, the operations and functions of the Department, with the goal of achieving a net reduction in expenditure of state general revenue funds and/or improved outcomes for Ohio citizens without a net increase in state general revenue fund spending.

The Director shall identify and evaluate programs, projects, or systems proposed or operated, in whole or in part, outside of the authority of the Department, where targeted investment of these funds in the program, project, or system is expected to decrease demand for the Department or other resources funded with state general revenue funds, and/or to measurably improve outcomes for Ohio citizens with mental illness or with alcohol, drug, or gambling addictions. The Director shall have discretion to transfer money from the appropriation item to other state agencies, governmental entities, or private not-for-profit agencies in amounts, and subject to conditions, that the Director determines most likely to achieve state savings and/or improved outcomes. Distribution of moneys from this appropriation item shall not be subject to sections 9.23 to 9.239 or Chapter 125. of the Revised Code.

The Department shall enter into an agreement with each recipient of community innovation funds, identifying: allowable expenditure of the funds; other commitment of funds or other resources to the program, project, or system; expected state savings and/or improved outcomes and proposed mechanisms for measurement of such savings or outcomes; and required reporting regarding expenditure of funds and savings or outcomes achieved.

Of the foregoing appropriation item 336504, Community 92690  
Innovations, up to \$3,000,000 in each fiscal year shall be used to 92691  
provide funding for community projects across the state that focus 92692  
on support for families, assisting families in avoiding crisis, 92693  
and crisis intervention. 92694

Of the foregoing appropriation item 336504, Community 92695  
Innovations, up to \$500,000 in each fiscal year shall be used to 92696  
enhance access to Naloxone across the state for county health 92697  
departments to then disperse through a grant program to local law 92698  
enforcement, emergency personnel, and first responders. 92699

Of the foregoing appropriation item 336504, Community 92700  
Innovations, up to \$3,000,000 in each fiscal year shall be used to 92701  
improve collaboration between local jails, state hospitals, and 92702  
community addiction and mental health services providers in order 92703  
to reduce transfers, improve safety and judicial oversight as well 92704  
as address capacity issues in both jails and state hospitals. 92705

Of the foregoing appropriation item 336504, Community 92706  
Innovations, up to \$100,000 in each fiscal year shall be used to 92707  
continue the Department of Mental Health and Addiction Services 92708  
cross-agency efforts to share evidence-based practices that 92709  
encourage the use of trauma-informed care. 92710

Of the foregoing appropriation item 336504, Community 92711  
Innovations, up to \$1,000,000 in each fiscal year shall be used to 92712  
implement strategies to increase job opportunities, reduce the 92713  
number of positive drug screens, and improve workforce readiness 92714  
for individuals in recovery. 92715

**Section 331.130. RESIDENTIAL STATE SUPPLEMENT** 92716

(A) The foregoing appropriation item 336510, Residential 92717  
State Supplement, may be used by the Department of Mental Health 92718  
and Addiction Services to provide training for residential 92719

facilities providing accommodations, supervision, and personal 92720  
care services to three to sixteen unrelated adults with mental 92721  
illness and to make benefit payments to residential state 92722  
supplement recipients. 92723

(B) The Department of Mental Health and Addiction Services 92724  
shall adopt rules establishing eligibility criteria and benefit 92725  
payment amounts under section 5119.41 of the Revised Code. 92726

**Section 331.140. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 92727**  
CONSULTATION 92728

The foregoing appropriation item 336511, Early Childhood 92729  
Mental Health Counselors and Consultation, shall be used to 92730  
promote identification and intervention for early childhood mental 92731  
health and to enhance healthy social emotional development in 92732  
order to reduce preschool to third grade classroom expulsions. 92733  
Funds shall be used by the Department of Mental Health and 92734  
Addiction Services to support early childhood mental health 92735  
credentialed counselors and consultation services, as well as 92736  
administration and workforce development for the program. 92737

**Section 331.143. MEDICAID SUPPORT 92738**

The Department of Mental Health and Addiction Services shall 92739  
administer specified Medicaid services as delegated by the State's 92740  
single agency responsible for the Medicaid program. Effective July 92741  
1, 2015, the Department shall use appropriation item 652321, 92742  
Medicaid Support, to fund the Medicaid-related services and 92743  
supports performed by the Department. 92744

**Section 331.150. PROBLEM GAMBLING AND CASINO ADDICTIONS 92745**

A portion of appropriation item 336629, Problem Gambling and 92746  
Casino Addictions, shall be allocated to boards of alcohol, drug 92747  
addiction, and mental health services in accordance with a 92748

distribution methodology determined by the Director of Mental Health and Addiction Services. 92749  
92750

**Section 331.160. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL** 92751  
92752

A county family and children first council may establish and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. The operation of the flexible funding pools shall be subject to the following restrictions: 92753  
92754  
92755  
92756  
92757

(A) The county council shall establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council; 92758  
92759  
92760

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council; 92761  
92762  
92763  
92764

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children; 92765  
92766  
92767  
92768

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and 92769  
92770  
92771  
92772

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation. 92773  
92774  
92775  
92776

**Section 331.170. MEDICAID SPENDING AS MAINTENANCE OF EFFORT** 92777

The designation of administering agency for federal aid shall 92778

be held jointly by the Department of Mental Health and Addiction 92779  
Services and the Department of Medicaid for determining 92780  
maintenance of effort pursuant to 42 U.S.C. 300x-30. The 92781  
Department of Mental Health and Addiction Services remains the 92782  
designated agency for all other purposes established by 42 U.S.C. 92783  
300x et seq. and section 5119.32 of the Revised Code. 92784

**Section 331.180. ACCESS SUCCESS II PROGRAM** 92785

To the extent cash is available, the Director of Budget and 92786  
Management may transfer cash from the Money Follows the Person 92787  
Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of 92788  
Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used 92789  
by the Department of Mental Health and Addiction Services. The 92790  
transferred cash is hereby appropriated. 92791

The Department of Mental Health and Addiction Services shall 92792  
use the transferred funds to administer the Access Success II 92793  
Program to help non-Medicaid patients in any hospital established, 92794  
controlled, or supervised by the Department under Chapter 5119. of 92795  
the Revised Code to transition from inpatient status to a 92796  
community setting. 92797

**Section 331.190. MFC OHIO MILITARY FACILITIES COMMISSION** 92798

General Revenue Fund 92799

GRF	232501	Ohio Military	\$	2,500,000	\$	2,500,000	92800
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Facilities Support

TOTAL GRF	General Revenue Fund	\$	2,500,000	\$	2,500,000	92801
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TOTAL ALL BUDGET FUND GROUPS	\$	2,500,000	\$	2,500,000	92802
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**OHIO MILITARY FACILITIES SUPPORT** 92803

The foregoing appropriation item 232501, Ohio Military 92804  
Facilities Support, shall be used for the purposes described in 92805  
sections 193.15 to 193.17 of the Revised Code. 92806

<b>Section 333.10. MIH COMMISSION ON MINORITY HEALTH</b>				92807
General Revenue Fund				92808
GRF	149321	Operating Expenses	\$ 591,615 \$	591,615 92809
GRF	149501	Minority Health	\$ 878,975 \$	878,975 92810
Grants				
GRF	149502	Lupus Program	\$ 96,000 \$	96,000 92811
TOTAL GRF General Revenue Fund				\$ 1,566,590 \$ 1,566,590 92812
Dedicated Purpose Fund Group				92813
4C20	149601	Minority Health	\$ 50,000 \$	50,000 92814
Conference				
TOTAL DPF Dedicated Purpose Fund				\$ 50,000 \$ 50,000 92815
Group				
Federal Fund Group				92816
3J90	149602	Federal Grant Program	\$ 126,833 \$	90,929 92817
Support				
TOTAL FED Federal Fund Group				\$ 126,833 \$ 90,929 92818
TOTAL ALL BUDGET FUND GROUPS				\$ 1,743,423 \$ 1,707,519 92819
 <b>Section 335.10. CRB MOTOR VEHICLE REPAIR BOARD</b>				 92821
Dedicated Purpose Fund Group				92822
4K90	865601	Operating Expenses	\$ 484,292 \$	484,292 92823
TOTAL DPF Dedicated Purpose Fund				\$ 484,292 \$ 484,292 92824
Group				
TOTAL ALL BUDGET FUND GROUPS				\$ 484,292 \$ 484,292 92825
 <b>Section 337.10. DNR DEPARTMENT OF NATURAL RESOURCES</b>				 92827
General Revenue Fund				92828
GRF	725401	Division of	\$ 1,800,000 \$	1,800,000 92829
Wildlife-Operating				
Subsidy				
GRF	725413	Parks and Recreational	\$ 23,239,600 \$	24,655,600 92830

		Facilities Lease					
		Rental Bond Payments					
GRF	725456	Canal Lands	\$	135,000	\$	135,000	92831
GRF	725502	Soil and Water	\$	3,400,000	\$	3,400,000	92832
		Districts					
GRF	725505	Healthy Lake Erie	\$	1,350,000	\$	1,000,000	92833
		Program					
GRF	725507	Coal and Mine Safety	\$	2,700,000	\$	2,800,000	92834
		Program					
GRF	725510	Indian Lake Watershed	\$	125,000	\$	0	92835
		Project					
GRF	725903	Natural Resources	\$	27,079,900	\$	26,074,400	92836
		General Obligation					
		Bond Debt Service					
GRF	727321	Division of Forestry	\$	4,392,001	\$	4,392,001	92837
GRF	729321	Office of Information	\$	177,405	\$	177,405	92838
		Technology					
GRF	730321	Division of Parks and	\$	30,000,000	\$	30,000,000	92839
		Recreation					
GRF	736321	Division of	\$	2,324,736	\$	2,324,736	92840
		Engineering					
GRF	737321	Division of Soil and	\$	4,782,652	\$	4,782,652	92841
		Water Resources					
GRF	738321	Division of Real	\$	670,342	\$	670,342	92842
		Estate and Land					
		Management					
GRF	741321	Division of Natural	\$	1,200,000	\$	1,200,000	92843
		Areas and Preserves					
TOTAL GRF		General Revenue Fund	\$	103,376,636	\$	103,412,136	92844
		Dedicated Purpose Fund Group					92845
2270	725406	Parks Projects	\$	685,098	\$	696,995	92846
		Personnel					
4300	725671	Canal Lands	\$	883,879	\$	883,879	92847



4J20	725628	Injection Well Review	\$	128,466	\$	128,466	92848
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	92849
4S90	725622	NatureWorks Personnel	\$	818,618	\$	833,076	92850
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	92851
5090	725602	State Forest	\$	6,879,410	\$	6,880,148	92852
5110	725646	Ohio Geological Mapping	\$	1,400,000	\$	1,800,000	92853
5120	725605	State Parks Operations	\$	31,471,044	\$	31,471,044	92854
5140	725606	Lake Erie Shoreline	\$	1,559,583	\$	1,559,583	92855
5160	725620	Water Management	\$	2,559,291	\$	2,559,291	92856
5180	725643	Oil and Gas Regulation and Safety	\$	19,193,271	\$	19,444,876	92857
5180	725677	Oil and Gas Well Plugging	\$	3,000,000	\$	3,000,000	92858
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	92859
5220	725656	Natural Areas and Preserves	\$	546,639	\$	546,639	92860
5260	725610	Strip Mining Administration Fee	\$	2,977,956	\$	2,977,955	92861
5270	725637	Surface Mining Administration	\$	1,681,153	\$	1,681,154	92862
5290	725639	Unreclaimed Lands	\$	1,804,180	\$	1,804,180	92863
5310	725648	Reclamation Forfeiture	\$	500,000	\$	500,000	92864
5B30	725674	Mining Regulation	\$	28,135	\$	28,135	92865
5BV0	725658	Heidelberg Water Quality Lab	\$	250,000	\$	250,000	92866
5BV0	725683	Soil and Water Districts	\$	8,000,000	\$	8,000,000	92867
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	92868
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	92869

5EN0	725614	Watercraft Law Enforcement	\$	7,500	\$	7,500	92870
5HK0	725625	Ohio Nature Preserves	\$	1,000	\$	1,000	92871
5MF0	725635	Ohio Geology License Plate	\$	2,520	\$	2,520	92872
5MW0	725604	Natural Resources Special Purposes	\$	6,000,000	\$	6,000,000	92873
5P20	725634	Wildlife Boater Angler Administration	\$	3,000,000	\$	3,000,000	92874
6150	725661	Dam Safety	\$	943,517	\$	943,517	92875
6970	725670	Submerged Lands	\$	869,145	\$	869,145	92876
7015	740401	Division of Wildlife Conservation	\$	56,325,976	\$	59,997,307	92877
7086	725414	Waterways Improvement	\$	5,693,671	\$	5,693,671	92878
7086	725418	Buoy Placement	\$	60,000	\$	60,000	92879
7086	725501	Waterway Safety Grants	\$	120,000	\$	120,000	92880
7086	725506	Watercraft Marine Patrol	\$	576,153	\$	576,153	92881
7086	725513	Watercraft Educational Grants	\$	400,000	\$	400,000	92882
7086	739401	Division of Watercraft	\$	21,471,870	\$	21,271,870	92883
8150	725636	Cooperative Management Projects	\$	649,000	\$	456,000	92884
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	92885
8170	725655	Wildlife Conservation Checkoff	\$	2,000,000	\$	2,000,000	92886
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	92887
8190	725685	Ohio River Management	\$	203,584	\$	203,584	92888
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000	92889
TOTAL	DPF	Dedicated Purpose Fund Group	\$	186,747,034	\$	190,704,063	92890
		Internal Service Activity Fund Group					92891

1550	725601	Departmental Projects	\$	3,044,303	\$	2,912,653	92892
1570	725651	Central Support	\$	5,176,611	\$	5,351,233	92893
		Indirect					
2040	725687	Information Services	\$	5,633,426	\$	5,633,426	92894
2050	725696	Human Resource Direct	\$	2,634,135	\$	2,696,052	92895
		Service					
2070	725690	Real Estate Services	\$	34,291	\$	34,834	92896
2230	725665	Law Enforcement	\$	2,553,054	\$	2,609,277	92897
		Administration					
4X80	725662	Water Resources	\$	138,005	\$	138,005	92898
		Council					
5100	725631	Maintenance -	\$	249,611	\$	249,611	92899
		State-owned					
		Residences					
6350	725664	Fountain Square	\$	3,457,486	\$	3,469,467	92900
		Facilities Management					
TOTAL ISA Internal Service Activity							92901
Fund Group			\$	22,920,922	\$	23,094,558	92902
Capital Projects Fund Group							92903
7061	725405	Clean Ohio Trail	\$	300,775	\$	300,775	92904
		Operating					
TOTAL CPF Capital Projects Fund			\$	300,775	\$	300,775	92905
Group							
Fiduciary Fund Group							92906
4M80	725675	FOP Contract	\$	20,219	\$	20,219	92907
TOTAL FID Fiduciary Fund Group			\$	20,219	\$	20,219	92908
Holding Account Fund Group							92909
R017	725659	Performance Cash Bond	\$	528,993	\$	528,993	92910
		Refunds					
R043	725624	Forestry	\$	2,100,000	\$	2,100,000	92911
TOTAL HLD Holding Account							92912
Fund Group			\$	2,628,993	\$	2,628,993	92913

Federal Fund Group					92914	
3320 725669	Federal Mine Safety	\$	265,000	\$	265,000	92915
	Grant					
3B30 725640	Federal Forest	\$	500,000	\$	500,000	92916
	Pass-Thru					
3B40 725641	Federal Flood	\$	500,000	\$	500,000	92917
	Pass-Thru					
3B50 725645	Federal Abandoned	\$	11,851,759	\$	11,851,759	92918
	Mine Lands					
3B60 725653	Federal Land and	\$	950,000	\$	950,000	92919
	Water Conservation					
	Grants					
3B70 725654	Reclamation -	\$	2,977,956	\$	2,977,955	92920
	Regulatory					
3P10 725632	Geological Survey -	\$	160,000	\$	160,000	92921
	Federal					
3P20 725642	Oil and Gas - Federal	\$	234,509	\$	234,509	92922
3P30 725650	Coastal Management -	\$	1,746,000	\$	1,746,000	92923
	Federal					
3P40 725660	Federal - Soil and	\$	2,844,644	\$	1,195,738	92924
	Water Resources					
3R50 725673	Acid Mine Drainage	\$	4,342,280	\$	4,342,280	92925
	Abatement/Treatment					
3Z50 725657	Federal Recreation	\$	1,600,000	\$	1,600,000	92926
	and Trails					
TOTAL FED	Federal Fund Group	\$	27,972,148	\$	26,323,241	92927
TOTAL ALL BUDGET	FUND GROUPS	\$	343,966,727	\$	346,483,985	92928

**Section 337.20.** CENTRAL SUPPORT INDIRECT 92930

The Department of Natural Resources, with approval of the 92931  
Director of Budget and Management, shall utilize a methodology for 92932  
determining each division's payments into the Central Support 92933  
Indirect Fund (Fund 1570). The methodology used shall contain the 92934

characteristics of administrative ease and uniform application in 92935  
compliance with federal grant requirements. It may include direct 92936  
cost charges for specific services provided. Payments to Fund 1570 92937  
shall be made using an intrastate transfer voucher. The foregoing 92938  
appropriation item 725401, Division of Wildlife-Operating Subsidy, 92939  
shall be used to pay the direct and indirect costs of the Division 92940  
of Wildlife. 92941

**Section 337.30. PARKS AND RECREATIONAL FACILITIES LEASE** 92942  
RENTAL BOND PAYMENTS 92943

The foregoing appropriation item 725413, Parks and 92944  
Recreational Facilities Lease Rental Bond Payments, shall be used 92945  
to meet all payments during the period from July 1, 2015, through 92946  
June 30, 2017, by the Department of Natural Resources pursuant to 92947  
leases and agreements made under section 154.22 of the Revised 92948  
Code. These appropriations are the source of funds pledged for 92949  
bond service charges on related obligations issued under Chapter 92950  
154. of the Revised Code. 92951

CANAL LANDS 92952

The foregoing appropriation item 725456, Canal Lands, shall 92953  
be used to provide operating expenses for the State Canal Lands 92954  
Program. 92955

SOIL AND WATER CONSERVATION DISTRICTS 92956

Of the foregoing appropriation item 725502, Soil and Water 92957  
Conservation Districts, \$500,000 in each fiscal year shall be used 92958  
by the Chief of the Division of Soil and Water Resources for a 92959  
program to support soil and water conservation districts in the 92960  
Western Lake Erie Basin comply with provisions of Sub. S.B. 1 of 92961  
the 131st General Assembly. The Chief shall approve a soil and 92962  
water district's application for funding under the program if the 92963  
application demonstrates that funding will be used for, but not 92964

limited to, providing technical assistance, developing applicable 92965  
nutrient or manure management plans, hiring and training of soil 92966  
and water conservation district staff on best conservation 92967  
practices, or other activities the Chief determines is appropriate 92968  
to assist farmers in the Western Lake Erie Basin in complying with 92969  
the provisions of Sub. S.B. 1 of the 131st General Assembly. 92970

HEALTHY LAKE ERIE PROGRAM 92971

The foregoing appropriation item 725505, Healthy Lake Erie 92972  
Program, shall be used by the Director of Natural Resources, in 92973  
consultation with the Director of Agriculture and the Director of 92974  
Environmental Protection, to implement nonstatutory 92975  
recommendations of the Agriculture Nutrients and Water Quality 92976  
Working Group. The Director shall give priority to recommendations 92977  
that encourage farmers to adopt agricultural production guidelines 92978  
commonly known as 4R nutrient stewardship practices. Funds may 92979  
also be used for enhanced soil testing in the Western Lake Erie 92980  
Basin, monitoring the quality of Lake Erie and its tributaries, 92981  
and conducting research and establishing pilot projects that have 92982  
the goal of reducing algae blooms in Lake Erie. 92983

Of the foregoing appropriation item 725505, Healthy Lake Erie 92984  
Program, \$350,000 in fiscal year 2016 shall be distributed by the 92985  
Director of Natural Resources to the City of Mentor for the 92986  
wetland and stormwater management project. 92987

COAL AND MINE SAFETY PROGRAM 92988

The foregoing appropriation item 725507, Coal and Mine Safety 92989  
Program, shall be used for the administration of the Mine Safety 92990  
Program and the Coal Regulation Program. 92991

INDIAN LAKE WATERSHED PROJECT 92992

The foregoing appropriation item 725510, Indian Lake 92993  
Watershed Project, shall be used to support the administrative 92994  
expenses of Indian Lake Watershed Project, Inc. 92995

TRANSFER OF FUNDS FOR MINERAL RESOURCES MANAGEMENT	92996
During fiscal years 2016 and 2017, the Director of Budget and Management may, at the request of the Director of Natural Resources, following the identification of available balances by the Director of Natural Resources in the Unreclaimed Land Fund (Fund 5290), transfer up to \$500,000 per year from Fund 5290 to the Coal Mining Administration and Reclamation Reserve Fund (Fund 5260) created in section 1513.181 of the Revised Code. The cash transfer to Fund 5260 shall be used to operate the Coal Regulatory Program.	92997 92998 92999 93000 93001 93002 93003 93004 93005
NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE	93006
The foregoing appropriation item 725903, Natural Resources General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.05 of the Revised Code.	93007 93008 93009 93010 93011
<b>Section 337.40.</b> SOIL AND WATER DISTRICTS	93012
In addition to state payments to soil and water conservation districts authorized by section 1515.10 of the Revised Code, the Department of Natural Resources may use appropriation item 725683, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000, upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 1515.10 of the Revised Code for the local soil and water conservation district. Moneys received by each district shall be expended for the purposes of the district.	93013 93014 93015 93016 93017 93018 93019 93020 93021 93022 93023
OIL AND GAS WELL PLUGGING	93024
The foregoing appropriation item 725677, Oil and Gas Well	93025

Plugging, shall be used exclusively for the purposes of plugging 93026  
wells and to properly restore the land surface of idle and orphan 93027  
oil and gas wells pursuant to section 1509.071 of the Revised 93028  
Code. No funds from the appropriation item shall be used for 93029  
salaries, maintenance, equipment, or other administrative 93030  
purposes, except for those costs directly attributed to the 93031  
plugging of an idle or orphan well. This appropriation item shall 93032  
not be used to transfer cash to any other fund or appropriation 93033  
item. 93034

TRANSFER OF FUNDS FOR OIL AND GAS DIVISION AND GEOLOGICAL 93035  
MAPPING OPERATIONS 93036

During fiscal years 2016 and 2017, the Director of Budget and 93037  
Management may, in consultation with the Director of Natural 93038  
Resources, transfer such cash as necessary from the General 93039  
Revenue Fund to the Oil and Gas Well Fund (Fund 5180) and the 93040  
Geological Mapping Fund (Fund 5110). The cash transfer to Fund 93041  
5180 shall be used for handling the increased regulatory work 93042  
related to the expansion of the oil and gas program that will 93043  
occur before receipts from this activity are deposited into Fund 93044  
5180. The cash transfer to Fund 5110 shall be used for handling 93045  
the increased field and laboratory research efforts related to the 93046  
expansion of the oil and gas program that will occur before 93047  
receipts from this activity are deposited into Fund 5110. Once 93048  
funds from severance taxes, application and permitting fees, and 93049  
other sources have accrued to Fund 5180 and Fund 5110 in such 93050  
amounts as are considered sufficient to sustain expanded 93051  
operations, the Director of Budget and Management, in consultation 93052  
with the Director of Natural Resources, shall establish a schedule 93053  
for repaying the transferred funds from Fund 5180 and Fund 5110 to 93054  
the General Revenue Fund. 93055

**Section 337.43.** DIVISION OF WILDLIFE CONSERVATION 93056



Of the foregoing appropriation item 740401, Division of 93057  
Wildlife Conservation, \$50,000 in FY 2016 shall be used by the 93058  
Director of Natural Resources to study the effect that zebra 93059  
mussels and quagga mussels have on Lake Erie. 93060

Of the foregoing appropriation item 740401, Division of 93061  
Wildlife Conservation, \$50,000 in FY 2016 shall be used by the 93062  
Director of Natural Resources to study the effect that Canada 93063  
geese have on Lake Erie. 93064

**Section 337.50. WATERCRAFT MARINE PATROL** 93065

Of the foregoing appropriation item 739401, Division of 93066  
Watercraft, up to \$200,000 in each fiscal year shall be expended 93067  
for the purchase of equipment for marine patrols qualifying for 93068  
funding from the Department of Natural Resources pursuant to 93069  
section 1547.67 of the Revised Code. Proposals for equipment shall 93070  
accompany the submission of documentation for receipt of a marine 93071  
patrol subsidy pursuant to section 1547.67 of the Revised Code and 93072  
shall be loaned to eligible marine patrols pursuant to a 93073  
cooperative agreement between the Department of Natural Resources 93074  
and the eligible marine patrol. 93075

**Section 337.60. WELL LOG FILING FEES** 93076

The Chief of the Division of Soil and Water Resources shall 93077  
deposit fees forwarded to the Division pursuant to section 1521.05 93078  
of the Revised Code into the Departmental Services - Intrastate 93079  
Fund (Fund 1550) for the purposes described in that section. 93080

**Section 337.70. HUMAN RESOURCES DIRECT SERVICE** 93081

The foregoing appropriation item 725696, Human Resources 93082  
Direct Service, shall be used to cover the cost of support, 93083  
coordination, and oversight of the Department of Natural 93084  
Resources' human resources functions. The Human Resources 93085

Chargeback Fund (Fund 2050) shall consist of cash transferred to 93086  
it via intrastate transfer voucher from other funds as determined 93087  
by the Director of Natural Resources and the Director of Budget 93088  
and Management. 93089

**Section 337.80.** LAW ENFORCEMENT ADMINISTRATION 93090

The foregoing appropriation item 725665, Law Enforcement 93091  
Administration, shall be used to cover the cost of support, 93092  
coordination, and oversight of the Department of Natural 93093  
Resources' law enforcement functions. The Law Enforcement 93094  
Administration Fund (Fund 2230) shall consist of cash transferred 93095  
to it via intrastate transfer voucher from other funds as 93096  
determined by the Director of Natural Resources and the Director 93097  
of Budget and Management. 93098

**Section 337.90.** FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO 93099  
EXPO CENTER 93100

The foregoing appropriation item 725664, Fountain Square 93101  
Facilities Management, shall be used for payment of repairs, 93102  
renovation, utilities, property management, and building 93103  
maintenance expenses for the Fountain Square complex and the 93104  
Department of Natural Resources grounds at the Ohio Expo Center. 93105  
Cash transferred by intrastate transfer vouchers from various 93106  
department funds and rental income received by the Department of 93107  
Natural Resources shall be deposited into the Fountain Square 93108  
Facilities Management Fund (Fund 6350). 93109

**Section 337.100.** CLEAN OHIO TRAIL OPERATING EXPENSES 93110

The foregoing appropriation item 725405, Clean Ohio Trail 93111  
Operating, shall be used by the Department of Natural Resources in 93112  
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 93113  
to section 1519.05 of the Revised Code. 93114

**Section 337.110.** PARKS CAPITAL EXPENSES FUND 93115

The Director of Natural Resources shall submit to the 93116  
Director of Budget and Management the estimated design, 93117  
engineering, and planning costs of capital-related work to be done 93118  
by Department of Natural Resources staff for parks projects within 93119  
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 93120  
Director of Budget and Management approves the estimated costs, 93121  
the Director may release appropriations from appropriation item 93122  
C725E6, Project Planning, Fund 7035, for those purposes. Upon 93123  
release of the appropriations, the Department of Natural Resources 93124  
shall pay for these expenses from the Parks Capital Expenses Fund 93125  
(Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by 93126  
Fund 7035 using an intrastate transfer voucher. 93127

NATUREWORKS CAPITAL EXPENSES FUND 93128

The Department of Natural Resources shall submit to the 93129  
Director of Budget and Management the estimated design, planning, 93130  
and engineering costs of capital-related work to be done by 93131  
Department of Natural Resources staff for each capital improvement 93132  
project within the Ohio Parks and Natural Resources Fund (Fund 93133  
7031). If the Director of Budget and Management approves the 93134  
estimated costs, the Director may release appropriations from 93135  
appropriation item C725E5, Project Planning, in Fund 7031, for 93136  
those purposes. Upon release of the appropriations, the Department 93137  
of Natural Resources shall pay for these expenses from the Capital 93138  
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 93139  
reimbursed by Fund 7031 by using an intrastate transfer voucher. 93140

**Section 339.10.** NUR STATE BOARD OF NURSING 93141

Dedicated Purpose Fund Group 93142  
4K90 884609 Operating Expenses \$ 7,602,328 \$ 7,622,328 93143  
5AC0 884602 Nurse Education Grant \$ 1,523,506 \$ 1,523,506 93144

		Program					
5P80	884601	Nursing Special	\$	2,000	\$	2,000	93145
		Issues					
		TOTAL DPF Dedicated Purpose					93146
		Fund Group	\$	9,127,834	\$	9,147,834	93147
		TOTAL ALL BUDGET FUND GROUPS	\$	9,127,834	\$	9,147,834	93148
		<b>Section 341.10.</b> PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,					93150
		AND ATHLETIC TRAINERS BOARD					93151
		Dedicated Purpose Fund Group					93152
4K90	890609	Operating Expenses	\$	925,897	\$	944,865	93153
		TOTAL DPF Dedicated Purpose Fund	\$	925,897	\$	944,865	93154
		Group					
		TOTAL ALL BUDGET FUND GROUPS	\$	925,897	\$	944,865	93155
		<b>Section 345.10.</b> OOD OPPORTUNITIES FOR OHIOANS WITH					93157
		DISABILITIES AGENCY					93158
		General Revenue Fund					93159
GRF	415402	Independent Living	\$	252,000	\$	252,000	93160
GRF	415406	Assistive Technology	\$	26,618	\$	26,618	93161
GRF	415431	Brain Injury	\$	126,567	\$	126,567	93162
GRF	415506	Services for	\$	15,817,709	\$	15,817,709	93163
		Individuals with					
		Disabilities					
GRF	415508	Services for the Deaf	\$	28,000	\$	28,000	93164
		TOTAL GRF General Revenue Fund	\$	16,250,894	\$	16,250,894	93165
		Dedicated Purpose Fund Group					93166
4670	415609	Business Enterprise	\$	1,430,633	\$	1,217,633	93167
		Operating Expenses					
4680	415618	Third Party Funding	\$	12,400,000	\$	12,400,000	93168
4L10	415619	Services for	\$	3,099,971	\$	3,099,971	93169
		Rehabilitation					

4W50	415606	Program Management	\$	12,357,482	\$	12,357,482	93170
TOTAL DPF Dedicated Purpose							93171
Fund Group			\$	29,288,086	\$	29,075,086	93172
Federal Fund Group							93173
3170	415620	Disability	\$	81,000,000	\$	81,000,000	93174
Determination							
3790	415616	Federal - Vocational	\$	124,415,653	\$	123,628,652	93175
Rehabilitation							
3GH0	415602	Personal Care	\$	2,752,396	\$	2,752,396	93176
Assistance							
3GH0	415604	Community Centers for	\$	772,000	\$	772,000	93177
the Deaf							
3GH0	415613	Independent Living	\$	638,431	\$	638,431	93178
3L10	415608	Social Security	\$	5,000,000	\$	5,000,000	93179
Vocational							
Rehabilitation							
3L40	415615	Federal - Supported	\$	1,000,000	\$	1,000,000	93180
Employment							
3L40	415617	Vocational	\$	1,514,239	\$	1,514,239	93181
Rehabilitation							
Programs							
TOTAL FED Federal Fund Group			\$	217,092,719	\$	216,305,718	93182
TOTAL ALL BUDGET FUND GROUPS			\$	262,631,699	\$	261,631,698	93183

INDEPENDENT LIVING 93184

The foregoing appropriation item 415402, Independent Living, 93185  
shall be used to support the state independent living programs and 93186  
centers under Title VII of the Independent Living Services and 93187  
Centers for Independent Living of the Rehabilitation Act 93188  
Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 93189

Of the foregoing appropriation item 415402, Independent 93190  
Living, \$67,662 in each fiscal year shall be used as state 93191  
matching funds for vocational rehabilitation innovation and 93192

expansion activities.	93193
ASSISTIVE TECHNOLOGY	93194
The total amount of the foregoing appropriation item 415406,	93195
Assistive Technology, shall be provided to Assistive Technology of	93196
Ohio to provide grants and assistive technology services for	93197
people with disabilities in the State of Ohio.	93198
BRAIN INJURY	93199
The foregoing appropriation item 415431, Brain Injury, shall	93200
be provided to The Ohio State University College of Medicine to	93201
support the Brain Injury Program established under section 3304.23	93202
of the Revised Code.	93203
VOCATIONAL REHABILITATION SERVICES	93204
The foregoing appropriation item 415506, Services for	93205
Individuals with Disabilities, shall be used as state matching	93206
funds to provide vocational rehabilitation services to eligible	93207
consumers.	93208
SERVICES FOR THE DEAF	93209
The foregoing appropriation item 415508, Services for the	93210
Deaf, shall be used to provide grants to community centers for the	93211
deaf.	93212
PROGRAM MANAGEMENT	93213
The foregoing appropriation item 415606, Program Management,	93214
shall be used to support the administrative functions of the	93215
commission related to the provision of vocational rehabilitation,	93216
disability determination services, and ancillary programs.	93217
SOCIAL SECURITY REIMBURSEMENT FUNDS	93218
Reimbursement funds received from the Social Security	93219
Administration, United States Department of Health and Human	93220
Services, for the costs of providing services and training to	93221

return disability recipients to gainful employment shall be 93222  
expended, to the extent funds are available, as follows: 93223

(A) Appropriation item 415602, Personal Care Assistance, to 93224  
provide personal care services in accordance with section 3304.41 93225  
of the Revised Code; 93226

(B) Appropriation item 415604, Community Centers for the 93227  
Deaf, to provide grants to community centers for the deaf in Ohio 93228  
for services to individuals with hearing impairments; and 93229

(C) Appropriation item 415608, Social Security Vocational 93230  
Rehabilitation, to provide vocational rehabilitation services to 93231  
individuals with severe disabilities who are Social Security 93232  
beneficiaries, to enable them to achieve competitive employment. 93233

**Section 347.10.** ODB OHIO OPTICAL DISPENSERS BOARD 93234

Dedicated Purpose Fund Group 93235  
4K90 894609 Program Support \$ 373,000 \$ 375,400 93236  
General Services 93237  
TOTAL DPF Dedicated Purpose Fund \$ 373,000 \$ 375,400 93238  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 373,000 \$ 375,400 93239

**Section 349.10.** OPT STATE BOARD OF OPTOMETRY 93241

Dedicated Purpose Fund Group 93242  
4K90 885609 Program Support \$ 347,278 \$ 347,278 93243  
TOTAL DPF Dedicated Purpose Fund \$ 347,278 \$ 347,278 93244  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 347,278 \$ 347,278 93245

**Section 351.10.** OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, 93247  
AND PEDORTHICS 93248

Dedicated Purpose Fund Group 93249

4K90 973609	Operating Expenses	\$	176,950	\$	186,438	93250
TOTAL DPF	Dedicated Purpose Fund	\$	176,950	\$	186,438	93251
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	176,950	\$	186,438	93252

<b>Section 353.10.</b> UST PETROLEUM UNDERGROUND STORAGE TANK						93253
RELEASE COMPENSATION BOARD						93254
Dedicated Purpose Fund Group						93255
6910 810632	Petroleum Underground	\$	1,257,155	\$	1,258,914	93256
Storage Tank Release						
Compensation Board -						
Operating						
TOTAL DPF	Dedicated Purpose Fund	\$	1,257,155	\$	1,258,914	93257
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	1,257,155	\$	1,258,914	93258

<b>Section 355.10.</b> PRX STATE BOARD OF PHARMACY						93260
Dedicated Purpose Fund Group						93261
4A50 887605	Drug Law Enforcement	\$	150,000	\$	150,000	93262
4K90 887609	Operating Expenses	\$	6,779,608	\$	6,818,799	93263
TOTAL DPF	Dedicated Purpose Fund	\$	6,929,608	\$	6,968,799	93264
Group						
Federal Fund Group						93265
3DV0 887607	Enhancing Ohio's PMP	\$	128,677	\$	0	93266
TOTAL FED	Federal Fund Group	\$	128,677	\$	0	93267
TOTAL ALL BUDGET FUND GROUPS		\$	7,058,285	\$	6,968,799	93268

<b>Section 357.10.</b> PSY STATE BOARD OF PSYCHOLOGY						93270
Dedicated Purpose Fund Group						93271
4K90 882609	Operating Expenses	\$	588,690	\$	598,890	93272
TOTAL DPF	Dedicated Purpose					93273
Fund Group		\$	588,690	\$	598,890	93274



TOTAL ALL BUDGET FUND GROUPS		\$	588,690	\$	598,890	93275
<b>Section 359.10. PUB OHIO PUBLIC DEFENDER COMMISSION</b>						93277
General Revenue Fund						93278
GRF 019401	State Legal Defense	\$	3,020,855	\$	3,020,855	93279
	Services					
GRF 019403	Multi-County: State	\$	1,960,463	\$	1,977,325	93280
	Share					
GRF 019404	Trumbull County -	\$	545,658	\$	552,337	93281
	State Share					
GRF 019405	Training Account	\$	50,000	\$	50,000	93282
GRF 019501	County Reimbursement	\$	21,128,268	\$	21,128,268	93283
TOTAL GRF General Revenue Fund		\$	26,705,244	\$	26,728,785	93284
Dedicated Purpose Fund Group						93285
1010 019607	Juvenile Legal	\$	200,000	\$	200,000	93286
	Assistance					
4070 019604	County Representation	\$	225,800	\$	228,456	93287
4080 019605	Client Payments	\$	969,964	\$	834,277	93288
4C70 019601	Multi-County: County	\$	2,364,693	\$	2,389,985	93289
	Share					
4N90 019613	Gifts and Grants	\$	50,250	\$	50,250	93290
4X70 019610	Trumbull County -	\$	654,790	\$	664,809	93291
	County Share					
5740 019606	Civil Legal Aid	\$	17,250,000	\$	17,250,000	93292
5CX0 019617	Civil Case Filing Fee	\$	446,820	\$	453,580	93293
5DY0 019618	Indigent Defense	\$	38,005,178	\$	39,409,939	93294
	Support - County					
	Share					
5DY0 019619	Indigent Defense	\$	5,772,000	\$	5,850,000	93295
	Support - State					
	Office					
TOTAL DPF Dedicated Purpose						93296

Fund Group	\$	65,939,495	\$	67,331,296	93297
Federal Fund Group					93298
3GJ0 019622 Byrne Memorial Grant	\$	39,958	\$	39,958	93299
3S80 019608 Federal	\$	202,942	\$	202,942	93300
Representation					
TOTAL FED Federal Fund Group	\$	242,900	\$	242,900	93301
TOTAL ALL BUDGET FUND GROUPS	\$	92,887,639	\$	94,302,981	93302
INDIGENT DEFENSE OFFICE					93303
The foregoing appropriation items 019404, Trumbull County -					93304
State Share, and 019610, Trumbull County - County Share, shall be					93305
used to support an indigent defense office for Trumbull County.					93306
MULTI-COUNTY OFFICE					93307
The foregoing appropriation items 019403, Multi-County: State					93308
Share, and 019601, Multi-County: County Share, shall be used to					93309
support the Office of the Ohio Public Defender's Multi-County					93310
Branch Office Program.					93311
TRAINING ACCOUNT					93312
The foregoing appropriation item 019405, Training Account,					93313
shall be used by the Ohio Public Defender to provide legal					93314
training programs at no cost for private appointed counsel who					93315
represents at least one indigent defendant at no cost and for					93316
state and county public defenders and attorneys who contract with					93317
the Ohio Public Defender to provide indigent defense services.					93318
LEGAL AID FUND					93319
On July 1 of each fiscal year, or as soon as possible					93320
thereafter, the Director of Budget and Management shall transfer					93321
\$750,000 cash from the General Revenue Fund to the Legal Aid Fund					93322
(Fund 5740).					93323
Of the foregoing appropriation item 019606, Civil Legal Aid,					93324
and notwithstanding any provision of law to the contrary, \$750,000					93325

in each fiscal year shall be distributed by the Ohio Legal Assistance Foundation to Ohio's civil legal aid societies for the sole purpose of providing outreach and legal services for economically disadvantaged veterans. For purposes of this section, "economically disadvantaged veteran" is defined as a person: (1) who presents a valid copy of United States Department of Defense form DD-214, DD-215, or equivalent service-related document, and (2) whose income does not exceed one hundred fifty per cent of the federal poverty line as defined in section 5162.01 of the Revised Code.

FEDERAL REPRESENTATION

The foregoing appropriation item 019608, Federal Representation, shall be used to receive reimbursements from the federal courts when the Ohio Public Defender provides representation in federal court cases and to support representation in such cases.

INDIGENT DEFENSE SUPPORT FUND

Notwithstanding section 120.08 of the Revised Code, the Ohio Public Defender may use up to thirteen per cent of the money in the indigent defense support fund created by section 120.08 of the Revised Code for the purposes of appointing assistant state public defenders, providing other personnel, equipment, and facilities necessary for the operation of the state public defender office, and providing training, developing and implementing electronic forms, or establishing and maintaining an information technology system used for the uniform operation of Chapter 120. of the Revised Code.

**Section 361.10.** DPS DEPARTMENT OF PUBLIC SAFETY

General Revenue Fund

GRF 763403 EMA Operating \$ 4,050,000 \$ 4,050,000

GRF	767420	Investigative Unit - Operating	\$	11,399,300	\$	11,399,300	93356
GRF	768425	Justice Program Services	\$	650,000	\$	650,000	93357
GRF	769406	Homeland Security - Operating	\$	2,000,000	\$	2,000,000	93358
TOTAL GRF		General Revenue Fund	\$	18,099,300	\$	18,099,300	93359
		Dedicated Purpose Fund Group					93360
4P60	768601	Justice Program Services	\$	150,000	\$	150,000	93361
4V30	763662	STORMS/NOAA Maintenance	\$	265,000	\$	265,000	93362
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	93363
5BK0	768689	Family Violence Shelter Programs	\$	1,550,000	\$	1,550,000	93364
5ET0	768625	Drug Law Enforcement	\$	7,500,000	\$	6,000,000	93365
5LM0	768698	Criminal Justice Services Law Enforcement Support	\$	850,946	\$	850,946	93366
5ML0	769635	Infrastructure Protection	\$	100,000	\$	100,000	93367
5Y10	767696	Ohio Investigative Unit Continuing Professional Training	\$	20,000	\$	20,000	93368
6220	767615	Investigative, Contraband, and Forfeiture	\$	325,000	\$	325,000	93369
6570	763652	Utility Radiological Safety	\$	1,200,000	\$	1,200,000	93370
6810	763653	SARA Title III HAZMAT Planning	\$	262,438	\$	262,438	93371
8500	767628	Investigative Unit	\$	92,700	\$	92,700	93372

Salvage					
TOTAL DPF Dedicated Purpose Fund Group	\$	12,716,084	\$	11,216,084	93373
Federal Fund Group					93374
3290 763645 Federal Mitigation Program	\$	10,413,642	\$	10,413,642	93375
3370 763609 Federal Disaster Relief	\$	27,707,636	\$	27,707,636	93376
3390 763647 Emergency Management Assistance and Training	\$	67,684,765	\$	68,684,765	93377
3EU0 768614 Justice Assistance Grants - FFY10	\$	100,000	\$	25,000	93378
3FK0 768615 Justice Assistance Grants - FFY11	\$	300,000	\$	100,000	93379
3FP0 767620 Ohio Investigative Unit Justice Contraband	\$	55,000	\$	55,000	93380
3FY0 768616 Justice Assistance Grant - FFY12	\$	650,000	\$	300,000	93381
3FZ0 768617 Justice Assistance Grant - FFY13	\$	2,000,000	\$	650,000	93382
3GA0 768618 Justice Assistance Grant - FFY14	\$	3,000,000	\$	2,000,000	93383
3GL0 768619 Justice Assistance Grants	\$	7,500,000	\$	10,500,000	93384
3GT0 767691 Equitable Share Account	\$	300,000	\$	300,000	93385
3GU0 769610 Investigation Grants - Food Stamps, Liquor & Tobacco Laws	\$	1,400,000	\$	1,400,000	93386
3GU0 769631 Homeland Security Disaster Grants	\$	1,400,000	\$	1,400,000	93387

3L50 768604	Justice Program	\$ 10,500,000	\$ 10,500,000	93388
3N50 763644	U.S. Department of Energy Agreement	\$ 31,672	\$ 31,672	93389
TOTAL FED	Federal Fund Group	\$ 133,042,715	\$ 134,067,715	93390
TOTAL ALL BUDGET FUND GROUPS		\$ 163,858,099	\$ 163,383,099	93391
CASH TRANSFER - INVESTIGATIVE UNIT				93392
Upon written request of the Director of Public Safety, the				93393
Director of Budget and Management may transfer cash from the				93394
Investigative Unit Federal Equitable Sharing Fund (Fund 5CM0) to				93395
the Investigative Unit Federal Equitable Sharing Fund (Fund 3GT0).				93396
CASH TRANSFER - JUSTICE PROGRAM SERVICES				93397
Upon written request of the Director of Public Safety, the				93398
Director of Budget and Management may transfer cash from the				93399
Justice Program Services Fund (Fund 4P60) to the State Bureau of				93400
Motor Vehicles Fund (Fund 4W40).				93401
STATE DISASTER RELIEF				93402
The State Disaster Relief Fund (Fund 5330) may accept				93403
transfers of cash and appropriations from Controlling Board				93404
appropriation items for the Ohio Emergency Management Agency				93405
disaster response costs and disaster program management costs, and				93406
may also be used for the following purposes:				93407
(A) To accept transfers of cash and appropriations from				93408
Controlling Board appropriation items for Ohio Emergency				93409
Management Agency public assistance and mitigation program match				93410
costs to reimburse eligible local governments and private				93411
nonprofit organizations for costs related to disasters;				93412
(B) To accept transfers of cash to reimburse the costs				93413
associated with Emergency Management Assistance Compact (EMAC)				93414
deployments;				93415
(C) To accept disaster related reimbursement from federal,				93416

state, and local governments. The Director of Budget and Management may transfer cash from reimbursements received by this fund to other funds of the state from which transfers were originally approved by the Controlling Board.

(D) To accept transfers of cash and appropriations from Controlling Board appropriation items to fund the State Disaster Relief Program, for disasters that qualify for the program by written authorization of the Governor, and the State Individual Assistance Program for disasters that have been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30) to be distributed to the Ohio Task Force One - Urban Search and Rescue Unit, other similar urban search and rescue units around the state, and for maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio Emergency Management Agency.

SARA TITLE III HAZMAT PLANNING

The SARA Title III HAZMAT Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

<b>Section 363.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO</b>				93447
Dedicated Purpose Fund Group				93448
4A30	870614	Grade Crossing Protection Devices-State	\$ 1,347,357 \$ 1,347,357	93449
4L80	870617	Pipeline Safety-State	\$ 331,992 \$ 331,992	93450
5610	870606	Power Siting Board	\$ 581,618 \$ 581,618	93451
5F60	870622	Utility and Railroad Regulation	\$ 30,619,708 \$ 30,619,708	93452
5F60	870624	NARUC/NRRI Subsidy	\$ 85,000 \$ 85,000	93453
5LT0	870640	Intrastate Registration	\$ 180,000 \$ 180,000	93454
5LT0	870641	Unified Carrier Registration	\$ 420,000 \$ 420,000	93455
5LT0	870642	Hazardous Materials Registration	\$ 753,346 \$ 753,346	93456
5LT0	870643	Non-hazardous Materials Civil Forfeiture	\$ 277,496 \$ 277,496	93457
5LT0	870644	Hazardous Materials Civil Forfeiture	\$ 898,800 \$ 898,800	93458
5LT0	870645	Motor Carrier Enforcement	\$ 4,709,592 \$ 4,709,592	93459
5Q50	870626	Telecommunications Relay Service	\$ 5,000,000 \$ 5,000,000	93460
TOTAL DPF Dedicated Purpose Fund Group				93461
Federal Fund Group				93462
3330	870601	Gas Pipeline Safety	\$ 597,959 \$ 597,959	93463
3500	870608	Motor Carrier Safety	\$ 7,351,660 \$ 7,351,660	93464
3V30	870604	Commercial Vehicle	\$ 100,000 \$ 100,000	93465



Information

Systems/Networks

TOTAL FED Federal Fund Group	\$	8,049,619	\$	8,049,619	93466
TOTAL ALL BUDGET FUND GROUPS	\$	53,254,528	\$	53,254,528	93467

**Section 363.20.** TELECOMMUNICATIONS TRANSITION PLANNING 93469

The foregoing appropriation item 870622, Utility and Railroad 93470  
Regulation, shall be used in part to plan for the transition, 93471  
consistent with the directives and policies of the Federal 93472  
Communications Commission, from the current public switched 93473  
telephone network to an internet-protocol network that will 93474  
stimulate investment in the internet-protocol network in Ohio and 93475  
that will expand the availability of advanced telecommunications 93476  
services to all Ohioans. The transition plan shall include a 93477  
review of statutes or rules that may prevent or delay an 93478  
appropriate transition. The Public Utilities Commission shall 93479  
report to the General Assembly on any further action required to 93480  
be taken by the General Assembly to ensure a successful and timely 93481  
transition. 93482

**Section 363.30.** (A) The Public Utilities Commission shall do 93483  
both of the following not later than one hundred eighty days after 93484  
the effective date of this section: 93485

(1) Adopt rules to implement section 4927.10 of the Revised 93486  
Code and the amendments to sections 4927.01, 4927.02, 4927.07, and 93487  
4927.11 of the Revised Code made by H.B. 64 of the 131st General 93488  
Assembly; 93489

(2) Bring its rules into conformity with this act. 93490

(B) Rules adopted or amended under this section shall include 93491  
provisions for reasonable customer notice of the steps to be taken 93492  
during, and the actions resulting from, the transition plan 93493  
described in Section 363.20 of H.B. 64 of the 131st General 93494

Assembly.					93495
(C) Any rule adopted or amended under this section shall be					93496
consistent with the rules of the Federal Communications					93497
Commission.					93498
(D) If the Public Utilities Commission fails to comply with					93499
division (A) of this section before the Federal Communications					93500
Commission adopts the order described in section 4927.10 of the					93501
Revised Code, any rule of the Public Utilities Commission that is					93502
inconsistent with that order shall not be enforced.					93503
<b>Section 365.10. PWC PUBLIC WORKS COMMISSION</b>					93504
General Revenue Fund					93505
GRF 150904 Conservation General	\$	33,174,900	\$	37,725,700	93506
Obligation Bond Debt					
Service					
GRF 150907 Infrastructure	\$	227,937,400	\$	231,303,200	93507
Improvement General					
Obligation Bond Debt					
Service					
TOTAL GRF General Revenue Fund	\$	261,112,300	\$	269,028,900	93508
Capital Projects Fund Group					93509
7056 150403 Clean Ohio	\$	288,980	\$	288,980	93510
Conservation					
Operating					
TOTAL CPF Capital Projects Fund	\$	288,980	\$	288,980	93511
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	261,401,280	\$	269,317,880	93512
CONSERVATION GENERAL OBLIGATION BOND DEBT SERVICE					93513
The foregoing appropriation item 150904, Conservation General					93514
Obligation Bond Debt Service, shall be used to pay all debt					93515
service and related financing costs during the period from July 1,					93516

2015, through June 30, 2017, at the times they are required to be 93517  
made for obligations issued under sections 151.01 and 151.09 of 93518  
the Revised Code. 93519

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 93520  
SERVICE 93521

The foregoing appropriation item 150907, Infrastructure 93522  
Improvement General Obligation Bond Debt Service, shall be used to 93523  
pay all debt service and related financing costs during the period 93524  
from July 1, 2015, through June 30, 2017, at the times they are 93525  
required to be made for obligations issued under sections 151.01 93526  
and 151.08 of the Revised Code. 93527

CLEAN OHIO CONSERVATION OPERATING 93528

The foregoing appropriation item 150403, Clean Ohio 93529  
Conservation Operating, shall be used by the Ohio Public Works 93530  
Commission in administering Clean Ohio Conservation Fund (Fund 93531  
7056) projects pursuant to sections 164.20 to 164.27 of the 93532  
Revised Code. 93533

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 93534

The Director of the Public Works Commission is authorized to 93535  
create a District Administration Costs Program for districts 93536  
represented by natural resource assistance councils. This program 93537  
shall be funded from proceeds of the Clean Ohio Conservation Fund. 93538  
This program shall be used by natural resource assistance councils 93539  
in order to provide for administration costs of the nineteen 93540  
natural resource assistance councils for the direct costs of 93541  
council administration. Councils choosing to participate in this 93542  
program may be eligible for up to \$15,000 per fiscal year from its 93543  
district allocation as provided in section 164.27 of the Revised 93544  
Code. The director shall define allowable and nonallowable costs 93545  
for the purpose of the District Administration Costs Program. 93546  
Nonallowable costs include indirect costs, elected official 93547

salaries and benefits, and project-specific costs. 93548

**Section 367.10.** RAC STATE RACING COMMISSION 93549

Dedicated Purpose Fund Group 93550

5620 875601 Thoroughbred \$ 1,400,000 \$ 1,400,000 93551

Development

5630 875602 Standardbred \$ 1,300,000 \$ 1,300,000 93552

Development

5650 875604 Racing Commission \$ 3,335,000 \$ 3,335,000 93553

Operating

5JK0 875610 Horse Racing \$ 8,500,000 \$ 8,500,000 93554

Development-Casino

5NL0 875611 Revenue \$ 17,000,000 \$ 17,000,000 93555

Redistribution

TOTAL DPF Dedicated Purpose Fund \$ 31,535,000 \$ 31,535,000 93556

Group

Fiduciary Fund Group 93557

5C40 875607 Simulcast Horse \$ 12,000,000 \$ 12,000,000 93558

Racing Purse

TOTAL FID Fiduciary Fund Group \$ 12,000,000 \$ 12,000,000 93559

Holding Account Fund Group 93560

R021 875605 Bond Reimbursements \$ 100,000 \$ 100,000 93561

TOTAL HLD Holding Account Fund \$ 100,000 \$ 100,000 93562

Group

TOTAL ALL BUDGET FUND GROUPS \$ 43,635,000 \$ 43,635,000 93563

**Section 369.10.** BOR DEPARTMENT OF HIGHER EDUCATION 93565

General Revenue Fund 93566

GRF 235321 Operating Expenses \$ 5,377,193 \$ 5,377,193 93567

GRF 235402 Sea Grants \$ 299,250 \$ 299,250 93568

GRF 235406 Articulation and \$ 2,000,000 \$ 2,000,000 93569

Transfer

GRF 235408	Midwest Higher Education Compact	\$	115,000	\$	115,000	93570
GRF 235414	State Grants and Scholarship Administration	\$	830,180	\$	830,180	93571
GRF 235417	eStudent Services	\$	2,532,688	\$	2,532,688	93572
GRF 235428	Appalachian New Economy Partnership	\$	1,500,000	\$	1,500,000	93573
GRF 235438	Choose Ohio First Scholarship	\$	17,415,114	\$	17,415,114	93574
GRF 235443	Adult Basic and Literacy Education - State	\$	7,402,416	\$	7,372,416	93575
GRF 235444	Ohio Technical Centers	\$	16,817,547	\$	16,817,547	93576
GRF 235474	Area Health Education Centers Program Support	\$	900,000	\$	900,000	93577
GRF 235483	Technology Integration and Professional Development	\$	378,598	\$	378,598	93578
GRF 235488	Higher Education Innovation Grants	\$	0	\$	20,000,000	93579
GRF 235492	Campus Safety and Training	\$	2,000,000	\$	0	93580
GRF 235501	State Share of Instruction	\$	1,857,752,007	\$	1,894,907,047	93581
GRF 235502	Student Support Services	\$	632,974	\$	632,974	93582
GRF 235504	War Orphans Scholarships	\$	6,835,710	\$	7,124,141	93583
GRF 235507	OhioLINK	\$	6,211,012	\$	6,211,012	93584
GRF 235508	Air Force Institute of Technology	\$	1,740,803	\$	1,740,803	93585

GRF 235510	Ohio Supercomputer Center	\$	4,247,418	\$	4,247,418	93586
GRF 235511	Cooperative Extension Service	\$	24,209,491	\$	24,209,491	93587
GRF 235514	Central State Supplement	\$	11,063,468	\$	11,063,468	93588
GRF 235515	Case Western Reserve University School of Medicine	\$	2,146,253	\$	2,146,253	93589
GRF 235519	Family Practice	\$	3,166,185	\$	3,166,185	93590
GRF 235520	Shawnee State Supplement	\$	2,326,097	\$	2,326,097	93591
GRF 235524	Police and Fire Protection	\$	107,814	\$	107,814	93592
GRF 235525	Geriatric Medicine	\$	522,151	\$	522,151	93593
GRF 235526	Primary Care Residencies	\$	1,500,000	\$	1,500,000	93594
GRF 235533	Higher Education Program Support	\$	5,400,000	\$	4,650,000	93595
GRF 235535	Ohio Agricultural Research and Development Center	\$	36,361,470	\$	36,361,470	93596
GRF 235536	The Ohio State University Clinical Teaching	\$	9,668,941	\$	9,668,941	93597
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,952,573	\$	7,952,573	93598
GRF 235538	University of Toledo Clinical Teaching	\$	6,198,600	\$	6,198,600	93599
GRF 235539	Wright State University Clinical Teaching	\$	3,011,400	\$	3,011,400	93600

GRF 235540	Ohio University Clinical Teaching	\$ 2,911,212	\$ 2,911,212	93601
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$ 2,994,178	\$ 2,994,178	93602
GRF 235542	Defense/Aerospace Workforce Development Initiative	\$ 10,000,000	\$ 10,000,000	93603
GRF 235545	Southern Gateway Innovation Center	\$ 0	\$ 750,000	93604
GRF 235552	Capital Component	\$ 10,280,387	\$ 6,350,817	93605
GRF 235555	Library Depositories	\$ 1,440,342	\$ 1,440,342	93606
GRF 235556	Ohio Academic Resources Network	\$ 3,172,519	\$ 3,172,519	93607
GRF 235558	Long-term Care Research	\$ 325,300	\$ 325,300	93608
GRF 235563	Ohio College Opportunity Grant	\$ 96,187,107	\$ 97,187,107	93609
GRF 235572	The Ohio State University Clinic Support	\$ 766,533	\$ 766,533	93610
GRF 235591	Co-Op Internship Program	\$ 9,250,000	\$ 9,250,000	93611
GRF 235599	National Guard Scholarship Program	\$ 18,750,552	\$ 18,900,003	93612
GRF 235909	Higher Education General Obligation Bond Debt Service	\$ 252,470,800	\$ 259,289,500	93613
TOTAL GRF	General Revenue Fund	\$ 2,457,171,283	\$ 2,516,623,335	93614
	Dedicated Purpose Fund Group			93615
2200 235614	Program Approval and Reauthorization	\$ 650,000	\$ 650,000	93616
4560 235603	Sales and Services	\$ 199,250	\$ 199,250	93617

4E80	235602	Higher Educational Facility Commission Administration	\$	29,100	\$	29,100	93618
4X10	235674	Telecommunity and Distance Learning	\$	49,150	\$	49,150	93619
5D40	235675	Conferences/Special Purposes	\$	1,884,095	\$	1,884,095	93620
5JC0	235694	Competency Based Pilot Project	\$	4,000,000	\$	4,000,000	93621
5NH0	235684	OhioMeansJobs Workforce Development Revolving Loan Program	\$	16,000,000	\$	0	93622
5P30	235663	Variable Savings Plan	\$	8,028,685	\$	8,082,899	93623
5QF0	235695	Student Debt Reduction Program	\$	7,500,000	\$	7,500,000	93624
5RA0	235616	Workforce Grants	\$	7,500,000	\$	7,500,000	93625
6450	235664	Guaranteed Savings Plan	\$	1,068,048	\$	1,061,886	93626
6820	235606	Nursing Loan Program	\$	891,320	\$	891,320	93627
TOTAL DPF		Dedicated Purpose Fund Group	\$	47,799,648	\$	31,847,700	93628
		Bond Research and Development Fund Group					93629
7011	235634	Research Incentive Third Frontier Fund	\$	8,000,000	\$	8,000,000	93630
TOTAL BRD		Bond Research and Development Fund Group	\$	8,000,000	\$	8,000,000	93631
		Federal Fund Group					93632
3120	235611	Gear-up Grant	\$	3,050,600	\$	3,169,050	93633
3120	235612	Carl D. Perkins Grant/Plan Administration	\$	1,350,000	\$	1,350,000	93634



3120	235617	Improving Teacher Quality Grant	\$	2,800,000	\$	2,800,000	93635
3120	235641	Adult Basic and Literacy Education - Federal	\$	15,207,359	\$	15,207,359	93636
3120	235672	H-1B Tech Skills Training	\$	2,100,000	\$	2,100,000	93637
3H20	235608	Human Services Project	\$	375,000	\$	375,000	93638
TOTAL FED	Federal Fund Group		\$	24,882,959	\$	25,001,409	93639
TOTAL ALL BUDGET FUND GROUPS			\$	2,537,853,890	\$	2,581,472,444	93640

**Section 369.13. OPERATING EXPENSES** 93642

Of the foregoing appropriation item 235321, Operating 93643  
Expenses, up to \$2,854,000 in fiscal year 2016 and up to 93644  
\$2,996,000 in fiscal year 2017 shall be used by the Director of 93645  
Higher Education to support the development and implementation of 93646  
information technology solutions designed to improve the 93647  
performance and services of the Department of Higher Education and 93648  
the University System of Ohio. The information technology 93649  
solutions may be provided by the Ohio Academic Resources Network 93650  
(OARnet). 93651

**Section 369.20. SEA GRANTS** 93652

The foregoing appropriation item 235402, Sea Grants, shall be 93653  
used to match federal dollars and leverage additional support by 93654  
The Ohio State University's Sea Grant program, including Stone 93655  
Laboratory, for research, education, and outreach to enhance the 93656  
economic value, public utilization, and responsible management of 93657  
Lake Erie and Ohio's coastal resources. 93658

**Section 369.30. ARTICULATION AND TRANSFER** 93659

The foregoing appropriation item 235406, Articulation and 93660

Transfer, shall be used by the Director of Higher Education to 93661  
maintain and expand the work of the Articulation and Transfer 93662  
Council to develop a system of transfer policies to ensure that 93663  
students at state institutions of higher education can transfer 93664  
and have coursework apply to their majors and degrees at any other 93665  
state institution of higher education without unnecessary 93666  
duplication or institutional barriers under sections 3333.16, 93667  
3333.161, and 3333.162 of the Revised Code. 93668

**Section 369.40. MIDWEST HIGHER EDUCATION COMPACT** 93669

The foregoing appropriation item 235408, Midwest Higher 93670  
Education Compact, shall be distributed by the Director of Higher 93671  
Education under section 3333.40 of the Revised Code. 93672

**Section 369.50. STATE GRANTS AND SCHOLARSHIP ADMINISTRATION** 93673

The foregoing appropriation item 235414, State Grants and 93674  
Scholarship Administration, shall be used by the Director of 93675  
Higher Education to administer the following student financial aid 93676  
programs: Ohio College Opportunity Grant, Ohio War Orphans' 93677  
Scholarship, Nurse Education Assistance Loan Program, Ohio Safety 93678  
Officers College Memorial Fund, and any other student financial 93679  
aid programs created by the General Assembly. The appropriation 93680  
item also shall be used to support all state financial aid audits 93681  
and student financial aid programs created by Congress, and to 93682  
provide fiscal services for the Ohio National Guard Scholarship 93683  
Program. 93684

**Section 369.60. ESTUDENT SERVICES** 93685

The foregoing appropriation item 235417, eStudent Services, 93686  
shall be used by the Director of Higher Education to support the 93687  
continued implementation of eStudent Services, a consortium 93688  
organized under division (T) of section 3333.04 of the Revised 93689

Code to expand access to dual enrollment opportunities for high 93690  
school students, as well as adult and higher education 93691  
opportunities through technology. The funds shall be used by 93692  
eStudent Services to develop and promote learning and assessment 93693  
through the use of technology, to test and provide advice on 93694  
emerging learning-directed technologies, to support the distance 93695  
learning clearinghouse and platform created under section 3333.82 93696  
of the Revised Code, to facilitate cost-effectiveness through 93697  
shared educational technology investments, and for any other 93698  
priorities of the Director of Higher Education. 93699

**Section 369.70. APPALACHIAN NEW ECONOMY PARTNERSHIP** 93700

The foregoing appropriation item 235428, Appalachian New 93701  
Economy Partnership, shall be distributed to Ohio University to 93702  
continue a multi-campus and multi-agency coordinated effort to 93703  
link Appalachia to the new economy. Ohio University shall use 93704  
these funds to provide leadership in the development and 93705  
implementation of initiatives in the areas of entrepreneurship, 93706  
management, education, and technology. 93707

**Section 369.80. CHOOSE OHIO FIRST SCHOLARSHIP** 93708

The foregoing appropriation item 235438, Choose Ohio First 93709  
Scholarship, shall be used to operate the program prescribed in 93710  
sections 3333.60 to 3333.70 of the Revised Code. 93711

**Section 369.90. ADULT BASIC AND LITERACY EDUCATION** 93712

Of the foregoing appropriation item 235443, Adult Basic and 93713  
Literacy Education - State, \$100,000 in fiscal year 2016 and 93714  
\$70,000 in fiscal year 2017 shall be used to provide a grant for 93715  
an Ohio public library that provides remedial coursework 93716  
instruction for postsecondary students. 93717

The remainder of the foregoing appropriation item 235443, 93718

Adult Basic and Literacy Education - State, shall be used to 93719  
support the adult basic and literacy education instructional grant 93720  
program and state leadership program. The supported programs shall 93721  
satisfy the state match and maintenance of effort requirements for 93722  
the state-administered grant program. 93723

**Section 369.100.** OHIO TECHNICAL CENTERS FUNDING 93724

The foregoing appropriation item 235444, Ohio Technical 93725  
Centers, shall be used by the Director of Higher Education to 93726  
support post-secondary adult career-technical education. 93727

(A)(1) As soon as possible in each fiscal year, in accordance 93728  
with instructions of the Director of Higher Education, each Ohio 93729  
Technical Center shall report its actual data, consistent with the 93730  
definitions in the Higher Education Information (HEI) system's 93731  
files, to the Director. 93732

(a) In defining the number of full-time equivalent students 93733  
for state subsidy purposes, the Director of Higher Education shall 93734  
exclude all students who are not residents of Ohio. 93735

(b) A full-time equivalent student shall be defined as a 93736  
student who completes 450 hours. Those students that complete some 93737  
portion of 450 hours shall be counted as a partial full-time 93738  
equivalent for funding purposes, while students that complete more 93739  
than 450 hours shall be counted as proportionally greater than one 93740  
full-time equivalent. 93741

(c) In calculating each Ohio Technical Center's full-time 93742  
equivalent students, the Director of Higher Education shall use a 93743  
three-year average. 93744

(2) In each fiscal year, twenty-five per cent of the 93745  
allocation for Ohio Technical Centers shall be distributed based 93746  
on the proportion of each Center's full-time equivalent students 93747  
to the total full-time equivalent students who complete a 93748

post-secondary workforce training program approved by the Director 93749  
with a grade of C or better or a grade of pass if the program is 93750  
evaluated on a pass/fail basis. 93751

(3) In each fiscal year, twenty per cent of the allocation 93752  
for Ohio Technical Centers shall be distributed based on the 93753  
proportion of each Center's full-time equivalent students to the 93754  
total full-time equivalent students who complete 50 per cent of a 93755  
program of study as a measure of student retention. 93756

(4) In each fiscal year, fifty per cent of the allocation for 93757  
Ohio Technical Centers shall be distributed based on the 93758  
proportion of each Center's full-time equivalent students to the 93759  
total full-time equivalent students who have found employment, 93760  
entered military service, or enrolled in additional post-secondary 93761  
education and training in accordance with the placement 93762  
definitions of the Carl D. Perkins Career and Technical Education 93763  
Act of 2006 (Perkins). The calculation for eligible full-time 93764  
equivalent students shall be based on the per cent of Perkins 93765  
placements for students who have completed at least 50 per cent of 93766  
a program of study. 93767

(5) In each fiscal year, five per cent of the allocation for 93768  
Ohio Technical Centers shall be distributed based on the 93769  
proportion of each Center's full-time equivalent students to the 93770  
total full-time equivalent students who have earned a credential 93771  
from an industry-recognized third party. 93772

(B) Of the foregoing appropriation item 235444, Ohio 93773  
Technical Centers, up to \$400,000 in each fiscal year shall be 93774  
distributed by the Director of Higher Education to the Ohio 93775  
Central School System, up to \$48,000 in each fiscal year shall be 93776  
utilized for assistance for Ohio Technical Centers, and up to 93777  
\$975,000 in each fiscal year shall be distributed by the Director 93778  
to Ohio Technical Centers that provide business consultation with 93779  
matching local dollars. Centers meeting this requirement shall 93780

receive an amount not to exceed \$25,000 per center. 93781

(C) The remainder of the foregoing appropriation item 235444, 93782  
Ohio Technical Centers, in each fiscal year shall be distributed 93783  
in accordance with division (A) of this section. 93784

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 93785  
CENTERS 93786

(1) No Ohio Technical Center shall receive performance 93787  
funding calculated under division (A) of this section, excluding 93788  
funding for third party credentials calculated under division 93789  
(A)(5) of this section, that is less than 96 per cent of the 93790  
average allocation the Center received, excluding funding for 93791  
third party credentials, in the three prior fiscal years. 93792

(2) In order to ensure that no Center receives less than 96 93793  
per cent of the prior three-year average allocation in accordance 93794  
with division (D)(1) of this section, funds shall be made 93795  
available to support the phase-in allocation by proportionally 93796  
reducing formula earnings from each Center not receiving phase-in 93797  
funding. 93798

**Section 369.110. AREA HEALTH EDUCATION CENTERS 93799**

The foregoing appropriation item 235474, Area Health 93800  
Education Centers Program Support, shall be used by the Director 93801  
of Higher Education to support the medical school regional area 93802  
health education centers' educational programs for the continued 93803  
support of medical and other health professions education and for 93804  
support of the Area Health Education Center Program. 93805

**Section 369.120. TECHNOLOGY INTEGRATION AND PROFESSIONAL 93806  
DEVELOPMENT 93807**

The foregoing appropriation item 235483, Technology 93808  
Integration and Professional Development, shall be used by the 93809

Director of Higher Education for the provision of staff 93810  
development, hardware, software, telecommunications services, and 93811  
information resources to support educational uses of technology in 93812  
the classroom and at a distance and for professional development 93813  
for teachers, administrators, and technology staff on the use of 93814  
educational technology in qualifying public schools, including the 93815  
State School for the Blind, the School for the Deaf, and the 93816  
Department of Youth Services. 93817

**Section 369.130. HIGHER EDUCATION INNOVATION GRANTS** 93818

The foregoing appropriation item 235488, Higher Education 93819  
Innovation Grants, shall be used by the Director of Higher 93820  
Education to provide grants to state institutions of higher 93821  
education as defined in section 3345.011 of the Revised Code for 93822  
innovative administration redesign proposals, which result in cost 93823  
savings to students, including, but not limited to, project-based 93824  
approaches and reduction or reorganization of departments. The 93825  
grants shall provide matching funds to institutions for 93826  
efficiencies that result in sustainable, long-term cost savings 93827  
for students. 93828

**Section 369.140. CAMPUS SAFETY AND TRAINING** 93829

The foregoing appropriation item 235492, Campus Safety and 93830  
Training, shall be used by the Director of Higher Education for 93831  
the purpose of developing model best practices for preventing and 93832  
responding to sexual assault on campus. By September 1, 2015, the 93833  
Director of Higher Education, in consultation with state 93834  
institutions of higher education as defined in section 3345.011 of 93835  
the Revised Code, shall develop model best practices for 93836  
preventing and responding to sexual assault and protecting 93837  
students and staff who are victims of sexual assault on campus. 93838  
The Director shall convene state institutions of higher education 93839

in the training and implementation of best practices regarding 93840  
campus sexual assault. 93841

**Section 369.150.** STATE SHARE OF INSTRUCTION FORMULAS 93842

The Director of Higher Education shall establish procedures 93843  
to allocate the foregoing appropriation item 235501, State Share 93844  
of Instruction, based on the formulas detailed in this section 93845  
that utilize the enrollment, course completion, degree attainment, 93846  
and student achievement factors reported annually by each state 93847  
institution of higher education participating in the Higher 93848  
Education Information (HEI) system. 93849

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 93850  
COMPLETIONS 93851

(1) As soon as possible during each fiscal year of the 93852  
biennium ending June 30, 2017, in accordance with instructions of 93853  
the Department of Higher Education, each state institution of 93854  
higher education shall report its actual data, consistent with the 93855  
definitions in the Higher Education Information (HEI) system's 93856  
enrollment files, to the Director of Higher Education. 93857

(2) In defining the number of full-time equivalent students 93858  
for state subsidy instructional cost purposes, the Director of 93859  
Higher Education shall exclude all undergraduate students who are 93860  
not residents of Ohio, except those charged in-state fees in 93861  
accordance with reciprocity agreements made under section 3333.17 93862  
of the Revised Code or employer contracts entered into under 93863  
section 3333.32 of the Revised Code. 93864

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 93865

For purposes of calculating state share of instruction 93866  
allocations, the total instructional costs per full-time 93867  
equivalent student shall be: 93868

Model	Fiscal Year 2016	Fiscal Year 2017	93869
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ARTS AND HUMANITIES 1	\$7,773	\$7,920	93870
ARTS AND HUMANITIES 2	\$11,093	\$11,302	93871
ARTS AND HUMANITIES 3	\$14,209	\$14,477	93872
ARTS AND HUMANITIES 4	\$21,021	\$21,417	93873
ARTS AND HUMANITIES 5	\$35,834	\$36,509	93874
ARTS AND HUMANITIES 6	\$38,135	\$38,854	93875
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$7,311	\$7,449	93876
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$8,310	\$8,467	93877
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$10,805	\$11,009	93878
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$12,842	\$13,084	93879
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$19,879	\$20,254	93880
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$21,678	\$22,087	93881
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$31,806	\$32,406	93882
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$7,244	\$7,380	93883
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$10,041	\$10,231	93884
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$11,841	\$12,064	93885
SCIENCE, TECHNOLOGY,	\$14,170	\$14,437	93886

ENGINEERING,  
 MATHEMATICS, MEDICINE

4

SCIENCE, TECHNOLOGY,	\$19,290	\$19,654	93887
ENGINEERING,			
MATHEMATICS, MEDICINE			

5

SCIENCE, TECHNOLOGY,	\$20,814	\$21,206	93888
ENGINEERING,			
MATHEMATICS, MEDICINE			

6

SCIENCE, TECHNOLOGY,	\$23,462	\$23,905	93889
ENGINEERING,			
MATHEMATICS, MEDICINE			

7

SCIENCE, TECHNOLOGY,	\$36,983	\$37,680	93890
ENGINEERING,			
MATHEMATICS, MEDICINE			

8

SCIENCE, TECHNOLOGY,	\$49,923	\$50,864	93891
ENGINEERING,			
MATHEMATICS, MEDICINE			

9

Doctoral I and Doctoral II models shall be allocated in	93892
accordance with division (D)(2) of this section.	93893

Medical I and Medical II models shall be allocated in	93894
accordance with divisions (D)(3) and (D)(4) of this section.	93895

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL,	93896
AND GRADUATE WEIGHTS	93897

For the purpose of implementing the recommendations of the	93898
2006 State Share of Instruction Consultation and the Higher	93899
Education Funding Study Council that priority be given to	93900

maintaining state support for science, technology, engineering, 93901  
 mathematics, medicine, and graduate programs, the costs in 93902  
 division (B) of this section shall be weighted by the amounts 93903  
 provided below: 93904

Model	Fiscal Year 2016	Fiscal Year 2017	
ARTS AND HUMANITIES 1	1.0000	1.0000	93905
ARTS AND HUMANITIES 2	1.0000	1.0000	93906
ARTS AND HUMANITIES 3	1.0000	1.0000	93907
ARTS AND HUMANITIES 4	1.0000	1.0000	93908
ARTS AND HUMANITIES 5	1.0425	1.0425	93909
ARTS AND HUMANITIES 6	1.0425	1.0425	93910
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	93911
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	93912
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	93913
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	93914
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	93915
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	93916
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	93917
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	93918
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	93919
			93920

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	93921
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	93922
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	93923
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	93924
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	93925
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675	93926
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361	93927
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			93928
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			93929
(1) Of the foregoing appropriation item 235501, State Share			93930
of Instruction, 50 per cent of the appropriation for universities,			93931
as established in division (A)(2) of the section of this act			93932

entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," in each fiscal year shall be reserved for support of associate, baccalaureate, master's, and professional level degree attainment.

The degree attainment funding shall be allocated to universities in proportion to each campus's share of the total statewide degrees granted, weighted by the cost of the degree programs. The degree cost calculations shall include the model cost weights for the science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

For degrees including credits earned at multiple institutions, degree attainment funding shall be allocated to universities in proportion to each campus's share of the cost of earned credits for the degree. Each institution shall receive its prorated share of degree funding for credits earned at that institution. Cost of credits not earned at a university main or regional campus shall be credited to the degree-granting institution for the first degree earned by a student at each degree level. The cost credited to the degree-granting institution shall not be eligible for at-risk weights and shall be limited to 12.5 per cent of the degree costs. However, the 12.5 per cent limitation shall not apply if the student transferred 12 or fewer credits into the degree granting institution.

In calculating the subsidy entitlements for degree attainment for universities, the Director of Higher Education shall use the following count of degrees and degree costs:

(a) The subsidy eligible undergraduate degrees shall be defined as follows:

(i) The subsidy eligible degrees conferred to students identified as residents of the state of Ohio in any term of their

studies, as reported through the Higher Education Information 93964  
(HEI) system student enrollment file, shall be weighted by a 93965  
factor of 1. 93966

(ii) The subsidy eligible degrees conferred to students 93967  
identified as out-of-state residents during all terms of their 93968  
studies, as reported through the Higher Education Information 93969  
(HEI) system student enrollment file, who remain in the state of 93970  
Ohio at least one year after graduation, as calculated based on 93971  
the three-year average in-state residency rate for out-of-state 93972  
graduates at each institution, shall be weighted by a factor of 50 93973  
per cent. 93974

(iii) Subsidy eligible associate degrees are defined as those 93975  
earned by students attending any state-supported university main 93976  
or regional campus. 93977

(b) In calculating each campus's count of degrees, the 93978  
Director of Higher Education shall use the three-year average 93979  
associate, baccalaureate, master's, and professional degrees 93980  
awarded for the three-year period ending in the prior year. 93981

(i) If a student is awarded an associate degree and, 93982  
subsequently, is awarded a baccalaureate degree, the amount funded 93983  
for the baccalaureate degree shall be limited to either the 93984  
difference in cost between the cost of the baccalaureate degree 93985  
and the cost of the associate degree paid previously, or if the 93986  
associate degree has a higher cost than the baccalaureate degree, 93987  
the cost of the credits earned by the student after the associate 93988  
degree was awarded. 93989

(ii) If a student earns an associate degree then, 93990  
subsequently, earns a baccalaureate degree, the associate degree 93991  
granting institution shall only receive the prorated share of the 93992  
baccalaureate degree funding for the credits earned at that 93993  
institution after the associate degree is awarded. 93994

(iii) If a student earns more than one degree at the same institution at the same degree level in the same fiscal year, the funding for the highest cost degree shall be prorated among institutions based on where the credits were earned and additional degrees shall be funded at 25 per cent of the cost of the degrees.

(c) Associate degrees and baccalaureate degrees earned by a student defined as at-risk based on academic underpreparation, age, minority status, or financial status, shall be defined as degrees earned by an at-risk student and shall be weighted by the following:

A student-specific degree completion weight, where the weight is calculated based on the at-risk factors of the individual student, determined by calculating the difference between the percentage of students with each risk factor who earned a degree and the percentage of non-at-risk students who earned a degree.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to 11.78 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 and 2017," in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.

In fiscal year 2016, NEOMED shall receive \$150,000 and in fiscal year 2017 NEOMED shall receive \$200,000 of the doctoral set-aside funding allocation with the remaining doctoral set-aside allocated to universities as follows:

(a) 47.50 per cent of the remaining doctoral set-aside in fiscal year 2016 and 40 per cent of the remaining doctoral set-aside in fiscal year 2017 shall be allocated to universities in proportion to their share of the statewide total of each state

institution's three-year average Doctoral I equivalent FTEs as 94026  
calculated on an institutional basis using historical FTEs for the 94027  
period fiscal year 1994 through fiscal year 1998 with annualized 94028  
FTEs for fiscal years 1994 through 1997 and all-term FTEs for 94029  
fiscal year 1998 as adjusted to reflect the effects of doctoral 94030  
review and subsequent changes in Doctoral I equivalent 94031  
enrollments. For the purposes of this calculation, Doctoral I 94032  
equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 94033  
times the sum of Doctoral II FTEs. 94034

(b) 35 per cent of the doctoral set-aside in fiscal year 2016 94035  
and 40 per cent of the doctoral set-aside in fiscal year 2017 94036  
shall be allocated to universities in proportion to each campus's 94037  
share of the total statewide doctoral degrees, weighted by the 94038  
cost of the doctoral discipline. In calculating each campus's 94039  
doctoral degrees the Director of Higher Education shall use the 94040  
three-year average doctoral degrees awarded for the three-year 94041  
period ending in the prior year. 94042

(c) 17.5 per cent of the doctoral set-aside in fiscal year 94043  
2016 and 20 per cent of the doctoral set-aside in fiscal year 2017 94044  
shall be allocated to universities in proportion to their share of 94045  
research grant activity. Funding for this component shall be 94046  
allocated to eligible universities in proportion to their share of 94047  
research grant activity published by the National Science 94048  
Foundation. Grant awards from the Department of Health and Human 94049  
Services shall be weighted at 50 per cent. 94050

(3) Of the foregoing appropriation item 235501, State Share 94051  
of Instruction, 6.41 per cent of the appropriation for 94052  
universities, as established in division (A)(2) of the section of 94053  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 94054  
2016 AND 2017," in each fiscal year shall be reserved for support 94055  
of Medical II FTEs. The amount so reserved shall be referred to as 94056  
the medical II set-aside. 94057



The medical II set-aside shall be allocated to universities 94058  
in proportion to their share of the statewide total of each state 94059  
institution's three-year average Medical II FTEs as calculated in 94060  
division (A) of this section. 94061

In calculating the core subsidy entitlements for Medical II 94062  
models only, students repeating terms may be no more than five per 94063  
cent of current year enrollment. 94064

(4) Of the foregoing appropriation item 235501, State Share 94065  
of Instruction, 1.48 per cent of the appropriation for 94066  
universities, as established in division (A)(2) of the section of 94067  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 94068  
2016 AND 2017," in each fiscal year shall be reserved for support 94069  
of Medical I FTEs. The amount so reserved shall be referred to as 94070  
the medical I set-aside. 94071

The medical I set-aside shall be allocated to universities in 94072  
proportion to their share of the statewide total of each state 94073  
institution's three-year average Medical I FTEs as calculated in 94074  
division (A) of this section. 94075

(5) In calculating the course completion funding for 94076  
universities, the Director of Higher Education shall use the 94077  
following count of FTE students: 94078

(a) The subsidy eligible enrollments by model shall equal 94079  
only those FTE students who successfully complete the course as 94080  
defined and reported through the Higher Education Information 94081  
(HEI) system course enrollment file; 94082

(b) Those undergraduate FTE students with successful course 94083  
completions, identified in division (D)(5)(a) of this section, 94084  
that had an expected family contribution less than 2190 or were 94085  
determined to have been academically underprepared shall be 94086  
defined as at-risk students and shall have their eligible 94087  
completions weighted by the following: 94088

(i) Campus-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the 2012 - 2014 academic years; and

(ii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk course completion weight shall be determined by calculating the difference between the percentage of traditional students who complete a course and the percentage of at-risk students who complete the same course.

(c) The course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the three-year period ending in the prior year for all models except Medical I, Medical II, Doctoral I, and Doctoral II.

(d) For universities, the Director of Higher Education shall compute the course completion earnings by dividing the appropriation for universities, established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," and adjusted pursuant to division (B) of that section, less the degree attainment funding as calculated in division (D)(1) of this section, less the doctoral set-aside, less the medical I set-aside, and less the medical II set-aside, by the sum of all campuses' instructional costs as calculated in division (D)(5) of this section.

(6) In addition to the Access Challenge funding as described in divisions (B)(1) and (B)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," doctoral set-aside, medical I set-aside, medical II set-aside, and the degree attainment allocation determined in division (D)(1) of this section and the course completion earnings calculated in division (D)(5) of this section, an allocation based on a facility-based plant operations and maintenance (POM) subsidy

shall be made. 94121

(a) In fiscal year 2016, for each eligible university, the 94122  
amount of the POM allocation shall be two-thirds of the POM 94123  
distributed in fiscal year 2015 based on what each campus received 94124  
in the fiscal year 2009 POM allocation. 94125

(b) In fiscal year 2017, for each eligible university, the 94126  
amount of the POM allocation shall be one-third of the POM 94127  
distributed in fiscal year 2015 based on what each campus received 94128  
in the fiscal year 2009 POM allocation. 94129

(c) Any POM allocations required by this division shall be 94130  
funded by proportionately reducing formula earnings, including the 94131  
POM allocations, for all universities. 94132

(d) POM allocations shall expire on June 30, 2017. 94133

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 94134  
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 94135

(1) Of the foregoing appropriation item 235501, State Share 94136  
of Instruction, 50 per cent of the appropriation for 94137  
state-supported community colleges, state community colleges, and 94138  
technical colleges as established in division (A)(1) of the 94139  
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 94140  
YEARS 2016 AND 2017," in each fiscal year shall be reserved for 94141  
course completion FTEs as aggregated by the subsidy models defined 94142  
in division (B) of this section. 94143

The course completion funding shall be allocated to campuses 94144  
in proportion to each campus's share of the total sector's course 94145  
completions, weighted by the instructional cost of the subsidy 94146  
models. 94147

To calculate the subsidy entitlements for course completions 94148  
at community colleges, state community colleges, and technical 94149  
colleges, the Director of Higher Education shall use the following 94150

calculations: 94151

(a) In calculating each campus's count of FTE course 94152  
completions, the Director of Higher Education shall use a 94153  
three-year average for course completions for the three year 94154  
period ending in the prior year. 94155

(b) The subsidy eligible enrollments by model shall equal 94156  
only those FTE students who successfully complete the course as 94157  
defined and reported through the Higher Education Information 94158  
(HEI) system course enrollment file. 94159

(c) Those students with successful course completions, that 94160  
are or have been Pell eligible at any time while enrolled at a 94161  
state institution of higher education, meet the definition of 94162  
minority status, are enrolled at a given institution after age 24, 94163  
or are academically underprepared shall be defined as access 94164  
students and shall have their eligible course completions weighted 94165  
by a statewide access weight. The weight given to any student that 94166  
meets any access factor shall be 15 per cent for all course 94167  
completions. 94168

(d) The model costs as used in the calculation shall be 94169  
augmented by the model weights for science, technology, 94170  
engineering, mathematics, and medicine models as established in 94171  
division (C) of this section. 94172

(2) Of the foregoing appropriation item 235501, State Share 94173  
of Instruction, 25 per cent of the appropriation for 94174  
state-supported community colleges, state community colleges, and 94175  
technical colleges as established in division (A)(1) of the 94176  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 94177  
FISCAL YEARS 2016 AND 2017," in each fiscal year shall be reserved 94178  
for colleges in proportion to their share of college student 94179  
success factors as recommended in formal communication from 94180  
community college presidents to the Director of Higher Education 94181

dated December 31, 2013, using a three year average. 94182

(3) Of the foregoing appropriation item 235501, State Share 94183  
of Instruction, 25 per cent of the appropriation for 94184  
state-supported community colleges, state community colleges, and 94185  
technical colleges shall be reserved for completion milestones as 94186  
identified in formal communication from community college 94187  
presidents to the Director of Higher Education dated December 31, 94188  
2013. 94189

Completion milestones shall include associate degrees, 94190  
certificates over 30 credit hours approved by the Department of 94191  
Higher Education, and students transferring to any four-year 94192  
institution with at least 12 credit hours earned at that community 94193  
college, state community college, or technical college. 94194

The completion milestone funding shall be allocated to 94195  
colleges in proportion to each institution's share of the sector's 94196  
total completion milestones, weighted by the instructional cost of 94197  
the associate degree, certificate, or transfer models. Costs for 94198  
certificates over 30 hours shall be weighted one-half of the 94199  
associate degree model costs and transfers with at least 12 credit 94200  
hours shall be weighted one-fourth of the average cost for all 94201  
associate degree model costs. 94202

(4) To calculate the subsidy entitlements for completions at 94203  
community colleges, state community colleges, and technical 94204  
colleges, the Director of Higher Education shall use the following 94205  
calculations: 94206

(a) In calculating each campus's count of completions, the 94207  
Director of Higher Education shall use a three-year average for 94208  
completion metrics. 94209

(b) The subsidy eligible completions by model shall equal 94210  
only those students who successfully complete an associate degree 94211  
or certificate over 30 credit hours, or transfer to any four-year 94212

institution with at least 12 credit hours as defined and reported 94213  
in the Higher Education Information (HEI) system. 94214

(c) Those students with successful completions for associate 94215  
degrees, certificates over 30 credit hours, or transfer to any 94216  
four-year institution with at least 12 credit hours, identified in 94217  
division (E)(3) of this section, that are or have been Pell 94218  
eligible at any time while enrolled at a state institution of 94219  
higher education, meet the definition of minority status, first 94220  
enrolled at a given institution after age 24, or are academically 94221  
underprepared, shall be defined as access students and shall have 94222  
their eligible completions weighted by a statewide access weight. 94223  
The weight shall be 25 per cent for students with one access 94224  
factor, 66 per cent for students with two access factors, 150 per 94225  
cent for students with three access factors, and 200 per cent for 94226  
students with four access factors. 94227

(d) For those students who complete more than one completion 94228  
metric, funding for each additional associate degree or 94229  
certificate over 30 credit hours approved by the Department of 94230  
Higher Education shall be funded at 50 per cent of the model costs 94231  
as defined in division (3) of this section. 94232

(F) CAPITAL COMPONENT DEDUCTION 94233

After all other adjustments have been made, state share of 94234  
instruction earnings shall be reduced for each campus by the 94235  
amount, if any, by which debt service charged in Am. H.B. 748 of 94236  
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 94237  
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 94238  
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 94239  
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 94240  
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 94241  
562 of the 127th General Assembly for that campus exceeds that 94242  
campus's capital component earnings. The sum of the amounts 94243  
deducted shall be transferred to appropriation item 235552, 94244

Capital Component, in each fiscal year.	94245
(G) EXCEPTIONAL CIRCUMSTANCES	94246
Adjustments may be made to the state share of instruction	94247
payments and other subsidies distributed by the Director of Higher	94248
Education to state colleges and universities for exceptional	94249
circumstances. No adjustments for exceptional circumstances may be	94250
made without the recommendation of the Director and the approval	94251
of the Controlling Board.	94252
(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF	94253
INSTRUCTION	94254
The standard provisions of the state share of instruction	94255
calculation as described in the preceding sections of temporary	94256
law shall apply to any reductions made to appropriation item	94257
235501, State Share of Instruction, before the Director of Higher	94258
Education has formally approved the final allocation of the state	94259
share of instruction funds for any fiscal year.	94260
Any reductions made to appropriation item 235501, State Share	94261
of Instruction, after the Director of Higher Education has	94262
formally approved the final allocation of the state share of	94263
instruction funds for any fiscal year, shall be uniformly applied	94264
to each campus in proportion to its share of the final allocation.	94265
(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION	94266
The state share of instruction payments to the institutions	94267
shall be in substantially equal monthly amounts during the fiscal	94268
year, unless otherwise determined by the Director of Budget and	94269
Management pursuant to section 126.09 of the Revised Code.	94270
Payments during the first six months of the fiscal year shall be	94271
based upon the state share of instruction appropriation estimates	94272
made for the various institutions of higher education and payments	94273
during the last six months of the fiscal year shall be based on	94274
the final data from the Director of Higher Education.	94275

<b>Section 369.160. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS</b>	94276
2016 AND 2017	94277
(A) The foregoing appropriation item 235501, State Share of Instruction, shall be distributed according to the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS."	94278 94279 94280
(1) Of the foregoing appropriation item 235501, State Share of Instruction, \$428,205,070 in fiscal year 2016 and \$436,769,171 in fiscal year 2017 shall be distributed to state-supported community colleges, state community colleges, and technical colleges.	94281 94282 94283 94284 94285
(2) Of the foregoing appropriation item 235501, State Share of Instruction, \$1,429,546,937 in fiscal year 2016 and \$1,458,137,876 in fiscal year 2017 shall be distributed to state-supported university main and regional campuses.	94286 94287 94288 94289
(B) Of the amounts earmarked in division (A)(2) of this section:	94290 94291
(1) In fiscal year 2016, two-thirds of \$3,923,764 shall be distributed to university main campuses in proportion to each campus' share of the appropriation item 235418, Access Challenge, in fiscal year 2009.	94292 94293 94294 94295
(2) In fiscal year 2017, one-third of \$3,923,764 shall be distributed to university main campuses in proportion to each campus' share of the appropriation item 235418, Access Challenge, in fiscal year 2009.	94296 94297 94298 94299
<b>Section 369.170. RESTRICTION ON FEE INCREASES</b>	94300
(A) In fiscal year 2016, the boards of trustees of state institutions of higher education shall restrain increases in in-state undergraduate instructional and general fees. Each state university and the Northeast Ohio Medical University shall not	94301 94302 94303 94304



increase its in-state undergraduate instructional and general fees 94305  
by more than 2.0 per cent or \$200, whichever is higher, over what 94306  
the institution charged for the preceding academic year. 94307

Each university regional campus shall not increase its 94308  
in-state undergraduate instructional and general fees by more than 94309  
2.0 per cent or \$100, whichever is higher, over what the 94310  
institution charged for the preceding academic year. 94311

Each community college, state community college, and 94312  
technical college shall not increase its in-state undergraduate 94313  
instructional and general fees by more than 2.0 per cent or \$100, 94314  
whichever is higher, over what the institution charged for the 94315  
preceding academic year. 94316

(B) In fiscal year 2017, the boards of trustees of state 94317  
institutions of higher education shall restrain increases in 94318  
in-state undergraduate instructional and general fees. For the 94319  
2016-2017 academic year, each state institution of higher 94320  
education shall not increase its in-state undergraduate 94321  
instructional and general fees over what the institution charged 94322  
for the 2015-2016 academic year. 94323

These limitations shall not apply to increases required to 94324  
comply with institutional covenants related to their obligations 94325  
or to meet unfunded legal mandates or legally binding obligations 94326  
incurred or commitments made prior to the effective date of this 94327  
section with respect to which the institution had identified such 94328  
fee increases as the source of funds. Any increase required by 94329  
such covenants and any such mandates, obligations, or commitments 94330  
shall be reported by the Director of Higher Education to the 94331  
Controlling Board. These limitations may also be modified by the 94332  
Director of Higher Education, with the approval of the Controlling 94333  
Board, to respond to exceptional circumstances as identified by 94334  
the Director of Higher Education. 94335

These limitations shall not apply to institutions 94336  
participating in an undergraduate tuition guarantee program 94337  
pursuant to section 3345.48 of the Revised Code. 94338

**Section 369.180. HIGHER EDUCATION - BOARD OF TRUSTEES** 94339

(A) Funds appropriated for instructional subsidies at 94340  
colleges and universities may be used to provide such branch or 94341  
other off-campus undergraduate courses of study and such master's 94342  
degree courses of study as may be approved by the Director of 94343  
Higher Education. 94344

(B) In providing instructional and other services to 94345  
students, boards of trustees of state institutions of higher 94346  
education shall supplement state subsidies with income from 94347  
charges to students. Except as otherwise provided in this act, 94348  
each board shall establish the fees to be charged to all students, 94349  
including an instructional fee for educational and associated 94350  
operational support of the institution and a general fee for 94351  
noninstructional services, including locally financed student 94352  
services facilities used for the benefit of enrolled students. The 94353  
instructional fee and the general fee shall encompass all charges 94354  
for services assessed uniformly to all enrolled students. Each 94355  
board may also establish special purpose fees, service charges, 94356  
and fines as required; such special purpose fees and service 94357  
charges shall be for services or benefits furnished individual 94358  
students or specific categories of students and shall not be 94359  
applied uniformly to all enrolled students. A tuition surcharge 94360  
shall be paid by all students who are not residents of Ohio. 94361

The board of trustees of a state institution of higher 94362  
education shall not authorize a waiver or nonpayment of 94363  
instructional fees or general fees for any particular student or 94364  
any class of students other than waivers specifically authorized 94365  
by law or approved by the Director. This prohibition is not 94366

intended to limit the authority of boards of trustees to provide 94367  
for payments to students for services rendered the institution, 94368  
nor to prohibit the budgeting of income for staff benefits or for 94369  
student assistance in the form of payment of such instructional 94370  
and general fees. 94371

Each state institution of higher education in its statement 94372  
of charges to students shall separately identify the instructional 94373  
fee, the general fee, the tuition charge, and the tuition 94374  
surcharge. Fee charges to students for instruction shall not be 94375  
considered to be a price of service but shall be considered to be 94376  
an integral part of the state government financing program in 94377  
support of higher educational opportunity for students. 94378

(C) The boards of trustees of state institutions of higher 94379  
education shall ensure that faculty members devote a proper and 94380  
judicious part of their work week to the actual instruction of 94381  
students. Total class credit hours of production per academic term 94382  
per full-time faculty member is expected to meet the standards set 94383  
forth in the budget data submitted by the Director of Higher 94384  
Education. 94385

(D) The authority of government vested by law in the boards 94386  
of trustees of state institutions of higher education shall in 94387  
fact be exercised by those boards. Boards of trustees may consult 94388  
extensively with appropriate student and faculty groups. 94389  
Administrative decisions about the utilization of available 94390  
resources, about organizational structure, about disciplinary 94391  
procedure, about the operation and staffing of all auxiliary 94392  
facilities, and about administrative personnel shall be the 94393  
exclusive prerogative of boards of trustees. Any delegation of 94394  
authority by a board of trustees in other areas of responsibility 94395  
shall be accompanied by appropriate standards of guidance 94396  
concerning expected objectives in the exercise of such delegated 94397  
authority and shall be accompanied by periodic review of the 94398

exercise of this delegated authority to the end that the public 94399  
interest, in contrast to any institutional or special interest, 94400  
shall be served. 94401

**Section 369.190. STUDENT SUPPORT SERVICES** 94402

The foregoing appropriation item 235502, Student Support 94403  
Services, shall be distributed by the Director of Higher Education 94404  
to Ohio's state colleges and universities that incur 94405  
disproportionate costs in the provision of support services to 94406  
disabled students. 94407

**Section 369.200. WAR ORPHANS SCHOLARSHIPS** 94408

The foregoing appropriation item 235504, War Orphans 94409  
Scholarships, shall be used to reimburse state institutions of 94410  
higher education for waivers of instructional fees and general 94411  
fees provided by them, to provide grants to institutions that have 94412  
received a certificate of authorization from the Director of 94413  
Higher Education under Chapter 1713. of the Revised Code, in 94414  
accordance with the provisions of section 5910.04 of the Revised 94415  
Code, and to fund additional scholarship benefits provided by 94416  
section 5910.032 of the Revised Code. 94417

**Section 369.210. OHIOLINK** 94418

The foregoing appropriation item 235507, OhioLINK, shall be 94419  
used by the Director of Higher Education to support OhioLINK, a 94420  
consortium organized under division (T) of section 3333.04 of the 94421  
Revised Code to serve as the state's electronic library 94422  
information and retrieval system, which provides access statewide 94423  
to an extensive set of electronic databases and resources, the 94424  
library holdings of Ohio's public and participating private 94425  
nonprofit colleges and universities, and the State Library of 94426  
Ohio. 94427

**Section 369.220.** AIR FORCE INSTITUTE OF TECHNOLOGY 94428

The foregoing appropriation item 235508, Air Force Institute 94429  
of Technology, shall be used to: (A) strengthen the research and 94430  
educational linkages between the Wright Patterson Air Force Base 94431  
and institutions of higher education in Ohio; and (B) support the 94432  
Dayton Area Graduate Studies Institute, an engineering graduate 94433  
consortium of Wright State University, the University of Dayton, 94434  
and the Air Force Institute of Technology, with the participation 94435  
of the University of Cincinnati and The Ohio State University. 94436

**Section 369.230.** OHIO SUPERCOMPUTER CENTER 94437

The foregoing appropriation item 235510, Ohio Supercomputer 94438  
Center, shall be used by the Director of Higher Education to 94439  
support the operation of the Ohio Supercomputer Center, a 94440  
consortium organized under division (T) of section 3333.04 of the 94441  
Revised Code, located at The Ohio State University. The Ohio 94442  
Supercomputer Center is a statewide resource available to Ohio 94443  
research universities both public and private. It is also intended 94444  
that the center be made accessible to private industry as 94445  
appropriate. 94446

Funds shall be used, in part, to support the Ohio 94447  
Supercomputer Center's Computational Science Initiative, which 94448  
includes its industrial outreach program, Blue Collar Computing, 94449  
and its School of Computational Science. These collaborations 94450  
between the Ohio Supercomputer Center and Ohio's colleges and 94451  
universities shall be aimed at making Ohio a leader in using 94452  
computer modeling to promote economic development. 94453

**Section 369.240.** COOPERATIVE EXTENSION SERVICE 94454

The foregoing appropriation item 235511, Cooperative 94455  
Extension Service, shall be disbursed through the Director of 94456

Higher Education to The Ohio State University in monthly payments, 94457  
unless otherwise determined by the Director of Budget and 94458  
Management under section 126.09 of the Revised Code. 94459

Of the foregoing appropriation item 235511, Cooperative 94460  
Extension Service, \$134,244 in fiscal year 2016 and \$141,136 in 94461  
fiscal year 2017 shall be used to support salaries and benefits 94462  
for one after-school 4-H Club at an elementary school in Cleveland 94463  
and one after-school 4-H Club at an elementary school in 94464  
Cincinnati. 94465

Of the foregoing appropriation item 235511, Cooperative 94466  
Extension Service, \$7,000 in each fiscal year shall be used to 94467  
support mileage, telephone, supplies, and classroom activities 94468  
costs at after-school 4-H Clubs in Cleveland and Cincinnati. 94469  
Seventy per cent of this amount shall be spent directly in 94470  
relation to student involvement in 4-H. 94471

**Section 369.250. CENTRAL STATE SUPPLEMENT** 94472

The foregoing appropriation item 235514, Central State 94473  
Supplement, shall be disbursed by the Director of Higher Education 94474  
to Central State University in accordance with the plan developed 94475  
by the Director and submitted to the Governor and the General 94476  
Assembly as directed by Am. Sub. H.B. 153 of the 129th General 94477  
Assembly. Funds shall be used in a manner consistent with the 94478  
goals of increasing enrollment, improving course completion, and 94479  
increasing the number of degrees conferred. 94480

The Director shall monitor the implementation of the plan and 94481  
the use of funds. Central State University shall provide any 94482  
information requested by the Director related to the 94483  
implementation of the plan. If the Director determines that 94484  
Central State University's use of supplemental funds is not in 94485  
accordance with the plan or if the plan is not having the desired 94486  
effect, the Director may notify Central State University that the 94487

plan is suspended. Upon receiving such notice, Central State 94488  
University shall avoid all unnecessary expenditures under the 94489  
plan. The Director shall notify the Controlling Board of the 94490  
suspension of the plan and within sixty days prepare a new plan 94491  
for the use of any remaining funds. 94492

**Section 369.260.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 94493  
MEDICINE 94494

The foregoing appropriation item 235515, Case Western Reserve 94495  
University School of Medicine, shall be disbursed to Case Western 94496  
Reserve University through the Director of Higher Education in 94497  
accordance with agreements entered into under section 3333.10 of 94498  
the Revised Code, provided that the state support per full-time 94499  
medical student shall not exceed that provided to full-time 94500  
medical students at state universities. 94501

**Section 369.270.** FAMILY PRACTICE 94502

The Director of Higher Education shall develop plans 94503  
consistent with existing criteria and guidelines as may be 94504  
required for the distribution of appropriation item 235519, Family 94505  
Practice. 94506

**Section 369.280.** SHAWNEE STATE SUPPLEMENT 94507

The foregoing appropriation item 235520, Shawnee State 94508  
Supplement, shall be disbursed by the Director of Higher Education 94509  
to Shawnee State University in accordance with the plan developed 94510  
by the Director and submitted to the Governor and the General 94511  
Assembly as directed by Am. Sub. H.B. 153 of the 129th General 94512  
Assembly. Funds shall be used in a manner consistent with the 94513  
goals of improving course completion, increasing the number of 94514  
degrees conferred, and furthering the university's mission of 94515  
service to the Appalachian region. 94516

The Director shall monitor the implementation of the plan and 94517  
the use of funds. Shawnee State University shall provide any 94518  
information requested by the Director related to the 94519  
implementation of the plan. If the Director determines that 94520  
Shawnee State University's use of supplemental funds is not in 94521  
accordance with the plan or if the plan is not having the desired 94522  
effect, the Director may notify Shawnee State University that the 94523  
plan is suspended. Upon receiving such notice, Shawnee State 94524  
University shall avoid all unnecessary expenditures under the 94525  
plan. The Director shall notify the Controlling Board of the 94526  
suspension of the plan and within sixty days prepare a new plan 94527  
for the use of any remaining funds. 94528

**Section 369.290. POLICE AND FIRE PROTECTION** 94529

The foregoing appropriation item 235524, Police and Fire 94530  
Protection, shall be used for police and fire services in the 94531  
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 94532  
Portsmouth, Xenia Township (Greene County), Rootstown Township, 94533  
and the City of Nelsonville that may be used to assist these local 94534  
governments in providing police and fire protection for the 94535  
central campus of the state-affiliated university located therein. 94536

**Section 369.300. GERIATRIC MEDICINE** 94537

The Director of Higher Education shall develop plans 94538  
consistent with existing criteria and guidelines as may be 94539  
required for the distribution of appropriation item 235525, 94540  
Geriatric Medicine. 94541

**Section 369.310. PRIMARY CARE RESIDENCIES** 94542

The Director of Higher Education shall develop plans 94543  
consistent with existing criteria and guidelines as may be 94544  
required for the distribution of appropriation item 235526, 94545



Primary Care Residencies. 94546

The foregoing appropriation item 235526, Primary Care 94547  
Residencies, shall be distributed in each fiscal year of the 94548  
biennium, based on whether or not the institution has submitted 94549  
and gained approval for a plan. If the institution does not have 94550  
an approved plan, it shall receive five per cent less funding per 94551  
student than it would have received from its annual allocation. 94552  
The remaining funding shall be distributed among those 94553  
institutions that meet or exceed their targets. 94554

**Section 369.313. HIGHER EDUCATION PROGRAM SUPPORT** 94555

Of the foregoing appropriation item 235533, Higher Education 94556  
Program Support, \$2,500,000 in each fiscal year shall be used by 94557  
Wright State University to support the development of the Global 94558  
Engineering and Management (GEMS) program. 94559

Of the foregoing appropriation item 235533, Higher Education 94560  
Program Support, \$75,000 in each fiscal year shall be distributed 94561  
to the Ohio University Leadership Project. 94562

Of the foregoing appropriation item 235533, Higher Education 94563  
Program Support, \$750,000 in fiscal year 2016 shall be used to 94564  
support the Ohio State University Agricultural Technical 94565  
Institute. The Institute shall use these funds to obtain and 94566  
upgrade the infrastructure and equipment necessary to offer 94567  
distance education courses in agricultural science through the 94568  
College Credit Plus Program as established in section 3365.02 of 94569  
the Revised Code. 94570

Of the foregoing appropriation item 235533, Higher Education 94571  
Program Support, \$2,000,000 in each fiscal year shall be used to 94572  
support the National Center of Education Research on Corrosion and 94573  
Materials Performance at the University of Akron for development 94574  
and validation of an FAA-certified process for the dimensional 94575

restoration of parts for commercial aircraft using Supersonic 94576  
Particle Deposition. 94577

Of the foregoing appropriation item 235533, Higher Education 94578  
Program Support, \$75,000 in each fiscal year shall be used to 94579  
establish the Customized Employee Recruitment Workforce Program at 94580  
Sinclair Community College. 94581

**Section 369.320. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 94582  
CENTER 94583**

The foregoing appropriation item 235535, Ohio Agricultural 94584  
Research and Development Center, shall be disbursed through the 94585  
Director of Higher Education to The Ohio State University in 94586  
monthly payments, unless otherwise determined by the Director of 94587  
Budget and Management under section 126.09 of the Revised Code. 94588  
The Ohio Agricultural Research and Development Center shall not be 94589  
required to remit payment to The Ohio State University during the 94590  
biennium ending June 30, 2017, for cost reallocation assessments. 94591  
The cost reallocation assessments include, but are not limited to, 94592  
any assessment on state appropriations to the Center. 94593

The Ohio Agricultural Research and Development Center, an 94594  
entity of the College of Food, Agricultural, and Environmental 94595  
Sciences of The Ohio State University, shall further its mission 94596  
of enhancing Ohio's economic development and job creation by 94597  
continuing to internally allocate on a competitive basis 94598  
appropriated funding of programs based on demonstrated 94599  
performance. Academic units, faculty, and faculty-driven programs 94600  
shall be evaluated and rewarded consistent with agreed-upon 94601  
performance expectations as called for in the College's 94602  
Expectations and Criteria for Performance Assessment. 94603

**Section 369.330. STATE UNIVERSITY CLINICAL TEACHING 94604**

The foregoing appropriation items 235536, The Ohio State 94605

University Clinical Teaching; 235537, University of Cincinnati 94606  
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 94607  
235539, Wright State University Clinical Teaching; 235540, Ohio 94608  
University Clinical Teaching; and 235541, Northeast Ohio Medical 94609  
University Clinical Teaching, shall be distributed through the 94610  
Director of Higher Education. 94611

**Section 369.333. DEFENSE/AEROSPACE WORKFORCE DEVELOPMENT 94612**  
INITIATIVE 94613

The foregoing appropriation item 235542, Defense/Aerospace 94614  
Workforce Development Initiative, shall be used by the Applied 94615  
Research Corporation to collaborate with the aviation, aerospace, 94616  
and defense industries, to strengthen job training programs, equip 94617  
Ohio's workforce with needed skills, and strengthen and grow 94618  
research and educational linkages among Ohio's defense and 94619  
aerospace aviation industry, federal agencies, state-assisted Ohio 94620  
universities, and the University System of Ohio. A portion of the 94621  
foregoing appropriation item 235542, Defense/Aerospace Workforce 94622  
Development Initiative, shall be allocated to develop a strategic 94623  
plan to align the University System of Ohio's research and 94624  
workforce development assets with the workforce needs of public 94625  
and private sector employers. A portion of these funds shall be 94626  
used to support the Aerospace Professional Development Center to 94627  
establish processes necessary to link underemployed or unemployed 94628  
persons to job openings in these industries. The funds 94629  
appropriated in this appropriation item shall be matched by 94630  
private industry or educational partners or federal agencies in 94631  
the aggregate amount of \$4,000,000 over the FY 2016-FY 2017 94632  
biennium. 94633

**Section 369.335. SOUTHERN GATEWAY INNOVATION CENTER 94634**

The foregoing appropriation item 235545, Southern Gateway 94635

Innovation Center, shall be used by Southern State Community 94636  
College to foster meaningful small business development 94637  
assistance, to provide various types of training in an effort to 94638  
promote sustainable economic growth, and to create high-quality 94639  
jobs through the Southern Gateway Innovation Center located in 94640  
Circleville. 94641

**Section 369.340. CAPITAL COMPONENT** 94642

The foregoing appropriation item 235552, Capital Component, 94643  
shall be used by the Director of Higher Education to provide 94644  
funding for prior commitments made pursuant to the state's former 94645  
capital funding policy for state colleges and universities that 94646  
was originally established in Am. H.B. 748 of the 121st General 94647  
Assembly. Appropriations from this item shall be distributed to 94648  
all campuses for which the estimated campus debt service 94649  
attributable to qualifying capital projects was less than the 94650  
campus's formula-determined capital component allocation. Campus 94651  
allocations shall be determined by subtracting the estimated 94652  
campus debt service attributable to qualifying capital projects 94653  
from the campus's formula-determined capital component allocation. 94654  
Moneys distributed from this appropriation item shall be 94655  
restricted to capital-related purposes. 94656

Any campus for which the estimated campus debt service 94657  
attributable to qualifying capital projects is greater than the 94658  
campus's formula-determined capital component allocation shall 94659  
have the difference subtracted from its State Share of Instruction 94660  
allocation in each fiscal year. Appropriation equal to the sum of 94661  
all such amounts except that of the Ohio Agricultural Research and 94662  
Development Center shall be transferred from appropriation item 94663  
235501, State Share of Instruction, to appropriation item 235552, 94664  
Capital Component. Appropriation equal to any estimated Ohio 94665  
Agricultural Research and Development Center debt service 94666

attributable to qualifying capital projects that is greater than 94667  
the Center's formula-determined capital component allocation shall 94668  
be transferred from appropriation item 235535, Ohio Agricultural 94669  
Research and Development Center, to appropriation item 235552, 94670  
Capital Component. 94671

**Section 369.350. LIBRARY DEPOSITORIES** 94672

The foregoing appropriation item 235555, Library 94673  
Depositories, shall be distributed to the state's five regional 94674  
depository libraries for the cost-effective storage of and access 94675  
to lesser-used materials in university library collections. The 94676  
depositories shall be administrated by the Director of Higher 94677  
Education, or by OhioLINK at the discretion of the Director. 94678

**Section 369.360. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 94679

The foregoing appropriation item 235556, Ohio Academic 94680  
Resources Network, shall be used by the Director of Higher 94681  
Education to support the operations of the Ohio Academic Resources 94682  
Network, a consortium organized under division (T) of section 94683  
3333.04 of the Revised Code, which shall include support for 94684  
Ohio's colleges and universities in maintaining and enhancing 94685  
network connections, using new network technologies to improve 94686  
research, education, and economic development programs, and 94687  
sharing information technology services. To the extent network 94688  
capacity is available, OARnet shall support allocating bandwidth 94689  
to eligible programs directly supporting Ohio's economic 94690  
development. 94691

**Section 369.370. LONG-TERM CARE RESEARCH** 94692

The foregoing appropriation item 235558, Long-term Care 94693  
Research, shall be disbursed to Miami University for long-term 94694  
care research. 94695

<b>Section 369.380.</b> OHIO COLLEGE OPPORTUNITY GRANT	94696
(A) Except as provided in division (C) of this section:	94697
Of the foregoing appropriation item 235563, Ohio College Opportunity Grant, not less than \$42,500,000 in each fiscal year shall be used by the Director of Higher Education to award need-based financial aid to students enrolled in eligible public institutions of higher education, excluding early college high school and post-secondary enrollment option participants.	94698 94699 94700 94701 94702 94703
Of the foregoing appropriation item 235563, Ohio College Opportunity Grant, not less than \$44,500,000 in each fiscal year shall be used by the Director of Higher Education to award need-based financial aid to students enrolled in eligible private nonprofit institutions of higher education, excluding early college high school and post-secondary enrollment option participants.	94704 94705 94706 94707 94708 94709 94710
Of the foregoing appropriation item 235563, Ohio College Opportunity Grant, not less than \$8,000,000 in each fiscal year shall be used by the Director of Higher Education to award need-based financial aid to students enrolled in eligible for-profit career colleges and schools.	94711 94712 94713 94714 94715
The remainder of the foregoing appropriation item 235563, Ohio College Opportunity Grant, shall be used by the Director of Higher Education to award needs-based financial aid to students enrolled in eligible private for-profit career colleges and schools.	94716 94717 94718 94719 94720
(B)(1) As used in this section:	94721
(a) "Eligible institution" means any institution described in divisions (B)(2)(a) to (c) of section 3333.122 of the Revised Code.	94722 94723 94724
(b) The three "sectors" of institutions of higher education	94725

consist of the following: 94726

(i) State colleges and universities, community colleges, 94727  
state community colleges, university branches, and technical 94728  
colleges; 94729

(ii) Eligible private nonprofit institutions of higher 94730  
education; 94731

(iii) Eligible private for-profit career colleges and 94732  
schools. 94733

(2) Awards for students attending eligible nonprofit 94734  
institutions of higher education shall be determined at twice the 94735  
rate of the awards for students attending eligible public 94736  
institutions of higher education. 94737

(3) For students attending an eligible institution 94738  
year-round, awards may be distributed on an annual basis, once 94739  
Pell grants have been exhausted. 94740

(4) If the Director determines that the amounts appropriated 94741  
for support of the Ohio College Opportunity Grant program are 94742  
inadequate to provide grants to all eligible students as 94743  
calculated under division (D) of section 3333.122 of the Revised 94744  
Code, the Director may create a distribution formula for fiscal 94745  
year 2016 and fiscal year 2017 based on the formula used in fiscal 94746  
year 2015, or may follow methods established in division (C)(1)(a) 94747  
or (b) of section 3333.122 of the Revised Code. The Director shall 94748  
give priority to students who have the greatest financial need. 94749  
The Director shall notify the Controlling Board of the 94750  
distribution method. Any formula calculated under this division 94751  
shall be complete and established to coincide with the start of 94752  
the 2015-2016 academic year. 94753

(C) Prior to determining the amount of funds available to 94754  
award under this section and section 3333.122 of the Revised Code, 94755  
the Director shall use the foregoing appropriation item 235563, 94756

Ohio College Opportunity Grant, to pay for renewals or partial 94757  
renewals of scholarships students receive under the Ohio Academic 94758  
Scholarship Program under sections 3333.21 and 3333.22 of the 94759  
Revised Code. In paying for scholarships under this division, the 94760  
Director shall deduct funds from the allocations made under 94761  
division (A) of this section. Deductions shall be proportionate to 94762  
the amounts allocated to each sector from the total amounts 94763  
appropriated for each sector under the foregoing appropriation 94764  
item 235563, Ohio College Opportunity Grant. 94765

In each fiscal year, with the exception of sections 3333.121 94766  
and 3333.124 of the Revised Code and Section 363.530 of this act, 94767  
the Director shall not distribute or obligate or commit to be 94768  
distributed an amount greater than what is appropriated under the 94769  
foregoing appropriation item 235563, Ohio College Opportunity 94770  
Grant. 94771

(D) The Director shall establish, and post on the Department 94772  
of Higher Education's web site, award tables based on any formulas 94773  
created under division (B) of this section. The Director shall 94774  
notify students and institutions of any reductions in awards under 94775  
this section. 94776

On or before August 31, 2015, the Director of Higher 94777  
Education shall submit award tables to the Controlling Board for 94778  
the 2015-2016 academic year and allocations of Ohio College 94779  
Opportunity Grant awards not already specified in section 3333.122 94780  
of the Revised Code. 94781

(E) Notwithstanding section 3333.122 of the Revised Code, no 94782  
student shall be eligible to receive an Ohio College Opportunity 94783  
Grant for more than ten semesters, fifteen quarters, or the 94784  
equivalent of five academic years, less the number of semesters or 94785  
quarters in which the student received an Ohio Instructional 94786  
Grant. 94787



**Section 369.390.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT 94788

The foregoing appropriation item 235572, The Ohio State 94789  
University Clinic Support, shall be distributed through the 94790  
Director of Higher Education to The Ohio State University for 94791  
support of dental and veterinary medicine clinics. 94792

**Section 369.393.** CO-OP INTERNSHIP PROGRAM 94793

Of the foregoing appropriation item 235591, Co-op Internship 94794  
Program, \$75,000 in each fiscal year shall be used to support the 94795  
operations of Ohio University's Voinovich School of Leadership and 94796  
Public Affairs. 94797

Of the foregoing appropriation item 235591, Co-op Internship 94798  
Program, \$75,000 in each fiscal year, shall be used to support the 94799  
operations of The Ohio State University's John Glenn College of 94800  
Public Affairs. 94801

Of the foregoing appropriation item 235591, Co-op Internship 94802  
Program, \$75,000 in each fiscal year shall be used to support the 94803  
Bliss Institute of Applied Politics at the University of Akron. 94804

Of the foregoing appropriation item 235591, Co-op Internship 94805  
Program, \$75,000 in each fiscal year shall be used to support the 94806  
Center for Public Management and Regional Affairs at Miami 94807  
University. 94808

Of the foregoing appropriation item 235591, Co-op Internship 94809  
Program, \$150,000 in each fiscal year shall be used to support 94810  
students who attend institutions of higher education in Ohio and 94811  
are participating in the Washington Center Internship Program. 94812

Of the foregoing appropriation item 235591, Co-op Internship 94813  
Program, \$75,000 in each fiscal year shall be used to support the 94814  
Ohio Center for the Advancement of Women in Public Service at the 94815  
Maxine Goodman Levin College of Urban Affairs at Cleveland State 94816

University. 94817

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the University of Cincinnati Internship Program. 94818  
94819  
94820

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the operations of the Center for Regional Development at Bowling Green State University. 94821  
94822  
94823  
94824

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the operations of the Center for Liberal Arts Student Success at Wright State University. 94825  
94826  
94827  
94828

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Kent State University Columbus Program. 94829  
94830  
94831

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center. 94832  
94833  
94834

Of the foregoing appropriation item 235591, Co-op Internship Program, \$10,000 in each fiscal year shall be provided to the Ohio College Access Network to support the Ohio Student Education Policy Institute. 94835  
94836  
94837  
94838

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Center for Urban and Regional Studies at Youngstown State University. 94839  
94840  
94841  
94842

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$250,000 shall be used to establish and support the Wright State Policy Institute at Wright State University and the Workforce Immersion Program at the Wright State Policy Institute. 94843  
94844  
94845  
94846

The Wright State Policy Institute shall offer a premier leadership development program designed to identify, educate, and motivate a network of future community leaders and critical workforce as well as increase their capacity to serve their community, state, and country while preparing to enter public service or for in-demand jobs in Ohio. The Workforce Immersion Program shall provide an intensive learning and pre-professional experience in four tracks: local government, state government, federal government, and in-demand jobs as identified by OhioMeansJobs. It shall increase the number of students pursuing careers in public services and in-demand occupations and encourage them to remain in Ohio for their employment.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$1,000,000 in each fiscal year shall be used for grants for the STEM Public-Private Partnership Program established in Section 733.20 of H.B. 64 of the 131st General Assembly.

**Section 369.400. NATIONAL GUARD SCHOLARSHIP PROGRAM**

The Director of Higher Education shall disburse funds from appropriation item 235599, National Guard Scholarship Program. During each fiscal year, the Director of Higher Education, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer cash in an amount up to the amount certified from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM0).

**Section 369.410. PLEDGE OF FEES**

Any new pledge of fees, or new agreement for adjustment of fees, made in the biennium ending June 30, 2017, to secure bonds

or notes of a state institution of higher education for a project 94877  
for which bonds or notes were not outstanding on the effective 94878  
date of this section shall be effective only after approval by the 94879  
Director of Higher Education, unless approved in a previous 94880  
biennium. 94881

**Section 369.420.** HIGHER EDUCATION GENERAL OBLIGATION BOND 94882  
DEBT SERVICE 94883

The foregoing appropriation item 235909, Higher Education 94884  
General Obligation Bond Debt Service, shall be used to pay all 94885  
debt service and related financing costs during the period from 94886  
July 1, 2015, through June 30, 2017, for obligations issued under 94887  
sections 151.01 and 151.04 of the Revised Code. 94888

**Section 369.430.** SALES AND SERVICES 94889

The Director of Higher Education is authorized to charge and 94890  
accept payment for the provision of goods and services. Such 94891  
charges shall be reasonably related to the cost of producing the 94892  
goods and services. Except as otherwise provided by law, no 94893  
charges may be levied for goods or services that are produced as 94894  
part of the routine responsibilities or duties of the Director. 94895  
All revenues received by the Director of Higher Education shall be 94896  
deposited into Fund 4560, and may be used by the Director of 94897  
Higher Education to pay for the costs of producing the goods and 94898  
services. 94899

**Section 369.440.** HIGHER EDUCATIONAL FACILITY COMMISSION 94900  
ADMINISTRATION 94901

The foregoing appropriation item 235602, Higher Educational 94902  
Facility Commission Administration, shall be used by the Director 94903  
of Higher Education for operating expenses related to the Director 94904  
of Higher Education's support of the activities of the Ohio Higher 94905

Educational Facility Commission. Upon the request of the Director 94906  
of Higher Education, the Director of Budget and Management may 94907  
transfer up to \$29,100 cash in each fiscal year from the HEFC 94908  
Operating Expenses Fund (Fund 4610) to the HEFC Administration 94909  
Fund (Fund 4E80). 94910

**Section 369.450. TELECOMMUNITY AND DISTANCE LEARNING** 94911

Of the foregoing appropriation item 235674, Telecommunity and 94912  
Distance Learning, up to \$25,000 in each fiscal year shall be 94913  
distributed by the Director of Higher Education on a grant basis 94914  
to eligible school districts to establish "distance learning" 94915  
through interactive video technologies in the school district. Per 94916  
agreements with eight Ohio local telephone companies, ALLTEL Ohio, 94917  
CENTURY Telephone of Ohio, Chillicothe Telephone Company, 94918  
Cincinnati Bell Telephone Company, Orwell Telephone Company, 94919  
Sprint North Central Telephone, VERIZON, and Western Reserve 94920  
Telephone Company, school districts are eligible for funds if they 94921  
are within one of the listed telephone company service areas. 94922  
Funds to administer the program shall be expended by the Director 94923  
of Higher Education up to the amount specified in the agreements 94924  
with the listed telephone companies. 94925

Within thirty days after the effective date of this section, 94926  
the Director of Budget and Management shall transfer to Fund 4X10 94927  
in the Dedicated Purpose Fund Group any investment earnings from 94928  
moneys paid by any telephone company as part of any settlement 94929  
agreement between the listed companies and the Public Utilities 94930  
Commission in fiscal years 1996 and beyond. 94931

Of the foregoing appropriation item 235674, Telecommunity and 94932  
Distance Learning, up to \$24,150 in each fiscal year shall be 94933  
distributed by the Director of Higher Education on a grant basis 94934  
to eligible school districts to establish "distance learning" in 94935  
the school district. Per an agreement with Ameritech, school 94936

districts are eligible for funds if they are within an Ameritech 94937  
service area. Funds to administer the program shall be expended by 94938  
the Director of Higher Education up to the amount specified in the 94939  
agreement with Ameritech. 94940

Within thirty days after the effective date of this section, 94941  
the Director of Budget and Management shall transfer to Fund 4X10 94942  
in the Dedicated Purpose Fund Group any investment earnings from 94943  
moneys paid by any telephone company as part of a settlement 94944  
agreement between the company and the Public Utilities Commission 94945  
in fiscal year 1995. 94946

**Section 369.460. COMPETENCY BASED PILOT PROJECT** 94947

The foregoing appropriation item 235694, Competency Based 94948  
Pilot Project, shall be used by the Director of Higher Education 94949  
to work with state institutions of higher education as defined in 94950  
section 3345.011 of the Revised Code to develop competency based 94951  
education programs. Competency based education programs shall 94952  
measure student success based on competencies instead of credit 94953  
hours earned. Any state institutions of higher education that 94954  
choose to offer competency based education programs may submit 94955  
plans for how the institution would design, develop, structure and 94956  
implement such programs to the Department of Higher Education by 94957  
July 1, 2016. State institutions of higher education that choose 94958  
to develop and submit such a plan shall be granted a reasonable 94959  
period of time to implement the plan, including the time it takes 94960  
to seek and receive the necessary approvals, accreditations, and 94961  
any other conditions that must be met in order to set up, operate, 94962  
and administer such a program. 94963

Of the foregoing appropriation item 235694, Competency Based 94964  
Pilot Project, \$250,000 in each fiscal year shall be used for 94965  
competency based certificates. 94966

Any unexpended and unencumbered portion of the foregoing 94967

appropriation item 235694, Competency Based Pilot Project, at the 94968  
end of fiscal year 2016 is hereby reappropriated for the same 94969  
purpose in fiscal year 2017. 94970

**Section 369.470.** OHIOMEANSJOBS WORKFORCE DEVELOPMENT 94971  
REVOLVING LOAN PROGRAM 94972

The foregoing appropriation item 235684, OhioMeansJobs 94973  
Workforce Development Revolving Loan Program, shall be used for 94974  
the OhioMeansJobs Workforce Development Revolving Loan Program to 94975  
provide loans to individuals for workforce training. 94976

Of the foregoing appropriation item 235684, OhioMeansJobs 94977  
Workforce Development Revolving Loan Program, up to \$250,000 in 94978  
fiscal year 2016 may be used by the Director of Higher Education 94979  
to administer the program, and up to \$250,000 in fiscal year 2016 94980  
may be used by the Treasurer of State to administer the program. 94981

Any unexpended and unencumbered portion of the foregoing 94982  
appropriation item 235684, OhioMeansJobs Workforce Development 94983  
Revolving Loan Program, at the end of fiscal year 2016 is hereby 94984  
reappropriated for the same purpose in fiscal year 2017. To the 94985  
extent that reappropriated funds are available, of the foregoing 94986  
appropriation item 235684, OhioMeansJobs Workforce Development 94987  
Revolving Loan Program, up to \$250,000 in fiscal year 2017 may be 94988  
used by the Director of Higher Education to administer the 94989  
program, and up to \$250,000 in fiscal year 2017 may be used by the 94990  
Treasurer of State to administer the program. 94991

**Section 369.480.** STUDENT DEBT REDUCTION PROGRAM 94992

The foregoing appropriation item 235695, Student Debt 94993  
Reduction Program, shall be used by the Director of Higher 94994  
Education for the purpose of reducing debt and financial burdens 94995  
on students attending state institutions of higher education as 94996  
defined in section 3345.011 of the Revised Code and private 94997

nonprofit institutions of higher education holding certificates of 94998  
authorization under Chapter 1713. of the Revised Code. By 94999  
September 30, 2015, the Director shall develop a plan to award up 95000  
to \$7,500,000 in each fiscal year. The plan shall consider, at 95001  
least, need based students, in-demand jobs, and the requirement 95002  
for participating students to stay in Ohio for five years after 95003  
graduation. 95004

Any unexpended and unencumbered portion of the foregoing 95005  
appropriation item 235695, Student Debt Reduction Program, at the 95006  
end of fiscal year 2016 is hereby reappropriated for the same 95007  
purpose in fiscal year 2017. 95008

**Section 369.483. WORKFORCE GRANTS** 95009

Of the foregoing appropriation item 235616, Workforce Grants, 95010  
up to \$500,000 in each fiscal year shall be used by the Director 95011  
of Higher Education to coordinate a statewide effort to promote 95012  
workforce grant programs. 95013

The remainder of appropriation item 235616, Workforce Grants, 95014  
shall be used by the Director to distribute the grant awards. 95015

**Section 369.490. STATE NEED-BASED FINANCIAL AID** 95016  
RECONCILIATION 95017

By the first day of August in each fiscal year, or as soon as 95018  
possible thereafter, the Director of Higher Education shall 95019  
certify to the Director of Budget and Management the amount 95020  
necessary to pay any outstanding prior year obligations to higher 95021  
education institutions for the state's need-based financial aid 95022  
programs. The amounts certified are hereby appropriated to 95023  
appropriation item 235618, State Need-based Financial Aid 95024  
Reconciliation, from revenues received in the State Need-based 95025  
Financial Aid Reconciliation Fund (Fund 5Y50). 95026



**Section 369.500.** NURSING LOAN PROGRAM 95027

The foregoing appropriation item 235606, Nursing Loan 95028  
Program, shall be used to administer the nurse education 95029  
assistance program. Up to \$50,000 in each fiscal year may be used 95030  
for operating expenses associated with the program. Any additional 95031  
funds needed for the administration of the program are subject to 95032  
Controlling Board approval. 95033

**Section 369.510.** RESEARCH INCENTIVE THIRD FRONTIER FUND 95034

The foregoing appropriation item 235634, Research Incentive 95035  
Third Frontier Fund, shall be used by the Director of Higher 95036  
Education to advance collaborative research at institutions of 95037  
higher education. Of the foregoing appropriation item 235634, 95038  
Research Incentive Third Frontier Fund, up to \$2,000,000 in each 95039  
fiscal year may be allocated toward research regarding the 95040  
improvement of water quality. Of the foregoing appropriation item 95041  
235634, Research Incentive Third Frontier Fund, up to \$1,000,000 95042  
in each fiscal year may be allocated toward research regarding the 95043  
reduction of infant mortality. 95044

**Section 369.520.** VETERANS PREFERENCES 95045

The Director of Higher Education shall work with the 95046  
Department of Veterans Services to develop specific veterans 95047  
preference guidelines for higher education institutions. These 95048  
guidelines shall ensure that the institutions' hiring practices 95049  
are in accordance with the intent of Ohio's veterans preference 95050  
laws. 95051

**Section 369.530.** (A) As used in this section: 95052

(1) "Board of trustees" includes the managing authority of a 95053  
university branch district. 95054

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.

**Section 369.540. EFFICIENCY ADVISORY COMMITTEE**

The Director of Higher Education shall maintain an efficiency advisory committee for the purpose of generating optimal efficiency plans for campuses, identifying shared services opportunities, streamlining administrative operations, and sharing best practices in efficiencies among public institutions of higher education. The committee shall meet at the call of the Director or the Director's designee. Each state institution of higher education shall designate an employee to serve as its efficiency officer responsible for the evaluation and improvement of operational efficiencies on campus. Each efficiency officer shall serve on the efficiency advisory committee.

By December 31 of each year, the Director of Higher Education shall provide a report to the Office of Budget and Management, the Governor, and the General Assembly compiling efficiency reports from all public institutions of higher education and benchmarking efficiency gains realized over the preceding year. The reports from each institution shall identify efficiencies at each public institution of higher education, and quantify revenue enhancements, reallocation of resources, expense reductions, and cost avoidance where possible in the areas of general operational functions, academic program delivery, energy usage, and information technology and procurement reforms. The reports shall particularly emphasize areas where these reforms are demonstrating

savings or cost avoidance to students. The report shall also be 95086  
made available to the public on the Department of Higher 95087  
Education's web site. 95088

**Section 369.550. AGENCY AND DIRECTOR NAME CHANGE** 95089

On the effective date of this section, the office of the 95090  
Chancellor of the Board of Regents is renamed the Department of 95091  
Higher Education. The office of the Chancellor of the Board of 95092  
Regents' functions, and its assets and liabilities, are 95093  
transferred to the Department of Higher Education. The Department 95094  
of Higher Education is successor to, assumes the obligations and 95095  
authority of, and otherwise continues the office of the Chancellor 95096  
of the Board of Regents. No right, privilege, or remedy, and no 95097  
duty, liability, or obligation, accrued under the office of the 95098  
Chancellor of the Board of Regents is impaired or lost by reason 95099  
of the renaming and shall be recognized, administered, performed, 95100  
or enforced by the Department of Higher Education. 95101

Business commenced but not completed by the office of the 95102  
Chancellor of the Board of Regents or by the Chancellor shall be 95103  
completed by the Department of Higher Education or the Director of 95104  
Higher Education in the same manner, and with the same effect, as 95105  
if completed by the office of the Chancellor of the Board of 95106  
Regents or the Chancellor. 95107

All of the office of the Chancellor of the Board of Regents' 95108  
rules, orders, and determinations continue in effect as rules, 95109  
orders, and determinations of the Department of Higher Education 95110  
until modified or rescinded by the Department of Higher Education. 95111

All employees of the office of the Chancellor of the Board of 95112  
Regents continue with the Department of Higher Education and 95113  
retain their positions and all benefits accruing thereto. 95114

Except as otherwise noted in law, whenever the Board of 95115

Regents or the Chancellor of the Board of Regents is referred to 95116  
in a statute, contract, or other instrument, the reference is 95117  
deemed to refer to the Department of Higher Education or to the 95118  
Director of Higher Education, whichever is appropriate in context. 95119

No pending action or proceeding being prosecuted or defended 95120  
in court or before an agency by the office of the Chancellor of 95121  
the Board of Regents or by the Chancellor of the Board of Regents 95122  
is affected by the renaming and shall be prosecuted or defended in 95123  
the name of the Department of Higher Education or the Director of 95124  
Higher Education, whichever is appropriate. Upon application to 95125  
the court or agency, the Department of Higher Education or the 95126  
Director of Higher Education shall be substituted. 95127

**Section 369.560.** OHIO TASK FORCE ON AFFORDABILITY AND 95128  
EFFICIENCY IN HIGHER EDUCATION REPORT 95129

Upon submission of the Ohio task force on affordability and 95130  
efficiency in higher education report as established by governor's 95131  
executive order, all boards of trustees for state institutions of 95132  
higher education as defined in section 3345.011 of the Revised 95133  
Code, shall complete, by July 1, 2016, an efficiency review based 95134  
on the report and recommendations of the task force, and provide a 95135  
report to the Director of Higher Education within 30 days of the 95136  
completion of the efficiency review that includes how each 95137  
institution will implement the recommendations and any other cost 95138  
savings measures. 95139

**Section 369.570.** WORK EXPERIENCE STRATEGIES 95140

By December 31, 2015, the Director of Higher Education, in 95141  
consultation with state institutions of higher education as 95142  
defined in section 3345.011 of the Revised Code and nonprofit 95143  
institutions of higher education that have certificates of 95144  
authorization under Chapter 1713. of the Revised Code, shall 95145

develop implementation strategies to embed work experiences, 95146  
including but not limited to internships and cooperatives, into 95147  
the curriculum of degree programs starting in the 2016-2017 95148  
academic year, to explore ways to increase student participation 95149  
in in-demand occupations, including computer sciences, and to 95150  
create industry clusters to develop curriculum that can be used 95151  
for competency based tests. These implementation strategies shall 95152  
also include the use of OhioMeansJobs.com as a central location 95153  
for higher education students to access information on work 95154  
experiences and career opportunities. By December 31, 2015, each 95155  
state institution of higher education as defined in section 95156  
3345.011 of the Revised Code and each nonprofit institution of 95157  
higher education that has a certificate of authorization under 95158  
Chapter 1713. of the Revised Code shall display a link to 95159  
OhioMeansJobs.com in a prominent location on the institution's web 95160  
site. 95161

The Director shall work with state institutions of higher 95162  
education and nonprofit institutions of higher education to have a 95163  
career counseling program in place by December 31, 2015. 95164

**Section 369.580.** TECHNOLOGY TRANSFER AND COMMERCIALIZATION 95165  
RECOMMENDATIONS 95166

By July 1, 2016, the Director of Higher Education shall study 95167  
and make recommendations regarding ways to improve technology 95168  
transfer and commercialization, including the potential for 95169  
intellectual property auctions after a set number of years. 95170

**Section 369.590.** No recommendation of the Ohio Task Force on 95171  
Affordability and Efficiency in Higher Education established on 95172  
February 10, 2015, by Executive Order 2015-01K of the Governor 95173  
shall be implemented without the approval of the General Assembly 95174  
or, if a change to Ohio law is necessary for the recommendation to 95175

take effect, without the enactment of the required changes in Ohio law by the General Assembly. 95176  
95177

**Section 371.10.** DRC DEPARTMENT OF REHABILITATION AND CORRECTION 95178  
95179

General Revenue Fund 95180

GRF 501321 Institutional \$ 952,547,588 \$ 979,773,825 95181  
Operations

GRF 501405 Halfway House \$ 54,369,687 \$ 56,541,437 95182

GRF 501406 Adult Correctional \$ 82,595,700 \$ 79,702,800 95183  
Facilities Lease  
Rental Bond Payments

GRF 501407 Community \$ 53,577,390 \$ 56,365,890 95184  
Nonresidential  
Programs

GRF 501408 Community Misdemeanor \$ 14,356,800 \$ 14,356,800 95185  
Programs

GRF 501501 Community Residential \$ 72,391,705 \$ 75,329,955 95186  
Programs - CBCF

GRF 503321 Parole and Community \$ 73,346,119 \$ 75,149,295 95187  
Operations

GRF 504321 Administrative \$ 21,475,332 \$ 21,999,343 95188  
Operations

GRF 505321 Institution Medical \$ 239,000,000 \$ 248,000,000 95189  
Services

GRF 506321 Institution Education \$ 24,586,681 \$ 30,454,204 95190  
Services

TOTAL GRF General Revenue Fund \$ 1,588,247,002 \$ 1,637,673,549 95191

Dedicated Purpose Fund Group 95192

4B00 501601 Sewer Treatment \$ 2,393,506 \$ 2,420,848 95193  
Services

4D40	501603	Prisoner Programs	\$	5,490,000	\$	500,000	95194
4L40	501604	Transitional Control	\$	700,000	\$	700,000	95195
4S50	501608	Education Services	\$	3,432,164	\$	3,490,471	95196
5AF0	501609	State and Non-Federal Awards	\$	2,000,000	\$	2,000,000	95197
5H80	501617	Offender Financial Responsibility	\$	2,000,000	\$	2,000,000	95198
TOTAL DPF Dedicated Purpose Fund Group			\$	16,015,670	\$	11,111,319	95199
Internal Service Activity Fund Group							95200
1480	501602	Institutional Services	\$	3,139,577	\$	3,139,577	95201
2000	501607	Ohio Penal Industries	\$	54,492,119	\$	54,925,441	95202
4830	501605	Leased Property Maintenance & Operating	\$	467,844	\$	469,540	95203
5710	501606	Corrections Training Maintenance & Operating	\$	500,000	\$	500,000	95204
5L60	501611	Information Technology Services	\$	500,000	\$	500,000	95205
TOTAL ISA Internal Activity Fund Group							95206
			\$	59,099,540	\$	59,534,558	95207
Federal Fund Group							95208
3230	501619	Federal Grants	\$	4,200,000	\$	4,200,000	95209
3CW0	501622	Federal Equitable Sharing	\$	400,000	\$	400,000	95210
TOTAL FED Federal Fund Group							95211
			\$	4,600,000	\$	4,600,000	95212
TOTAL ALL BUDGET FUND GROUPS			\$	1,667,962,212	\$	1,712,919,426	95213
ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS							95214
The foregoing appropriation item 501406, Adult Correctional							95215

Facilities Lease Rental Bond Payments, shall be used to meet all 95216  
payments during the period from July 1, 2015, through June 30, 95217  
2017, by the Department of Rehabilitation and Correction under the 95218  
primary leases and agreements for those buildings made under 95219  
Chapters 152. and 154. of the Revised Code. These appropriations 95220  
are the source of funds pledged for bond service charges on 95221  
related obligations issued under Chapters 152. and 154. of the 95222  
Revised Code. 95223

OSU MEDICAL CHARGES 95224

Notwithstanding section 341.192 of the Revised Code, at the 95225  
request of the Department of Rehabilitation and Correction, The 95226  
Ohio State University Medical Center, including the Arthur G. 95227  
James Cancer Hospital and Richard J. Solove Research Institute and 95228  
the Richard M. Ross Heart Hospital, shall provide necessary care 95229  
to persons who are confined in state adult correctional 95230  
facilities. The provision of necessary inpatient care shall be 95231  
billed to the Department or the Department of Medicaid at a rate 95232  
not to exceed the authorized reimbursement rate for the same 95233  
service established by the Department of Medicaid under the 95234  
Medicaid Program. 95235

**Section 373.10.** RCB RESPIRATORY CARE BOARD 95236

Dedicated Purpose Fund Group 95237  
4K90 872609 Operating Expenses \$ 572,005 \$ 570,123 95238  
TOTAL DPF Dedicated Purpose 95239  
Fund Group \$ 572,005 \$ 570,123 95240  
TOTAL ALL BUDGET FUND GROUPS \$ 572,005 \$ 570,123 95241

**Section 375.10.** RDF STATE REVENUE DISTRIBUTIONS 95243

General Revenue Fund Group 95244  
GRF 110908 Property Tax \$ 664,740,000 \$ 675,760,000 95245  
Reimbursement - Local



		Government			
GRF	200903	Property Tax	\$ 1,181,760,000	\$ 1,201,340,000	95246
		Reimbursement -			
		Education			
TOTAL GRF		General Revenue Fund	\$ 1,846,500,000	\$ 1,877,100,000	95247
Group					
Revenue Distribution Fund Group					95248
5JG0	110633	Gross Casino Revenue	\$ 123,500,000	\$ 114,100,000	95249
		County Distribution			
5JH0	110634	Gross Casino Revenue	\$ 82,300,000	\$ 76,100,000	95250
		County Student			
		Distribution			
5JJ0	110636	Gross Casino Revenue	\$ 12,100,000	\$ 11,100,000	95251
		Host City			
		Distribution			
7047	200902	Property Tax	\$ 361,773,101	\$ 251,560,497	95252
		Replacement Phase			
		Out-Education			
7049	336900	Indigent Drivers	\$ 2,250,000	\$ 2,250,000	95253
		Alcohol Treatment			
7050	762900	International	\$ 20,000,000	\$ 20,000,000	95254
		Registration Plan			
		Distribution			
7051	762901	Auto Registration	\$ 345,000,000	\$ 345,000,000	95255
		Distribution			
7060	110960	Gasoline Excise Tax	\$ 395,000,000	\$ 395,000,000	95256
		Fund			
7065	110965	Public Library Fund	\$ 389,520,000	\$ 404,310,000	95257
7066	800966	Undivided Liquor	\$ 14,100,000	\$ 14,100,000	95258
		Permits			
7068	110968	State and Local	\$ 196,000,000	\$ 196,000,000	95259
		Government Highway			
		Distributions			

7069	110969	Local Government Fund	\$	383,520,000	\$	399,310,000	95260
7081	110907	Property Tax	\$	66,070,450	\$	40,444,766	95261
		Replacement Phase					
		Out-Local Government					
7082	110982	Horse Racing Tax	\$	100,000	\$	100,000	95262
7083	700900	Ohio Fairs Fund	\$	1,200,000	\$	1,200,000	95263
TOTAL RDF Revenue Distribution							95264
Fund Group				\$ 2,392,433,551	\$ 2,270,575,263		95265
Fiduciary Fund Group							95266
4P80	001698	Cash Management	\$	3,100,000	\$	3,100,000	95267
		Improvement Fund					
6080	001699	Investment Earnings	\$	100,000,000	\$	120,000,000	95268
7001	110996	Horse-Racing Tax	\$	125,000	\$	125,000	95269
		Municipality Fund					
7062	110962	Resort Area Excise	\$	1,200,000	\$	1,200,000	95270
		Tax Distribution					
7063	110963	Permissive Tax	\$	2,356,000,000	\$	2,475,000,000	95271
		Distribution					
7067	110967	School District	\$	430,000,000	\$	453,000,000	95272
		Income Tax					
		Distribution					
7085	800985	Volunteer Firemen's	\$	300,000	\$	300,000	95273
		Dependents Fund					
7093	110640	Next Generation 9-1-1	\$	2,600,000	\$	2,600,000	95274
7094	110641	Wireless 9-1-1	\$	28,200,000	\$	28,200,000	95275
		Government Assistance					
7099	762902	Permissive Tax	\$	184,000,000	\$	184,000,000	95276
		Distribution - Auto					
		Registration					
TOTAL FID Fiduciary Fund Group				\$ 3,105,525,000	\$ 3,267,525,000		95277
Holding Account Fund Group							95278
R045	110617	International Fuel	\$	40,000,000	\$	40,000,000	95279

Tax Distribution

TOTAL HLD Holding Account Fund           \$ 40,000,000 \$ 40,000,000 95280  
Group

TOTAL ALL BUDGET FUND GROUPS           \$ 7,384,458,551 \$ 7,455,200,263 95281

ADDITIONAL APPROPRIATIONS 95282

Appropriation items in this section shall be used for the 95283  
purpose of administering and distributing the designated revenue 95284  
distribution funds according to the Revised Code. If it is 95285  
determined that additional appropriations are necessary for this 95286  
purpose, such amounts are hereby appropriated. 95287

GENERAL REVENUE FUND TRANSFERS 95288

Notwithstanding any provision of law to the contrary, in 95289  
fiscal year 2016 and fiscal year 2017, the Director of Budget and 95290  
Management may transfer from the General Revenue Fund to the Local 95291  
Government Tangible Property Tax Replacement Fund (Fund 7081) and 95292  
the School District Tangible Property Tax Replacement Fund (Fund 95293  
7047) in the Revenue Distribution Fund Group, those amounts 95294  
necessary to reimburse local taxing units and school districts 95295  
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 95296  
fiscal year 2016 and fiscal year 2017, the Director of Budget and 95297  
Management may make temporary transfers from the General Revenue 95298  
Fund to ensure sufficient balances in the Local Government 95299  
Tangible Property Tax Replacement Fund (Fund 7081) and the School 95300  
District Tangible Property Tax Replacement Fund (Fund 7047) and to 95301  
replenish the General Revenue Fund for such transfers. 95302

PROPERTY TAX REIMBURSEMENT - EDUCATION 95303

The Superintendent of Public Instruction shall not request, 95304  
and the Controlling Board shall not approve, the transfer of 95305  
appropriation from appropriation item 200903, Property Tax 95306  
Reimbursement - Education, to any other appropriation item. 95307

The foregoing appropriation item 200903, Property Tax 95308

Reimbursement - Education, is appropriated to pay for the state's 95309  
costs incurred because of the homestead exemption, the property 95310  
tax rollback, and payments required under division (C) of section 95311  
5705.2110 of the Revised Code. In cooperation with the Department 95312  
of Taxation, the Department of Education shall distribute these 95313  
funds directly to the appropriate school districts of the state, 95314  
notwithstanding sections 321.24 and 323.156 of the Revised Code, 95315  
which provide for payment of the homestead exemption and property 95316  
tax rollback by the Tax Commissioner to the appropriate county 95317  
treasurer and the subsequent redistribution of these funds to the 95318  
appropriate local taxing districts by the county auditor. 95319

Upon receipt of these amounts, each school district shall 95320  
distribute the amount among the proper funds as if it had been 95321  
paid as real or tangible personal property taxes. Payments for the 95322  
costs of administration shall continue to be paid to the county 95323  
treasurer and county auditor as provided for in sections 319.54, 95324  
321.26, and 323.156 of the Revised Code. 95325

Any sums, in addition to the amount specifically appropriated 95326  
in appropriation item 200903, Property Tax Reimbursement - 95327  
Education, for the homestead exemption and the property tax 95328  
rollback payments, and payments required under division (C) of 95329  
section 5705.2110 of the Revised Code, which are determined to be 95330  
necessary for these purposes, are hereby appropriated. 95331

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 95332

The foregoing appropriation item 110908, Property Tax 95333  
Reimbursement-Local Government, is hereby appropriated to pay for 95334  
the state's costs incurred due to the Homestead Exemption, the 95335  
Manufactured Home Property Tax Rollback, and the Property Tax 95336  
Rollback. The Tax Commissioner shall distribute these funds 95337  
directly to the appropriate local taxing districts, except for 95338  
school districts, notwithstanding the provisions in sections 95339  
321.24 and 323.156 of the Revised Code, which provide for payment 95340

of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and Property Tax Rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation item 110908, Property Tax Allocation - Local Government, for the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback payments, which are determined to be necessary for these purposes, are hereby appropriated.

PUBLIC LIBRARY FUND

Notwithstanding the requirement in division (C) of section 131.51 of the Revised Code that the Director of Budget and Management use the percentage calculated in division (A)(2) of section 131.51 of the Revised Code for calculating the credit each month to the Public Library Fund, the Director of Budget and Management shall instead calculate these amounts during fiscal year 2016 and fiscal year 2017 using 1.70 per cent as the percentage.

**Section 377.10.** SAN BOARD OF SANITARIAN REGISTRATION

Dedicated Purpose Fund Group					
4K90 893609	Operating Expenses	\$	158,250	\$	153,650
TOTAL DPF	Dedicated Purpose				

Fund Group	\$	158,250	\$	153,650	95371
TOTAL ALL BUDGET FUND GROUPS	\$	158,250	\$	153,650	95372

**Section 379.10.** OSB OHIO STATE SCHOOL FOR THE BLIND 95374

General Revenue Fund 95375

GRF 226321 Operations	\$	8,000,000	\$	8,000,000	95376
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TOTAL GRF General Revenue Fund	\$	8,000,000	\$	8,000,000	95377
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Dedicated Purpose Fund Group 95378

4H80 226602 Education Reform	\$	27,000	\$	27,000	95379
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Grants

4M50 226601 Work Study and	\$	461,521	\$	461,521	95380
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Technology Investment

5NJ0 226622 Food Service Program	\$	9,000	\$	9,000	95381
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TOTAL DPF Dedicated Purpose					95382
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Fund Group	\$	497,521	\$	497,521	95383
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Federal Fund Group 95384

3100 226626 Coordinating Unit	\$	2,527,104	\$	2,527,104	95385
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3DT0 226621 Ohio Transition	\$	650,000	\$	650,000	95386
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Collaborative

3P50 226643 Medicaid Professional	\$	50,000	\$	50,000	95387
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Services

Reimbursement

TOTAL FED Federal Fund Group	\$	3,227,104	\$	3,227,104	95388
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TOTAL ALL BUDGET FUND GROUPS	\$	11,724,625	\$	11,724,625	95389
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**Section 381.10.** OSD OHIO SCHOOL FOR THE DEAF 95391

General Revenue Fund 95392

GRF 221321 Operations	\$	9,604,435	\$	10,028,878	95393
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TOTAL GRF General Revenue Fund	\$	9,604,435	\$	10,028,878	95394
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Dedicated Purpose Fund Group 95395

4M00 221601 Educational Program	\$	95,000	\$	95,000	95396
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Expenses

4M10	221602	Education Reform	\$	35,000	\$	35,000	95397
		Grants					
5H60	221609	Even Start Fees and	\$	35,000	\$	35,000	95398
		Gifts					
5NK0	221610	Food Service Program	\$	9,000	\$	9,000	95399
TOTAL DPF		Dedicated Purpose					95400
Fund Group			\$	174,000	\$	174,000	95401
Federal Fund Group							95402
3110	221625	Coordinating Unit	\$	2,153,246	\$	2,153,246	95403
3R00	221684	Medicaid Professional	\$	160,000	\$	160,000	95404
		Services					
		Reimbursement					
TOTAL FED		Federal Fund Group	\$	2,313,246	\$	2,313,246	95405
TOTAL ALL BUDGET		FUND GROUPS	\$	12,091,681	\$	12,516,124	95406
<b>Section 383.10. SOS SECRETARY OF STATE</b>							95408
General Revenue Fund							95409
GRF	050321	Operating Expenses	\$	2,144,030	\$	2,144,030	95410
GRF	050407	Poll Workers Training	\$	234,196	\$	234,196	95411
TOTAL GRF		General Revenue Fund	\$	2,378,226	\$	2,378,226	95412
Dedicated Purpose Fund Group							95413
4120	050609	Notary Commission	\$	475,000	\$	475,000	95414
5990	050603	Business Services	\$	14,385,400	\$	14,385,400	95415
		Operating Expenses					
TOTAL DPF		Dedicated Purpose Fund	\$	14,860,400	\$	14,860,400	95416
Group							
Internal Service Activity Fund Group							95417
4S80	050610	Board of Voting	\$	7,200	\$	7,200	95418
		Machine Examiners					
5FG0	050620	BOE Reimbursement and	\$	80,000	\$	80,000	95419
		Education					
TOTAL ISA		Internal Service Activity	\$	87,200	\$	87,200	95420

Fund Group

Holding Account Fund Group					95421
R001 050605 Uniform Commercial	\$	30,000	\$	30,000	95422
Code Refunds					
R002 050606 Corporate/Business	\$	85,000	\$	85,000	95423
Filing Refunds					
TOTAL HLD Holding Account Fund	\$	115,000	\$	115,000	95424

Group

Federal Fund Group					95425
3AS0 050616 Help America Vote Act	\$	502,000	\$	0	95426
(HAVA)					
TOTAL FED Federal Fund Group	\$	502,000	\$	0	95427
TOTAL ALL BUDGET FUND GROUPS	\$	17,942,826	\$	17,440,826	95428

POLL WORKERS TRAINING 95429

The foregoing appropriation item 050407, Poll Workers 95430  
Training, shall be used to reimburse county boards of elections 95431  
for poll worker training pursuant to section 3501.27 of the 95432  
Revised Code. At the end of fiscal year 2016, an amount equal to 95433  
the unexpended, unencumbered portion of the foregoing 95434  
appropriation item 050407, Poll Workers Training, is hereby 95435  
reappropriated in fiscal year 2017 for the same purpose. 95436

BOARD OF VOTING MACHINE EXAMINERS 95437

The foregoing appropriation item 050610, Board of Voting 95438  
Machine Examiners, shall be used to pay for the services and 95439  
expenses of the members of the Board of Voting Machine Examiners, 95440  
and for other expenses that are authorized to be paid from the 95441  
Board of Voting Machine Examiners Fund (Fund 4S80) created in 95442  
section 3506.05 of the Revised Code. Moneys not used shall be 95443  
returned to the person or entity submitting equipment for 95444  
examination. If it is determined that additional appropriations 95445  
are necessary, such amounts are hereby appropriated. 95446



HOLDING ACCOUNT FUND GROUP				95447
The foregoing appropriation items 050605, Uniform Commercial Code Refunds, and 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.				95448 95449 95450 95451 95452 95453
HAVA FUNDS				95454
At the end of fiscal year 2015, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050616, Help America Vote Act (HAVA) is hereby reappropriated in fiscal year 2016 for the same purpose.				95455 95456 95457 95458
At the end of fiscal year 2016, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050616, Help America Vote Act (HAVA), is hereby reappropriated in fiscal year 2017 for the same purpose.				95459 95460 95461 95462
<b>Section 385.10. SEN THE OHIO SENATE</b>				95463
General Revenue Fund				95464
GRF 020321 Operating Expenses	\$	12,518,143	\$ 12,518,143	95465
TOTAL GRF General Revenue Fund	\$	12,518,143	\$ 12,518,143	95466
Internal Service Activity Fund Group				95467
1020 020602 Senate Reimbursement	\$	425,800	\$ 425,800	95468
4090 020601 Miscellaneous Sales	\$	34,497	\$ 34,497	95469
TOTAL ISA Internal Service Activity Fund Group	\$	460,297	\$ 460,297	95470 95471
TOTAL ALL BUDGET FUND GROUPS	\$	12,978,440	\$ 12,978,440	95472
OPERATING EXPENSES				95473
On July 1, 2015, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the				95474 95475 95476

foregoing appropriation item 020321, Operating Expenses, at the 95477  
end of fiscal year 2015 to be reappropriated to fiscal year 2016. 95478  
The amount certified is hereby reappropriated to the same 95479  
appropriation item for fiscal year 2016. 95480

On July 1, 2016, or as soon as possible thereafter, the Clerk 95481  
of the Senate may certify to the Director of Budget and Management 95482  
the amount of the unexpended, unencumbered balance of the 95483  
foregoing appropriation item 020321, Operating Expenses, at the 95484  
end of fiscal year 2016 to be reappropriated to fiscal year 2017. 95485  
The amount certified is hereby reappropriated to the same 95486  
appropriation item for fiscal year 2017. 95487

**Section 389.10.** CSF COMMISSIONERS OF THE SINKING FUND 95488

Debt Service Fund Group 95489

7070 155905 Third Frontier \$ 79,091,400 \$ 98,712,000 95490

Research and  
Development Bond  
Retirement Fund

7072 155902 Highway Capital \$ 119,937,500 \$ 134,101,700 95491

Improvement Bond  
Retirement Fund

7073 155903 Natural Resources Bond \$ 27,079,900 \$ 26,074,400 95492

Retirement Fund

7074 155904 Conservation Projects \$ 34,674,900 \$ 39,225,700 95493

Bond Retirement Fund

7076 155906 Coal Research and \$ 5,991,400 \$ 5,038,700 95494

Development Bond  
Retirement Fund

7077 155907 State Capital \$ 234,437,400 \$ 235,303,200 95495

Improvement Bond  
Retirement Fund

7078 155908 Common Schools Bond \$ 375,706,700 \$ 386,754,800 95496

		Retirement Fund					
7079	155909	Higher Education Bond	\$	254,970,800	\$	261,789,500	95497
		Retirement Fund					
7080	155901	Persian Gulf, Afghanistan, and Iraq Conflicts Bond	\$	9,083,700	\$	23,343,400	95498
		Retirement Fund					
7090	155912	Job Ready Site Development Bond	\$	19,384,000	\$	15,735,900	95499
		Retirement Fund					
TOTAL DSF		Debt Service Fund Group	\$	1,160,357,700	\$	1,226,079,300	95500
TOTAL ALL BUDGET FUND GROUPS			\$	1,160,357,700	\$	1,226,079,300	95501
		ADDITIONAL APPROPRIATIONS					95502
		Appropriation items in this section are for the purpose of paying debt service and financing costs during the period from July 1, 2015 through June 30, 2017 on bonds or notes of the state issued under the Ohio Constitution and acts of the General Assembly. If it is determined that additional amounts are necessary for this purpose, such amounts are hereby appropriated.					95503 95504 95505 95506 95507 95508
		<b>Section 391.10.</b> SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT FOUNDATION					95509 95510
		Dedicated Purpose Fund Group					95511
5M90	945601	Operating Expenses	\$	426,800	\$	426,800	95512
TOTAL DPF		Dedicated Purpose Fund Group	\$	426,800	\$	426,800	95513
TOTAL ALL BUDGET FUND GROUPS			\$	426,800	\$	426,800	95514
		<b>Section 393.10.</b> SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY					95516 95517
		Dedicated Purpose Fund Group					95518
4K90	886609	Operating Expenses	\$	508,660	\$	508,660	95519

TOTAL DPF Dedicated Purpose Fund Group	\$	508,660	\$	508,660	95520
TOTAL ALL BUDGET FUND GROUPS	\$	508,660	\$	508,660	95521

**Section 395.10. BTA BOARD OF TAX APPEALS** 95523

General Revenue Fund					95524
GRF 116321 Operating Expenses	\$	1,700,000	\$	1,700,000	95525
TOTAL GRF General Revenue Fund	\$	1,700,000	\$	1,700,000	95526
TOTAL ALL BUDGET FUND GROUPS	\$	1,700,000	\$	1,700,000	95527

**Section 397.10. TAX DEPARTMENT OF TAXATION** 95529

General Revenue Fund					95530
GRF 110321 Operating Expenses	\$	68,905,605	\$	68,905,605	95531
GRF 110404 Tobacco Settlement Enforcement	\$	160,380	\$	160,380	95532
TOTAL GRF General Revenue Fund	\$	69,065,985	\$	69,065,985	95533
Dedicated Purpose Fund Group					95534
2280 110628 CAT Administration	\$	16,100,000	\$	16,100,000	95535
4330 110602 Municipal Data Exchange Administration	\$	175,000	\$	175,000	95536
4350 110607 Local Tax Administration	\$	20,300,000	\$	20,300,000	95537
4360 110608 Motor Vehicle Audit Administration	\$	1,459,609	\$	1,459,609	95538
4370 110606 Income Tax Refund Contribution Administration	\$	38,800	\$	38,800	95539
4380 110609 School District Income Tax Administration	\$	5,402,044	\$	5,402,044	95540
4C60 110616 International	\$	682,415	\$	682,415	95541

		Registration Plan Administration					
4R60	110610	Tire Tax Administration	\$	244,193	\$	244,193	95542
5BP0	110639	Wireless 9-1-1 Administration	\$	290,000	\$	290,000	95543
5JM0	110637	Casino Tax Administration	\$	75,000	\$	75,000	95544
5MN0	110638	STARS Development and Implementation	\$	3,000,000	\$	3,000,000	95545
5N50	110605	Municipal Income Tax Administration	\$	150,000	\$	150,000	95546
5N60	110618	Kilowatt Hour Tax Administration	\$	100,000	\$	100,000	95547
5NY0	110643	Petroleum Activity Tax Administration	\$	1,000,000	\$	1,000,000	95548
5V70	110622	Motor Fuel Tax Administration	\$	5,035,374	\$	5,035,374	95549
5V80	110623	Property Tax Administration	\$	11,178,310	\$	11,178,310	95550
5W70	110627	Exempt Facility Administration	\$	49,500	\$	49,500	95551
6390	110614	Cigarette Tax Enforcement	\$	1,750,000	\$	1,750,000	95552
6880	110615	Local Excise Tax Administration	\$	775,015	\$	775,015	95553
TOTAL	DPF	Dedicated Purpose Fund Group	\$	67,805,260	\$	67,805,260	95554
		Fiduciary Fund Group					95555
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000	95556
5CZ0	110631	Vendor's License Application	\$	340,000	\$	340,000	95557
6420	110613	Ohio Political Party	\$	267,500	\$	265,000	95558

Distributions

7095 110995	Municipal Income Tax	\$ 8,100,000	\$ 7,900,000	95559
TOTAL FID	Fiduciary Fund Group	\$ 1,555,507,500	\$ 1,555,305,000	95560
	Holding Account Fund Group			95561
R010 110611	Tax Distributions	\$ 230,000	\$ 230,000	95562
R011 110612	Miscellaneous Income	\$ 50,000	\$ 50,000	95563
	Tax Receipts			
TOTAL HLD	Holding Account Fund Group	\$ 280,000	\$ 280,000	95564
TOTAL ALL BUDGET FUND GROUPS		\$ 1,692,658,745	\$ 1,692,456,245	95565

MUNICIPAL INCOME TAX 95566

The foregoing appropriation item 110995, Municipal Income Tax, shall be used to make payments to municipal corporations under section 5745.05 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated. 95567  
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95569  
95570  
95571

TAX REFUNDS 95572

The foregoing appropriation item 110635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated. 95573  
95574  
95575  
95576

VENDOR'S LICENSE PAYMENTS 95577

The foregoing appropriation item 110631, Vendor's License Application, shall be used to make payments to county auditors under section 5739.17 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated. 95578  
95579  
95580  
95581  
95582

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 95583

The foregoing appropriation item 110616, International Registration Plan Administration, shall be used under section 95584  
95585

5703.12 of the Revised Code for audits of persons with vehicles 95586  
registered under the International Registration Plan. 95587

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 95588

Of the foregoing appropriation item 110607, Local Tax 95589  
Administration, the Tax Commissioner may disburse funds, if 95590  
available, for the purposes of paying travel expenses incurred by 95591  
members of Ohio's delegation to the Streamlined Sales Tax Project, 95592  
as appointed under section 5740.02 of the Revised Code. Any travel 95593  
expense reimbursement paid for by the Department of Taxation shall 95594  
be done in accordance with applicable state laws and guidelines. 95595

TOBACCO SETTLEMENT ENFORCEMENT 95596

The foregoing appropriation item 110404, Tobacco Settlement 95597  
Enforcement, shall be used by the Tax Commissioner to pay costs 95598  
incurred in the enforcement of divisions (F) and (G) of section 95599  
5743.03 of the Revised Code. 95600

STARS DEVELOPMENT AND IMPLEMENTATION FUND 95601

The foregoing appropriation item 110638, STARS Development 95602  
and Implementation, shall be used to pay costs incurred in the 95603  
development and implementation of the department's State Tax 95604  
Accounting and Revenue System. The Director of Budget and 95605  
Management, under a plan submitted by the Tax Commissioner, or as 95606  
otherwise determined by the Director of Budget and Management, 95607  
shall set a schedule to transfer cash from the Revenue Enhancement 95608  
Fund, Local Sales Tax Administrative Fund, General School District 95609  
Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, 95610  
Property Tax Administration Fund, and the Motor Fuel Tax 95611  
Administration Fund to the credit of the STARS Development and 95612  
Implementation Fund (Fund 5MN0). The transfers of cash shall not 95613  
exceed \$6,000,000 in the biennium. 95614

**Section 399.10.** DOT DEPARTMENT OF TRANSPORTATION 95615

General Revenue Fund				95616
GRF 775451 Public Transportation	\$	7,300,000	\$ 7,300,000	95617
- State				
GRF 776465 Rail Development	\$	2,000,000	\$ 2,000,000	95618
GRF 777471 Airport Improvements	\$	6,000,000	\$ 6,000,000	95619
- State				
TOTAL GRF General Revenue Fund	\$	15,300,000	\$ 15,300,000	95620
Highway Operating Fund Group				95621
7002 772601 Beachwood Noise Wall	\$	383,000	\$ 0	95622
TOTAL HOF Highway Operating Fund	\$	383,000	\$ 0	95623
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	15,683,000	\$ 15,300,000	95624
BEACHWOOD NOISE WALL				95625
The foregoing appropriation item 772601, Beachwood Noise				95626
Wall, shall be used to construct a noise wall for a section of				95627
Interstate Route 271 in Beachwood stretching from Shaker Boulevard				95628
to Woodland Road.				95629
<b>Section 399.15. AIRPORT IMPROVEMENTS - STATE</b>				95630
(A) The foregoing appropriation item 777471, Airport				95631
Improvements - State, shall be used by the Department of				95632
Transportation for the following purposes:				95633
(1) Providing matching funds for federal grants and funding				95634
under the airport improvement program pursuant to 49 U.S.C. 47101				95635
et seq., or any similar federal program administered by the				95636
Federal Aviation Administration;				95637
(2) Providing loans and grants for airport capital				95638
improvements at Ohio airports or within Ohio airspace. Such				95639
improvements may include infrastructure and safety projects and				95640
development and implementation of the Federal Aviation				95641
Administration's "NextGen" programs and unmanned aerial systems				95642



technologies; 95643

(3) Providing loans and grants for economic development and 95644  
job creation projects that may involve cooperation between 95645  
airports and the development services agency or a state or 95646  
regional nonprofit entity engaged in economic development 95647  
activities. 95648

(B)(1) The Director of Transportation shall adopt rules in 95649  
accordance with Chapter 119. of the Revised Code for the purpose 95650  
of distributing money under this section. Specifically, the 95651  
Director shall consult with interested parties to promulgate rules 95652  
for the means and methods of accepting applications, scoring, and 95653  
awarding grants and loans under this section. 95654

(2) Prior to submitting rules to the Joint Committee on 95655  
Agency Rule Review under division (B)(1) of this section, the 95656  
Director of Transportation shall seek a vote of approval of the 95657  
Director's proposed rules from the Ohio Aerospace and Aviation 95658  
Technology Committee. Any rules proposed pursuant to this section 95659  
shall be submitted to the Ohio Aerospace and Aviation Technology 95660  
Committee by October 1, 2015. 95661

**Section 401.10.** TOS TREASURER OF STATE 95662

General Revenue Fund 95663

GRF 090321 Operating Expenses \$ 7,743,553 \$ 7,743,553 95664

GRF 090401 Office of the Sinking \$ 502,304 \$ 502,304 95665

Fund

GRF 090402 Continuing Education \$ 377,702 \$ 377,702 95666

GRF 090406 Treasury Management \$ 1,117,400 \$ 1,116,800 95667

System Lease Rental

Payments

GRF 090524 Police and Fire \$ 5,000 \$ 5,000 95668

Disability Pension

	Fund				
GRF 090534	Police and Fire Ad Hoc	\$	55,000	\$	55,000
	Cost of Living				95669
GRF 090554	Police and Fire	\$	443,000	\$	443,000
	Survivor Benefits				95670
GRF 090575	Police and Fire Death	\$	20,000,000	\$	20,000,000
	Benefits				95671
TOTAL GRF	General Revenue Fund	\$	30,243,959	\$	30,243,359
					95672
	Dedicated Purpose Fund Group				95673
4E90 090603	Securities Lending	\$	5,200,000	\$	5,200,000
	Income				95674
5770 090605	Investment Pool	\$	1,050,000	\$	1,050,000
	Reimbursement				95675
5C50 090602	County Treasurer	\$	170,057	\$	170,057
	Education				95676
6050 090609	Treasurer of State	\$	700,000	\$	700,000
	Administrative Fund				95677
TOTAL DPF	Dedicated Purpose				95678
Fund Group		\$	7,120,057	\$	7,120,057
					95679
	Fiduciary Fund Group				95680
4250 090635	Tax Refunds	\$	6,000,000	\$	6,000,000
TOTAL FID	Fiduciary Fund Group	\$	6,000,000	\$	6,000,000
					95682
TOTAL ALL BUDGET FUND GROUPS		\$	43,364,016	\$	43,363,416
					95683

**Section 401.20. OFFICE OF THE SINKING FUND** 95685

The foregoing appropriation item 090401, Office of the 95686  
Sinking Fund, shall be used for costs incurred by or on behalf of 95687  
the Commissioners of the Sinking Fund and the Ohio Public 95688  
Facilities Commission with respect to State of Ohio general 95689  
obligation bonds or notes, and the Treasurer of State with respect 95690  
to State of Ohio general obligation and special obligation bonds 95691  
or notes, including, but not limited to, printing, advertising, 95692

delivery, rating fees and the procurement of ratings, professional 95693  
publications, membership in professional organizations, and other 95694  
services referred to in division (D) of section 151.01 of the 95695  
Revised Code. The General Revenue Fund shall be reimbursed for 95696  
such costs relating to the issuance and administration of Highway 95697  
Capital Improvement bonds or notes authorized under Ohio 95698  
Constitution, Article VIII, Section 2m and Chapter 151. of the 95699  
Revised Code. That reimbursement shall be made from appropriation 95700  
item 155902, Highway Capital Improvement Bond Retirement Fund, by 95701  
intrastate transfer voucher pursuant to a certification by the 95702  
Office of the Sinking Fund of the actual amounts used. The amounts 95703  
necessary to make such a reimbursement are hereby appropriated 95704  
from the Highway Capital Improvement Bond Retirement Fund created 95705  
in section 151.06 of the Revised Code. 95706

POLICE AND FIRE DEATH BENEFIT FUND 95707

The foregoing appropriation item 090575, Police and Fire 95708  
Death Benefits, shall be disbursed quarterly by the Treasurer of 95709  
State at the beginning of each quarter of each fiscal year to the 95710  
Board of Trustees of the Ohio Police and Fire Pension Fund. The 95711  
Treasurer of State shall certify such amounts quarterly to the 95712  
Director of Budget and Management. By the twentieth day of June of 95713  
each fiscal year, the Board of Trustees of the Ohio Police and 95714  
Fire Pension Fund shall certify to the Treasurer of State the 95715  
amount disbursed in the current fiscal year to make the payments 95716  
required by section 742.63 of the Revised Code and shall return to 95717  
the Treasurer of State moneys received from this appropriation 95718  
item but not disbursed. 95719

TAX REFUNDS 95720

The foregoing appropriation item 090635, Tax Refunds, shall 95721  
be used to pay refunds under section 5703.052 of the Revised Code. 95722  
If the Director of Budget and Management determines that 95723  
additional amounts are necessary for this purpose, such amounts 95724

are hereby appropriated. 95725

**Section 401.30.** TREASURY MANAGEMENT SYSTEM LEASE RENTAL 95726  
PAYMENTS 95727

The foregoing appropriation item 090406, Treasury Management 95728  
System Lease Rental Payments, shall be used for payments during 95729  
the period from July 1, 2015, through June 30, 2017, pursuant to 95730  
leases and agreements entered into under Section 701.20 of Am. 95731  
Sub. H.B. 497 of the 130th General Assembly with respect to 95732  
financing the costs associated with the acquisition and 95733  
implementation of the Treasury Management System. If it is 95734  
determined that additional appropriations are necessary for this 95735  
purpose, the amounts are hereby appropriated. 95736

	<b>Section 403.10.</b>	VTO VETERANS' ORGANIZATIONS				95737	
		General Revenue Fund				95738	
		VAP AMERICAN EX-PRISONERS OF WAR				95739	
GRF	743501	State Support	\$	28,910	\$	28,910	95740
		VAN ARMY AND NAVY UNION, USA, INC.					95741
GRF	746501	State Support	\$	63,539	\$	63,539	95742
		VKW KOREAN WAR VETERANS					95743
GRF	747501	State Support	\$	57,118	\$	57,118	95744
		VJW JEWISH WAR VETERANS					95745
GRF	748501	State Support	\$	34,321	\$	34,321	95746
		VCW CATHOLIC WAR VETERANS					95747
GRF	749501	State Support	\$	66,978	\$	66,978	95748
		VPH MILITARY ORDER OF THE PURPLE HEART					95749
GRF	750501	State Support	\$	65,116	\$	65,116	95750
		VVV VIETNAM VETERANS OF AMERICA					95751
GRF	751501	State Support	\$	214,776	\$	214,776	95752
		VAL AMERICAN LEGION OF OHIO					95753
GRF	752501	State Support	\$	349,189	\$	349,189	95754

		VII AMVETS				95755	
GRF	753501	State Support	\$	332,547	\$	332,547	95756
		VAV DISABLED AMERICAN VETERANS				95757	
GRF	754501	State Support	\$	249,836	\$	249,836	95758
		VMC MARINE CORPS LEAGUE				95759	
GRF	756501	State Support	\$	133,947	\$	133,947	95760
		V37 37TH DIVISION VETERANS' ASSOCIATION				95761	
GRF	757501	State Support	\$	6,868	\$	6,868	95762
		VFW VETERANS OF FOREIGN WARS				95763	
GRF	758501	State Support	\$	284,841	\$	284,841	95764
TOTAL GRF		General Revenue Fund	\$	1,887,986	\$	1,887,986	95765
TOTAL ALL		BUDGET FUND GROUPS	\$	1,887,986	\$	1,887,986	95766
		RELEASE OF FUNDS				95767	
		The Director of Budget and Management may release the				95768	
		foregoing appropriation items 743501, 746501, 747501, 748501,				95769	
		749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,				95770	
		and 758501, State Support.				95771	
		<b>Section 405.10.</b> DVS DEPARTMENT OF VETERANS SERVICES				95772	
		General Revenue Fund				95773	
GRF	900321	Veterans' Homes	\$	26,992,608	\$	26,992,608	95774
GRF	900402	Hall of Fame	\$	107,075	\$	107,075	95775
GRF	900408	Department of	\$	2,567,113	\$	2,567,113	95776
		Veterans Services					
GRF	900901	Veterans Compensation	\$	9,083,700	\$	23,343,400	95777
		General Obligation					
		Bond Debt Service					
TOTAL GRF		General Revenue Fund	\$	38,750,496	\$	53,010,196	95778
		Dedicated Purpose Fund Group				95779	
4840	900603	Veterans' Homes	\$	883,523	\$	985,523	95780
		Services					
4E20	900602	Veterans' Homes	\$	12,804,826	\$	13,139,648	95781

	Operating					
5DB0	900643	Military Injury	\$	2,000,000	\$	2,000,000 95782
		Relief Program				
5PH0	900642	Veterans Initiatives	\$	50,000	\$	50,000 95783
TOTAL DPF		Dedicated Purpose Fund	\$	15,738,349	\$	16,175,171 95784
Group						
Debt Service Fund Group						95785
7041	900615	Veteran Bonus Program	\$	359,173	\$	359,173 95786
		- Administration				
7041	900641	Persian Gulf,	\$	2,173,139	\$	942,754 95787
		Afghanistan, and Iraq				
		Compensation				
TOTAL DSF		Debt Service				95788
Fund Group			\$	2,532,312	\$	1,301,927 95789
Federal Fund Group						95790
3680	900614	Veterans Training	\$	730,000	\$	740,000 95791
3740	900606	Troops to Teachers	\$	150,000	\$	150,000 95792
3BX0	900609	Medicare Services	\$	2,475,000	\$	2,846,250 95793
3L20	900601	Veterans' Homes	\$	28,110,159	\$	29,245,411 95794
		Operations - Federal				
TOTAL FED		Federal Fund Group	\$	31,465,159	\$	32,981,661 95795
TOTAL ALL BUDGET FUND GROUPS			\$	88,486,316	\$	103,468,955 95796

TRAUMATIC BRAIN INJURY PROGRAMS 95797

Of the foregoing appropriation item 900408, Department of 95798  
Veterans Services, \$25,000 in each fiscal year shall be 95799  
distributed directly to the Resurrecting Lives Foundation to fund 95800  
the 2015 Employment Initiative, which aids the transition of 95801  
traumatic brain injury affected service members into civilian life 95802  
and employment. 95803

Of the foregoing appropriation item 900408, Department of 95804  
Veterans Services, \$20,375 in each fiscal year shall be 95805  
distributed directly to the Resurrecting Lives Foundation to fund 95806

the Community TBI Education Program, which provides education and 95807  
awareness for the legal community and lay community about 95808  
traumatic brain injury, its effect on the veteran community, and 95809  
the resulting challenges veterans face in the criminal justice 95810  
system. 95811

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 95812

The foregoing appropriation item 900901, Veterans 95813  
Compensation General Obligation Bond Debt Service, shall be used 95814  
to pay all debt service and related financing costs during the 95815  
period from July 1, 2015, through June 30, 2017, on obligations 95816  
issued under sections 151.01 and 151.12 of the Revised Code. 95817

**Section 405.20.** Effective July 1, 2015, the Director of 95818  
Budget and Management shall cancel any existing encumbrances 95819  
against appropriation item 600637, Military Injury Relief 95820  
Subsidies, and reestablish them against appropriation item 900643, 95821  
Military Injury Relief Subsidies. The reestablished encumbrance 95822  
amounts are hereby appropriated. Any business commenced but not 95823  
completed under appropriation item 600637 by July 1, 2015, shall 95824  
be completed under appropriation item 900643 in the same manner 95825  
and with the same effect as if it were completed with regard to 95826  
appropriation item 600637. 95827

**Section 407.10.** DVM STATE VETERINARY MEDICAL LICENSING BOARD 95828

Dedicated Purpose Fund Group 95829

4K90 888609 Operating Expenses \$ 352,195 \$ 358,195 95830

TOTAL DPF Dedicated Purpose 95831

Fund Group \$ 352,195 \$ 358,195 95832

Internal Service Activity Fund Group 95833

5BU0 888602 Veterinary Student \$ 30,000 \$ 30,000 95834

Loan Program

TOTAL ISA Internal Service Activity 95835

Fund Group			\$	30,000	\$	30,000	95836
TOTAL ALL BUDGET FUND GROUPS			\$	382,195	\$	388,195	95837
<b>Section 409.10. DYS DEPARTMENT OF YOUTH SERVICES</b>							95839
General Revenue Fund							95840
GRF	470401	RECLAIM Ohio	\$	153,087,537	\$	153,087,537	95841
GRF	470412	Juvenile Correctional	\$	25,407,400	\$	21,137,700	95842
Facilities Lease							
Rental Bond Payments							
GRF	470510	Youth Services	\$	16,702,728	\$	16,702,728	95843
GRF	472321	Parole Operations	\$	10,950,100	\$	10,950,100	95844
GRF	477321	Administrative	\$	10,855,389	\$	10,855,389	95845
Operations							
TOTAL GRF General Revenue Fund			\$	217,003,154	\$	212,733,454	95846
Dedicated Purpose Fund Group							95847
1470	470612	Vocational Education	\$	1,700,000	\$	1,700,000	95848
1750	470613	Education	\$	3,600,000	\$	3,600,000	95849
Reimbursement							
4790	470609	Employee Food Service	\$	125,000	\$	125,000	95850
4A20	470602	Child Support	\$	250,000	\$	250,000	95851
4G60	470605	Juvenile Special	\$	115,000	\$	115,000	95852
Revenue - Non-Federal							
5BN0	470629	E-Rate Program	\$	349,000	\$	300,000	95853
TOTAL DPF Dedicated Purpose							95854
Fund Group			\$	6,139,000	\$	6,090,000	95855
Federal Fund Group							95856
3210	470601	Education	\$	1,000,000	\$	1,000,000	95857
3210	470603	Juvenile Justice	\$	300,000	\$	300,000	95858
Prevention							
3210	470606	Nutrition	\$	1,033,947	\$	1,033,947	95859
3210	470614	Title IV-E	\$	3,714,548	\$	3,714,548	95860
Reimbursements							



3CR0 470639	Federal Juvenile Programs FFY 10	\$	22,000	\$	7,000	95861
3FB0 470641	Federal Juvenile Programs FFY 11	\$	50,000	\$	5,000	95862
3FC0 470642	Federal Juvenile Programs FFY 12	\$	50,000	\$	5,000	95863
3GB0 470643	Federal Juvenile Programs FFY 13	\$	324,000	\$	59,000	95864
3V50 470604	Juvenile Justice/Delinquency Prevention	\$	1,720,000	\$	1,720,000	95865
TOTAL FED Federal Fund Group						95866
		\$	8,214,495	\$	7,844,495	95867
TOTAL ALL BUDGET FUND GROUPS						95868
		\$	231,356,649	\$	226,667,949	95868

COMMUNITY PROGRAMS

For purposes of implementing juvenile sentencing reforms, and notwithstanding any provision of law to the contrary, the Department of Youth Services may use up to forty-five per cent of the unexpended, unencumbered balance of the portion of appropriation item 470401, RECLAIM Ohio, that is allocated to juvenile correctional facilities in each fiscal year to expand Targeted RECLAIM, the Behavioral Health Juvenile Justice Initiative, and other evidence-based community programs.

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 470412, Juvenile Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2015, through June 30, 2017, by the Department of Youth Services under the leases and agreements for facilities made under Chapters 152. and 154. of the Revised Code. This appropriation is the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

EDUCATION REIMBURSEMENT	95887
The foregoing appropriation item 470613, Education Reimbursement, shall be used to fund the operating expenses of providing educational services to youth supervised by the Department of Youth Services. Operating expenses include, but are not limited to, teachers' salaries, maintenance costs, and educational equipment. This appropriation item may be used for capital expenses related to the education program.	95888 95889 95890 95891 95892 95893 95894
EMPLOYEE FOOD SERVICE AND EQUIPMENT	95895
Notwithstanding section 125.14 of the Revised Code, the foregoing appropriation item 470609, Employee Food Service, may be used to purchase any food operational items with funds received into the fund from reimbursements for state surplus property.	95896 95897 95898 95899
FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES	95900
In collaboration with the county family and children first council, the juvenile court of that county that receives allocations from one or both of the foregoing appropriation items 470401, RECLAIM Ohio, and 470510, Youth Services, may transfer portions of those allocations to a flexible funding pool as authorized by the section of Am. Sub. H.B. 153 of the 129th General Assembly titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."	95901 95902 95903 95904 95905 95906 95907 95908
<b>Section 501.10.</b> All items set forth in this section are hereby appropriated for the biennium ending on June 30, 2016, out of any moneys in the state treasury to the credit of the Public School Building Fund (Fund 7021) that are not otherwise appropriated.	95909 95910 95911 95912 95913
	Appropriations
FCC OHIO FACILITIES CONSTRUCTION COMMISSION	95914
C230W4 Community School Classroom Facilities \$ 25,000,000	95915



**Section 503.10. PERSONAL SERVICE EXPENSES** 95948

Unless otherwise prohibited by law, any appropriation from 95949  
which personal service expenses are paid shall bear the employer's 95950  
share of public employees' retirement, workers' compensation, 95951  
disabled workers' relief, and insurance programs; and the costs of 95952  
centralized financial services, centralized payroll processing, 95953  
and related reports and services; centralized human resources 95954  
services, including affirmative action and equal employment 95955  
opportunity programs; the Office of Collective Bargaining; 95956  
centralized information technology management services; 95957  
administering the enterprise resource planning system; and 95958  
administering the state employee merit system as required by 95959  
section 124.07 of the Revised Code. These costs shall be 95960  
determined in conformity with the appropriate sections of law and 95961  
paid in accordance with procedures specified by the Office of 95962  
Budget and Management. Expenditures from appropriation item 95963  
070601, Public Audit Expense - Intra-State, may be exempted from 95964  
the requirements of this section. 95965

**Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 95966  
**AGAINST THE STATE** 95967

Except as otherwise provided in this section, an 95968  
appropriation in this act or any other act may be used for the 95969  
purpose of satisfying judgments, settlements, or administrative 95970  
awards ordered or approved by the Court of Claims or by any other 95971  
court of competent jurisdiction in connection with civil actions 95972  
against the state. This authorization does not apply to 95973  
appropriations to be applied to or used for payment of guarantees 95974  
by or on behalf of the state, or for payments under lease 95975  
agreements relating to, or debt service on, bonds, notes, or other 95976  
obligations of the state. Notwithstanding any other statute to the 95977  
contrary, this authorization includes appropriations from funds 95978

into which proceeds of direct obligations of the state are 95979  
deposited only to the extent that the judgment, settlement, or 95980  
administrative award is for, or represents, capital costs for 95981  
which the appropriation may otherwise be used and is consistent 95982  
with the purpose for which any related obligations were issued or 95983  
entered into. Nothing contained in this section is intended to 95984  
subject the state to suit in any forum in which it is not 95985  
otherwise subject to suit, and is not intended to waive or 95986  
compromise any defense or right available to the state in any suit 95987  
against it. 95988

**Section 503.30. CAPITAL PROJECT SETTLEMENTS** 95989

This section specifies an additional and supplemental 95990  
procedure to provide for payments of judgments and settlements if 95991  
the Director of Budget and Management determines, pursuant to 95992  
division (C)(4) of section 2743.19 of the Revised Code, that 95993  
sufficient unencumbered moneys do not exist in the fund to support 95994  
a particular appropriation to pay the amount of a final judgment 95995  
rendered against the state or a state agency, including the 95996  
settlement of a claim approved by a court, in an action upon and 95997  
arising out of a contractual obligation for the construction or 95998  
improvement of a capital facility if the costs under the contract 95999  
were payable in whole or in part from a state capital projects 96000  
appropriation. In such a case, the Director may either proceed 96001  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 96002  
or apply to the Controlling Board to increase an appropriation or 96003  
create an appropriation out of any unencumbered moneys in the 96004  
state treasury to the credit of the capital projects fund from 96005  
which the initial state appropriation was made. The amount of an 96006  
increase in appropriation or new appropriation approved by the 96007  
Controlling Board is hereby appropriated from the applicable 96008  
capital projects fund and made available for the payment of the 96009  
judgment or settlement. 96010

If the Director does not make the application authorized by 96011  
this section or the Controlling Board disapproves the application, 96012  
and the Director does not make application under division (C)(4) 96013  
of section 2743.19 of the Revised Code, the Director shall for the 96014  
purpose of making that payment make a request to the General 96015  
Assembly as provided for in division (C)(5) of that section. 96016

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 96017

In order to provide funds for the reissuance of voided 96018  
warrants under section 126.37 of the Revised Code, there is hereby 96019  
appropriated, out of moneys in the state treasury from the fund 96020  
credited as provided in section 126.37 of the Revised Code, that 96021  
amount sufficient to pay such warrants when approved by the Office 96022  
of Budget and Management. 96023

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 96024  
**BALANCES OF OPERATING APPROPRIATIONS** 96025

(A) An unexpended balance of an operating appropriation or 96026  
reappropriation that a state agency lawfully encumbered prior to 96027  
the close of a fiscal year is hereby reappropriated on the first 96028  
day of July of the following fiscal year from the fund from which 96029  
it was originally appropriated or reappropriated for the following 96030  
period and shall remain available only for the purpose of 96031  
discharging the encumbrance: 96032

(1) For an encumbrance for personal services, maintenance, 96033  
equipment, or items for resale, other than an encumbrance for an 96034  
item of special order manufacture not available on term contract 96035  
or in the open market or for reclamation of land or oil and gas 96036  
wells, for a period of not more than five months from the end of 96037  
the fiscal year; 96038

(2) For an encumbrance for an item of special order 96039  
manufacture not available on term contract or in the open market, 96040

for a period of not more than five months from the end of the 96041  
fiscal year or, with the written approval of the Director of 96042  
Budget and Management, for a period of not more than twelve months 96043  
from the end of the fiscal year; 96044

(3) For an encumbrance for reclamation of land or oil and gas 96045  
wells, for a period ending when the encumbered appropriation is 96046  
expended or for a period of two years, whichever is less; 96047

(4) For an encumbrance for any other expense, for such period 96048  
as the Director approves, provided such period does not exceed two 96049  
years. 96050

(B) Any operating appropriations for which unexpended 96051  
balances are reappropriated beyond a five-month period from the 96052  
end of the fiscal year by division (A)(2) of this section shall be 96053  
reported to the Controlling Board by the Director of Budget and 96054  
Management by the thirty-first day of December of each year. The 96055  
report on each such item shall include the item, the cost of the 96056  
item, and the name of the vendor. The report shall be updated on a 96057  
quarterly basis for encumbrances remaining open. 96058

(C) Upon the expiration of the reappropriation period set out 96059  
in division (A) of this section, a reappropriation made by this 96060  
section lapses, and the Director of Budget and Management shall 96061  
cancel the encumbrance of the unexpended reappropriation not later 96062  
than the end of the weekend following the expiration of the 96063  
reappropriation period. 96064

(D) Notwithstanding division (C) of this section, with the 96065  
approval of the Director of Budget and Management, an unexpended 96066  
balance of an encumbrance that was reappropriated on the first day 96067  
of July by this section for a period specified in division (A)(3) 96068  
or (4) of this section and that remains encumbered at the close of 96069  
the fiscal biennium is hereby reappropriated on the first day of 96070  
July of the following fiscal biennium from the fund from which it 96071

was originally appropriated or reappropriated for the applicable 96072  
period specified in division (A)(3) or (4) of this section and 96073  
shall remain available only for the purpose of discharging the 96074  
encumbrance. 96075

(E) The Director of Budget and Management may correct 96076  
accounting errors committed by the staff of the Office of Budget 96077  
and Management, such as reestablishing encumbrances or 96078  
appropriations cancelled in error, during the cancellation of 96079  
operating encumbrances in November and of nonoperating 96080  
encumbrances in December. 96081

(F) The Director of Budget and Management may at any time 96082  
correct accounting errors committed by the staff of a state agency 96083  
or state institution of higher education, as defined in section 96084  
3345.011 of the Revised Code, such as reestablishing prior year 96085  
nonoperating encumbrances canceled or modified in error. The 96086  
reestablished encumbrance amounts are hereby appropriated. 96087

(G) If the Controlling Board approved a purchase, that 96088  
approval remains in effect so long as the appropriation used to 96089  
make that purchase remains encumbered. 96090

**Section 503.60. RE-ESTABLISHING ENCUMBRANCES THAT USE** 96091  
**OUTDATED EXPENSE ACCOUNT CODES** 96092

On or after January 1, 2015, the Director of Budget and 96093  
Management may cancel any existing operating or capital 96094  
encumbrances from prior fiscal years that reference outdated 96095  
expense account codes and, if needed, reestablish them against the 96096  
same appropriation items referencing updated expense account 96097  
codes. The reestablished encumbrance amounts are hereby 96098  
appropriated. Any business commenced but not completed under the 96099  
prior encumbrances by January 1, 2015, shall be completed under 96100  
the new encumbrances in the same manner and with the same effect 96101  
as if it was completed with regard to the old encumbrances. 96102



**Section 503.70.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 96103  
RE-ESTABLISHMENT OF ENCUMBRANCES 96104

Any cash transferred by the Director of Budget and Management 96105  
under section 126.15 of the Revised Code is hereby appropriated. 96106  
Any amounts necessary to re-establish appropriations or 96107  
encumbrances under section 126.15 of the Revised Code are hereby 96108  
appropriated. 96109

**Section 503.80.** TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 96110

The Director of Budget and Management may transfer 96111  
appropriations between the Third Frontier Research and Development 96112  
Fund (Fund 7011) and Third Frontier Research and Development 96113  
Taxable Bond Fund (Fund 7014) as necessary to maintain the 96114  
exclusion from the calculation of gross income for federal income 96115  
taxation purposes under the "Internal Revenue Code of 1986," 100 96116  
Stat. 2085, 26 U.S.C. 1 et seq., with respect to obligations 96117  
issued to fund projects appropriated from the Third Frontier 96118  
Research and Development Fund (Fund 7011). 96119

The Director may also create new appropriation items within 96120  
the Third Frontier Research and Development Taxable Bond Fund 96121  
(Fund 7014) and make transfers of appropriations to them for 96122  
projects originally funded from appropriations made from the Third 96123  
Frontier Research and Development Fund (Fund 7011). 96124

**Section 503.90.** INCOME TAX DISTRIBUTION TO COUNTIES 96125

There are hereby appropriated out of any moneys in the state 96126  
treasury to the credit of the General Revenue Fund, which are not 96127  
otherwise appropriated, funds sufficient to make any payment 96128  
required by division (B)(2) of section 5747.03 of the Revised 96129  
Code. 96130

**Section 503.100.** EXPENDITURES AND APPROPRIATION INCREASES 96131  
APPROVED BY THE CONTROLLING BOARD 96132

Any money that the Controlling Board approves for expenditure 96133  
or any increase in appropriation that the Controlling Board 96134  
approves under sections 127.14, 131.35, and 131.39 of the Revised 96135  
Code or any other provision of law is hereby appropriated for the 96136  
period ending June 30, 2017. 96137

**Section 503.110.** FUNDS RECEIVED FOR USE OF GOVERNOR'S 96138  
RESIDENCE 96139

If the Governor's Residence Fund (Fund 4H20) receives payment 96140  
for use of the residence pursuant to section 107.40 of the Revised 96141  
Code, the amounts so received are hereby appropriated to 96142  
appropriation item 100604, Governor's Residence Gift. 96143

**Section 506.10.** UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 96144

Unless the agency and nuclear electric utility mutually agree 96145  
to a higher amount by contract, the maximum amounts that may be 96146  
assessed against nuclear electric utilities under division (B)(2) 96147  
of section 4937.05 of the Revised Code and deposited into the 96148  
specified funds are as follows: 96149

<u>Fund</u>	<u>User</u>	<u>FY 2016</u>	<u>FY 2017</u>	
Utility	Department of	\$ 125,000	\$ 125,000	96151
Radiological	Agriculture			
Safety Fund				
(Fund 4E40)				
Radiation	Department of	\$ 1,086,098	\$ 1,086,098	96152
Emergency	Health			
Response Fund				
(Fund 6100)				
ER Radiological	Environmental	\$ 298,304	\$ 303,174	96153

Safety Fund            Protection Agency  
(Fund 6440)

Emergency            Department of            \$ 1,200,000    \$            1,200,000    96154

Response Plan        Public Safety  
Fund (Fund 6570)

**Section 512.10.** TRANSFERS TO THE GENERAL REVENUE FUND OF            96155  
INTEREST EARNED            96156

Notwithstanding any provision of law to the contrary, the            96157  
Director of Budget and Management, through June 30, 2017, may            96158  
transfer interest earned by any state fund to the General Revenue            96159  
Fund. This section does not apply to funds whose source of revenue            96160  
is restricted or protected by the Ohio Constitution, federal tax            96161  
law, or the "Cash Management Improvement Act of 1990," 104 Stat.            96162  
1058 (1990), 31 U.S.C. 6501 et seq., as amended.            96163

**Section 512.20.** CASH TRANSFERS TO THE GENERAL REVENUE FUND            96164  
FROM NON-GRF FUNDS            96165

Notwithstanding any provision of law to the contrary, the            96166  
Director of Budget and Management may transfer up to \$60,000,000            96167  
in each fiscal year in cash from non-General Revenue Funds that            96168  
are not constitutionally restricted to the General Revenue Fund in            96169  
order to ensure that available General Revenue Fund receipts and            96170  
balances are sufficient to support General Revenue Fund            96171  
appropriations in each fiscal year.            96172

**Section 512.30.** FISCAL YEAR 2015 GENERAL REVENUE FUND ENDING            96173  
BALANCE            96174

Notwithstanding divisions (B) and (C) of section 131.44 of            96175  
the Revised Code, the Director of Budget and Management shall            96176  
determine the surplus General Revenue Fund revenue that existed on            96177  
June 30, 2015, in excess of the amount required under division            96178  
(A)(3) of section 131.44 of the Revised Code, and allocate that            96179

amount, to the extent of the amount so determined, as follows: 96180

(A) First, the Director of Budget and Management shall 96181  
reserve in the General Revenue Fund a cash amount of up to 96182  
\$176,000,000 to support personal income tax reductions; 96183

(B) Second, the Director shall transfer a cash amount of up 96184  
to \$375,000,000 to the Budget Stabilization Fund to increase the 96185  
balance of that fund to an amount equal to five per cent of 96186  
estimated fiscal year 2017 General Revenue Fund revenue; 96187

(C) Third, the Director shall transfer a cash amount of up to 96188  
\$100,000,000 to the Straight A Program Fund (Fund 5RB0), which is 96189  
hereby created in the state treasury. 96190

(D) Fourth, the Director shall transfer a cash amount of up 96191  
to \$15,000,000 to the Student Debt Reduction Fund (Fund 5QF0); 96192

(E) Fifth, the Director shall transfer a cash amount of up to 96193  
\$40,000,000 to the Unemployment Compensation Interest Contingency 96194  
Fund (Fund 5HC0) for payment to the United States Secretary of the 96195  
Treasury of accrued interest costs related to federal unemployment 96196  
account borrowing; 96197

(F) Sixth, the Director shall transfer a cash amount of up to 96198  
\$20,000,000 to the Disaster Services Fund (Fund 5E20); 96199

(G) Seventh, the Director shall transfer a cash amount of up 96200  
to \$9,000,000 to the Systems Transformation Support Fund (Fund 96201  
5QM0); 96202

(H) Eighth, the Director shall transfer a cash amount of up 96203  
to \$12,000,000 to the Natural Resources Special Purposes Fund 96204  
(Fund 5MW0), which is hereby created in the state treasury; 96205

(I) Ninth, the Director shall transfer a cash amount of up to 96206  
\$10,000,000 to the Local Government Innovation Fund (Fund 5KN0). 96207

(J) Tenth, the Director shall transfer a cash amount of up to 96208  
\$15,000,000 to the Workforce Grant Program Fund (Fund 5RA0). 96209

(K) Eleventh, the Director shall transfer a cash amount of up to \$30,000,000 to the School District TPP Supplement Fund (Fund 5RE0).

**Section 512.40. CASINO OPERATOR SETTLEMENT FUND**

On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$4,701,620 cash from the Casino Operator Settlement Fund (Fund 5KT0) to the State Lottery Fund (Fund 7044).

The Director of Budget and Management, in consultation with the Executive Director of the Casino Control Commission, shall establish a schedule of transfers totaling \$4,701,620 to the Casino Operator Settlement Fund (Fund 5KT0) from the Casino Control Commission Fund (Fund 5HS0).

**Section 512.50. DIESEL EMISSIONS REDUCTION GRANT PROGRAM**

There is hereby established in the Highway Operating Fund (Fund 7002), used by the Department of Transportation, a Diesel Emissions Reduction Grant Program. The Director of Environmental Protection shall administer the program and shall solicit, evaluate, score, and select projects submitted by public and private entities that are eligible for the federal Congestion Mitigation and Air Quality (CMAQ) Program. The Director of Transportation shall process Federal Highway Administration-approved projects as recommended by the Director of Environmental Protection.

In addition to the allowable expenditures set forth in section 122.861 of the Revised Code, Diesel Emissions Reduction Grant Program funds also may be used to fund projects involving the purchase or use of hybrid and alternative fuel vehicles that are allowed under guidance developed by the Federal Highway Administration for the CMAQ Program.

Public entities eligible to receive funds under section 96240  
122.861 of the Revised Code and CMAQ shall be reimbursed from 96241  
moneys in Fund 7002 designated for the Department of 96242  
Transportation's Diesel Emissions Reduction Grant Program. 96243

Private entities eligible to receive funds under section 96244  
122.861 of the Revised Code and CMAQ shall be reimbursed at the 96245  
direction of the local public agency sponsor and upon approval of 96246  
the Department of Transportation, through direct payments to the 96247  
vendor in the prorated share of federal/state participation. These 96248  
reimbursements shall be made from moneys in Fund 7002 designated 96249  
for the Department of Transportation's Diesel Emissions Reduction 96250  
Grant Program. There shall be no new appropriations from Fund 7002 96251  
for the Diesel Emissions Reduction Grant Program in fiscal year 96252  
2016. New appropriations from Fund 7002 for the Diesel Emissions 96253  
Reduction Grant Program shall not exceed \$5,000,000 in fiscal year 96254  
2017. 96255

Any allocations under this section represent CMAQ program 96256  
moneys within the Department of Transportation for use by the 96257  
Diesel Emissions Reduction Grant Program by the Environmental 96258  
Protection Agency. These allocations shall not reduce the amount 96259  
of such moneys designated for metropolitan planning organizations. 96260

The Director of Environmental Protection, in consultation 96261  
with the Director of Transportation, shall develop guidance for 96262  
the distribution of funds and for the administration of the Diesel 96263  
Emissions Reduction Grant Program. The guidance shall include a 96264  
method of prioritization for projects, acceptable technologies, 96265  
and procedures for awarding grants. 96266

**Section 512.60.** CASH TRANSFERS AND ABOLISHMENT OF FUNDS 96267

(A) On July 1, 2015, or as soon as possible thereafter, the 96268  
Director of Budget and Management shall transfer the cash balance 96269  
from each of the funds as indicated in the table below to the fund 96270

also indicated in the table below. Upon completion of each	96271	
transfer and on the effective date of its repeal by this act,	96272	
where applicable, the fund from which the cash balance was	96273	
transferred is hereby abolished.	96274	
User Transfer from:	Transfer to:	96275
Agency Fund	Fund	96276
Code Code Fund Name	Code Fund Name	96277
AGR 5750 Agricultural Financing	GRF General Revenue Fund	96278
Commission		
Administration		
DAS 5HU0 Construction Reform	1880 Equal Opportunity	96279
Demonstration Compliance	Division - Operating	
DAS 4P30 Departmental MIS	1330 Information Technology	96280
DAS 5LA0 Building Operation	1320 Building Management	96281
DPS 5CM0 Investigative Unit -	3GT0 Investigative Unit -	96282
Treasury Contraband	Treasury Contraband	
DSA 5HJ0 Motion Picture Tax	4510 Business Assistance	96283
Credit Program Operating		
DSA 5S80 Rural Development	7037 Facilities	96284
Initiative Program	Establishment	
DSA 5AR0 Industrial Sites	5M50 Advanced Energy Loan	96285
Improvements Program	Program	
DSA 4Z60 Rural Industrial Park	7037 Facilities	96286
Loan	Establishment	
EPA 4U70 Construction and	4K30 Solid Waste	96287
Demolition Debris		
EPA 6600 Infectious Waste	4K30 Solid Waste	96288
Management		
FCC 4T80 Cultural Facilities	7030 Cultural and Sports	96289
Administration Fund	Facilities Building	
FCC N087 Education Facilities	7021 Public School Building	96290
Trust		
FCC 5E30 Ohio School Facilities	7021 Public School Building	96291

		Commission Fund			
LOT	2310	Charitable Gaming	7044	State Lottery	96292
		Oversight			
MCD	5Q90	Supplemental Inpatient	5GF0	Hospital Assessment	96293
		Hospital		Fund	
MCD	5CR0	Children's Hospital -	GRF	General Revenue Fund	96294
		State			
MCD	5HA0	Health Care Services -	GRF	General Revenue Fund	96295
		Other			
MHA	5DG0	Recovery Assistance	4P90	Mental Health Trust	96296
MHA	4C50	Revolving Loans for	4P90	Mental Health Trust	96297
		Recovery Homes			
MHA	5BR0	Tobacco Use Prevention	4P90	Mental Health Trust	96298
		and Control			
MHA	5DV0	Criminal Justice	4P90	Mental Health Trust	96299
		Prevention and Treatment			
		Collaborative			
MHA	5V20	Non-Federal Grant	4P90	Mental Health Trust	96300
MHA	5JW0	Board Match	4P90	Mental Health Trust	96301
		Reimbursement			
MHA	6920	Mental Health Board Risk	4P90	Mental Health Trust	96302
MHA	3J80	Medicaid Legacy Costs	3B10	Community Medicaid	96303
		Support			
PAY	8140	Cost Savings	8060	Accrued Leave	96304
RAC	5640	Quarter Horse	5620	Thoroughbred Race Fund	96305
		Development			
SOS	4130	Information Systems	5990	Corporate and Uniform	96306
				Commercial Code Filing	

(B) On July 1, 2015, or as soon as possible thereafter, the 96307  
Director of Budget and Management shall cancel any existing 96308  
encumbrances against each appropriation item as indicated in the 96309  
table below and reestablish them against the appropriation item 96310  
also indicated in the table below. In addition, if any other 96311



existing encumbrances must be cancelled and reestablished to				96312
properly close out the funds identified in division (A) of this				96313
section, the Director is hereby authorized to carry out those				96314
necessary transactions. These amounts are hereby appropriated.				96315
Cancel existing encumbrances	Reestablish encumbrances			96316
against:	against:			
Fund	Fund			96317
Code Appropriation Item	Code Appropriation Item			96318
5CM0 767691 - Equitable Share	3GT0 767691 - Equitable Share			96319
Account	Account			
5HU0 100655 - Construction	1880 100649 - Equal			96320
Reform Demo Compliance	Opportunity Division -			
	Operating			
4T80 230603 - Community Project	GRF 230458 - State			96321
Administration	Construction Management			
	Services			
4P30 100603 - DAS Information	1330 100607 - IT Services			96322
Services	Delivery			
5LA0 100660 - Building Operation	1320 100631 - DAS Building			96323
	Management			
6600 715629 - Infectious Waste	4K30 715649 - Solid Waste			96324
Management				
4U70 715660 - Construction and	4K30 715649 - Solid Waste			96325
Demolition Debris				
5E30 230644 - Operating Expenses	GRF 230321 - Operating			96326
	Expenses			
4130 050601 - Information	5990 050603 - Business			96327
Systems	Services Operating			
	Expenses			

(C) The following funds, used by the Department of		96328
Rehabilitation and Corrections, shall be abolished on the		96329
effective date of their repeal by this act: the Laboratory		96330
Services Fund (Fund 5930), the Adult Parole/Probation Service Fund		96331

(Fund 5A30), the Sex Offender Supervision Fund (Fund 5CL0), and 96332  
the Confinement Cost Reimbursement Fund (Fund 5D50). 96333

(D) The following funds, used by the Department of Public 96334  
Safety shall be abolished on the effective date of their repeal by 96335  
this act: the Justice Assistance Grant - FFY06 Fund (Fund 3CB0), 96336  
the Justice Assistance Grant - FFY07 Fund (Fund 3CC0), the Justice 96337  
Assistance Grant - FFY08 Fund (Fund 3CD0), the Justice Assistance 96338  
Grant - FFY09 Fund (Fund 3CE0), the Justice Assistance Grant 96339  
Supplemental FFY08 Fund (Fund 3CV0), the Justice Assistance Grant 96340  
Fund (Fund 3DE0), and the Federal Stimulus Justice Programs Fund 96341  
(Fund 3DH0). 96342

**Section 512.70.** MEDICAID RESERVE FUND TRANSFERS AND BALANCE 96343

Notwithstanding any provision of law to the contrary, the 96344  
balance of the Medicaid Reserve Fund (Fund 5Y80) in fiscal year 96345  
2016 shall be the balance as of June 30, 2015, less \$230,000,000. 96346  
On July 1, 2015, or as soon as possible thereafter, the Director 96347  
of Budget and Management shall transfer \$88,000,000 cash from Fund 96348  
5Y80 to the General Revenue Fund; \$20,000,000 cash from Fund 5Y80 96349  
to the Local Government Safety Capital Fund (Fund 5RDO), used by 96350  
the Development Services Agency; \$72,000,000 cash from Fund 5Y80 96351  
to the School District TPP Supplement Fund (Fund 5REO), used by 96352  
the Department of Education; and \$50,000,000 cash from Fund 5Y80 96353  
to the Healthier Buckeye Fund (Fund 5RC0), used by the Ohio 96354  
Healthier Buckeye Advisory Council. The Director of Budget and 96355  
Management shall take any action necessary to effectuate this 96356  
section. 96357

**Section 515.10.** (A) On the effective date of the enactment of 96358  
section 3734.49 of the Revised Code by this act, the functions, 96359  
together with the assets and liabilities, of the Solid Waste 96360  
Management Advisory Council created in section 3734.51 of the 96361

Revised Code, as repealed by this act, and the Recycling and 96362  
Litter Prevention Advisory Council created in section 3736.04 of 96363  
the Revised Code, as repealed by this act, are transferred to the 96364  
Materials Management Advisory Council created in section 3734.49 96365  
of the Revised Code, as enacted by this act. 96366

(B) Any business commenced but not completed by the Solid 96367  
Waste Management Advisory Council and the Recycling and Litter 96368  
Prevention Advisory Council on the effective date of the transfer 96369  
shall be completed by the Materials Management Advisory Council. 96370  
Any validation, cure, right, privilege, remedy, obligation, or 96371  
liability is not lost or impaired solely by reason of the transfer 96372  
required by this section and shall be administered by the 96373  
Materials Management Advisory Council in accordance with this act. 96374

(C) All of the determinations of the Solid Waste Management 96375  
Advisory Council and the Recycling and Litter Prevention Advisory 96376  
Council in relation to those Advisory Councils continue in effect 96377  
as determinations of the Materials Management Advisory Council 96378  
until modified or rescinded by the Materials Management Advisory 96379  
Council. 96380

(D) Whenever the Solid Waste Management Advisory Council or 96381  
the Recycling and Litter Prevention Advisory Council or the 96382  
chairperson of the applicable Advisory Council is referred to in 96383  
any law, contract, or other document, the reference shall be 96384  
deemed to refer to the Materials Management Advisory Council or to 96385  
the chairperson of the Materials Management Advisory Council, 96386  
whichever is appropriate in context. 96387

(E) Any action or proceeding pending on the effective date of 96388  
the enactment of section 3734.49 of the Revised Code by this act 96389  
is not affected by the transfer of the functions of the Solid 96390  
Waste Management Advisory Council and the Recycling and Litter 96391  
Prevention Advisory Council by this act and shall be prosecuted or 96392

defended in the name of the Materials Management Advisory Council. 96393  
In all such actions and proceedings, the Materials Management 96394  
Advisory Council, upon application to the court, shall be 96395  
substituted as a party. 96396

**Section 518.10.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 96397

Certain appropriations are in this act for the purpose of 96398  
paying debt service and financing costs on general obligation 96399  
bonds or notes of the state issued pursuant to the Ohio 96400  
Constitution and acts of the General Assembly. If it is determined 96401  
that additional appropriations are necessary for this purpose, 96402  
such amounts are hereby appropriated. 96403

**Section 518.20.** LEASE RENTAL PAYMENTS FOR DEBT SERVICE 96404

Certain appropriations are in this act for the purpose of 96405  
making lease rental payments pursuant to leases and agreements 96406  
relating to bonds or notes issued by the Treasurer of State, or 96407  
previously by the Ohio Building Authority, pursuant to the Ohio 96408  
Constitution and acts of the General Assembly. If it is determined 96409  
that additional appropriations are necessary for this purpose, 96410  
such amounts are hereby appropriated. 96411

**Section 518.30.** AUTHORIZATION FOR TREASURER OF STATE AND OBM 96412  
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 96413

The Office of Budget and Management shall process payments 96414  
from general obligation and lease rental payment appropriation 96415  
items during the period from July 1, 2015, through June 30, 2017, 96416  
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 96417  
2n, 2o, 2p, 2q, 2r, 2s, and 15 of Article VIII, Ohio Constitution, 96418  
and Chapters 151., 152., and 154. of the Revised Code. Payments 96419  
shall be made upon certification by the Treasurer of State of the 96420  
dates and the amounts due on those dates. 96421

**Section 521.10.** STATE AND LOCAL REBATE AUTHORIZATION 96422

There is hereby appropriated, from those funds designated by 96423  
or pursuant to the applicable proceedings authorizing the issuance 96424  
of state obligations, amounts computed at the time to represent 96425  
the portion of investment income to be rebated or amounts in lieu 96426  
of or in addition to any rebate amount to be paid to the federal 96427  
government in order to maintain the exclusion from gross income 96428  
for federal income tax purposes of interest on those state 96429  
obligations under section 148(f) of the Internal Revenue Code. 96430

Rebate payments shall be approved and vouchered by the Office 96431  
of Budget and Management. 96432

**Section 521.20.** STATEWIDE INDIRECT COST RECOVERY 96433

Whenever the Director of Budget and Management determines 96434  
that an appropriation made to a state agency from a fund of the 96435  
state is insufficient to provide for the recovery of statewide 96436  
indirect costs under section 126.12 of the Revised Code, the 96437  
amount required for such purpose is hereby appropriated from the 96438  
available receipts of such fund. 96439

**Section 521.30.** TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 96440  
COST ALLOCATION PLAN 96441

The total transfers made from the General Revenue Fund by the 96442  
Director of Budget and Management under this section shall not 96443  
exceed the amounts transferred into the General Revenue Fund under 96444  
section 126.12 of the Revised Code. 96445

The director of an agency may certify to the Director of 96446  
Budget and Management the amount of expenses not allowed to be 96447  
included in the Statewide Indirect Cost Allocation Plan under 96448  
federal regulations, from any fund included in the Statewide 96449  
Indirect Cost Allocation Plan, prepared as required by section 96450

126.12 of the Revised Code. 96451

Upon determining that no alternative source of funding is 96452  
available to pay for such expenses, the Director of Budget and 96453  
Management may transfer cash from the General Revenue Fund into 96454  
the fund for which the certification is made, up to the amount of 96455  
the certification. The director of the agency receiving such funds 96456  
shall include, as part of the next budget submission prepared 96457  
under section 126.02 of the Revised Code, a request for funding 96458  
for such activities from an alternative source such that further 96459  
federal disallowances would not be required. 96460

The director of an agency may certify to the Director of 96461  
Budget and Management the amount of expenses paid in error from a 96462  
fund included in the Statewide Indirect Cost Allocation Plan. The 96463  
Director of Budget and Management may transfer cash from the fund 96464  
from which the expenditure should have been made into the fund 96465  
from which the expenses were erroneously paid, up to the amount of 96466  
the certification. 96467

The director of an agency may certify to the Director of 96468  
Budget and Management the amount of expenses or revenues not 96469  
allowed to be included in the Statewide Indirect Cost Allocation 96470  
Plan under federal regulations, for any fund included in the 96471  
Statewide Indirect Cost Allocation Plan, for which the federal 96472  
government requires payment. If the Director of Budget and 96473  
Management determines that an appropriation made to a state agency 96474  
from a fund of the state is insufficient to pay the amount 96475  
required by the federal government, the amount required for such 96476  
purpose is hereby appropriated from the available receipts of such 96477  
fund, up to the amount of the certification. 96478

**Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 96479

Notwithstanding any provision of law to the contrary, on or 96480  
before the first day of September of each fiscal year, the 96481

Director of Budget and Management, in order to reduce the payment 96482  
of adjustments to the federal government, as determined by the 96483  
plan prepared under division (A) of section 126.12 of the Revised 96484  
Code, may designate such funds as the Director considers necessary 96485  
to retain their own interest earnings. 96486

**Section 521.50.** FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 96487

Pursuant to the plan for compliance with the Federal Cash 96488  
Management Improvement Act required by section 131.36 of the 96489  
Revised Code, the Director of Budget and Management may cancel and 96490  
re-establish all or part of encumbrances in like amounts within 96491  
the funds identified by the plan. The amounts necessary to 96492  
re-establish all or part of encumbrances are hereby appropriated. 96493

**Section 521.60.** FISCAL STABILIZATION AND RECOVERY 96494

To ensure the level of accountability and transparency 96495  
required by federal law, the Director of Budget and Management may 96496  
issue guidelines to any agency applying for federal money made 96497  
available to this state for fiscal stabilization and recovery 96498  
purposes, and may prescribe the process by which agencies are to 96499  
comply with any reporting requirements established by the federal 96500  
government. 96501

**Section 591.10.** That Sections 4 and 5 of Am. Sub. H.B. 7 of 96502  
the 131st General Assembly be amended to read as follows: 96503

**Sec. 4.** Notwithstanding anything in the Revised Code to the 96504  
contrary, division (E)(3) of section 3317.03, division (L)(3) of 96505  
section 3314.08, and division (C) of section 3326.37 of the 96506  
Revised Code shall not apply in the case of a pupil who did not 96507  
take an assessment prescribed under division (A) of section 96508  
3301.0710 or division (B)(2) of section 3301.0712 of the Revised 96509  
Code that was administered during the 2014-2015, 2015-2016, or 96510

2016-2017 school ~~year~~ years and was not excused pursuant to 96511  
division (C)(1) or (3) of section 3301.0711 of the Revised Code 96512  
from taking that assessment. 96513

**Sec. 5.** (A) Notwithstanding anything in the Revised Code to 96514  
the contrary, a student receiving a scholarship under a state 96515  
scholarship program, as defined in section 3301.0711 of the 96516  
Revised Code, who did not take an assessment prescribed under 96517  
division (A) of section 3301.0710 or division (B)(2) of section 96518  
3301.0712 of the Revised Code that is administered in the 96519  
2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years shall be 96520  
considered to be an eligible student for purposes of the 96521  
respective scholarship program, so long as the student satisfies 96522  
all other prescribed conditions of the program. 96523

(B) Notwithstanding anything in the Revised Code to the 96524  
contrary, division (A) of section 3310.14, section 3310.522, and 96525  
division (A)(11) of section 3313.976 of the Revised Code, and 96526  
paragraph (C) of rule 3301-103-04 of the Administrative Code shall 96527  
not apply in the case of a student who did not take an assessment 96528  
prescribed under division (A) of section 3301.0710 or division 96529  
(B)(2) of section 3301.0712 of the Revised Code that is 96530  
administered in the 2014-2015, 2015-2016, or 2016-2017 school ~~year~~ 96531  
years. 96532

**Section 591.11.** That existing Sections 4 and 5 of Am. Sub. 96533  
H.B. 7 of the 131st General Assembly are hereby repealed. 96534

**Section 610.01.** That Section 755.40 of Sub. H.B. 53 of the 96535  
131st General Assembly be amended to read as follows: 96536

**Sec. 755.40.** (A) There is hereby created the Joint 96537  
Legislative Task Force on Department of Transportation Issues. The 96538



Task Force shall consist of three members of the House Finance and 96539  
Appropriations Committee, one of whom is a member of the Minority 96540  
party, all of whom shall be appointed by the Speaker of the House 96541  
of Representatives; and three members of the Senate Transportation 96542  
Committee, one of whom is a member of the Minority party, all of 96543  
whom shall be appointed by the President of the Senate. In making 96544  
Minority party appointments, the Speaker shall consult with the 96545  
Minority Leader of the House of Representatives, and the President 96546  
shall consult with the Minority Leader of the Senate. 96547

(B)(1) The Task Force shall study methods for increasing the 96548  
speed on, and access to, rural highways and freeways in Ohio. ~~The~~ 96549  
~~Task Force also shall study and~~ methods for saving money on 96550  
license plates, including specifically a single license plate 96551  
requirement. 96552

(2) In addition to the areas of study specified in division 96553  
(B)(1) of this section, the Task Force shall study the cost and 96554  
feasibility of establishing a limited driving privilege license 96555  
that: 96556

(a) Contains embedded information, accessible only to law 96557  
enforcement officers, that specifies the period during which the 96558  
license holder may exercise limited driving privileges and the 96559  
purposes for which limited driving privileges have been granted; 96560

(b) Is issued to any person to whom any of the following 96561  
applies: 96562

(i) The person's driver's license has been suspended and the 96563  
person has been granted limited driving privileges under section 96564  
4510.021 of the Revised Code; 96565

(ii) The person's driver's license was previously suspended, 96566  
the period of suspension has ended, and the person is complying 96567  
with a Bureau of Motor Vehicles fee installment plan under O.A.C. 96568

4501:1-1-45 in order to pay the person's reinstatement fees; or 96569

(iii) The person's driver's license was previously suspended, 96570  
the period of suspension has ended, and the person has been issued 96571  
a court order under division (D)(2) of section 4510.10 of the 96572  
Revised Code that authorizes the person to operate a vehicle until 96573  
the person can pay the reinstatement fees. 96574

(3) Not later than December 15, 2015, the Task Force shall 96575  
issue a report containing its findings and recommendations with 96576  
regard to the areas of study specified in division (B)(1) and (2) 96577  
of this section to the President of the Senate, the Minority 96578  
Leader of the Senate, the Speaker of the House of Representatives, 96579  
and the Minority Leader of the House of Representatives. 96580

(C)(1) The Task Force shall examine the funding needs of the 96581  
Ohio Department of Transportation and shall study specifically the 96582  
issue of the effectiveness of the Ohio motor fuel tax in meeting 96583  
those funding needs. The Task Force also shall study alternative 96584  
methods for funding the construction and maintenance of Ohio's 96585  
roadways and infrastructure. 96586

(2) Not later than December 15, 2016, the Task Force shall 96587  
issue a report containing its findings and recommendations with 96588  
regard to the areas of study specified in division (C)(1) of this 96589  
section to the President of the Senate, the Minority Leader of the 96590  
Senate, the Speaker of the House of Representatives, and the 96591  
Minority Leader of the House of Representatives. At that time, the 96592  
Task Force shall cease to exist. 96593

**Section 610.02.** That existing Section 755.40 of Sub. H.B. 53 96594  
of the 131st General Assembly is hereby repealed. 96595

**Section 610.10.** That Sections 125.10 and 125.11 of Am. Sub. 96596  
H.B. 59 of the 130th General Assembly be amended to read as 96597  
follows: 96598

**Sec. 125.10.** (A) Sections 5168.01, 5168.02, 5168.03, 5168.04, 96599  
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 96600  
~~5168.12,~~ 5168.13, 5168.99, and 5168.991 of the Revised Code are 96601  
hereby repealed, effective October 16, ~~2015~~ 2017. 96602

(B) ~~Any~~ Notwithstanding the repeal by this act of section 96603  
5168.12 of the Revised Code, any money remaining in the 96604  
Legislative Budget Services Fund on ~~October 16, 2015,~~ the 96605  
effective date of the repeal of that section 5168.12 of the 96606  
~~Revised Code is repealed by division (A) of this section,~~ shall be 96607  
used solely for the purposes stated in then former section 5168.12 96608  
of the Revised Code. When all money in the Legislative Budget 96609  
Services Fund has been spent after then former section 5168.12 of 96610  
the Revised Code is repealed ~~under division (A) of this section,~~ 96611  
the fund shall cease to exist. 96612

**Sec. 125.11.** Sections 5168.20, 5168.21, 5168.22, 5168.23, 96613  
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 96614  
Code are hereby repealed, effective October 1, ~~2015~~ 2017. 96615

**Section 610.11.** That existing Sections 125.10 and 125.11 of 96616  
Am. Sub. H.B. 59 of the 130th General Assembly are hereby 96617  
repealed. 96618

**Section 610.14.** That Section 745.10 of Am. Sub. H.B. 483 of 96619  
the 130th General Assembly be amended to read as follows: 96620

**Sec. 745.10.** (A) There is hereby created the Maritime Port 96621  
Funding Study Committee. The committee shall consist of the 96622  
following ten members who shall be appointed not later than thirty 96623  
days after the effective date of this section: 96624

(1) Two members of the Senate, one of whom shall be a member 96625  
of the majority party and one of whom shall be a member of the 96626

minority party, both appointed by the President of the Senate; 96627

(2) Two members of the House of Representatives, one of whom 96628  
shall be a member of the majority party and one of whom shall be a 96629  
member of the minority party, both appointed by the Speaker of the 96630  
House of Representatives; 96631

(3) Two members appointed by the Governor, one of whom shall 96632  
be from the Ohio Department of Transportation and be knowledgeable 96633  
about maritime ports and one of whom shall be from the Development 96634  
Services Agency; 96635

(4) Four members appointed jointly by the President of the 96636  
Senate and the Speaker of the House of Representatives, each of 96637  
whom shall represent maritime port interests on behalf of a major 96638  
maritime port and none of whom shall represent the same maritime 96639  
port. 96640

(B) The Committee shall select a chairperson and 96641  
vice-chairperson from among its members. The Committee first shall 96642  
meet within one month after the effective date of this section at 96643  
the call of the President of the Senate. Thereafter, the Committee 96644  
shall meet at the call of its chairperson as necessary to carry 96645  
out its duties. Members of the Committee are not entitled to 96646  
compensation for serving on the Committee, but may continue to 96647  
receive the compensation and benefits accruing from their regular 96648  
offices or employments. 96649

(C) The Committee shall study alternative funding mechanisms 96650  
for maritime ports in Ohio that may be utilized beginning in 96651  
fiscal year 2016-2017. Not later than January 1, ~~2015~~ 2016, the 96652  
Study Committee shall issue a report of its findings and 96653  
recommendations to the Governor, the President of the Senate, the 96654  
Minority Leader of the Senate, the Speaker of the House of 96655  
Representatives, and the Minority Leader of the House of 96656  
Representatives. After submitting the report, the Study Committee 96657

shall cease to exist. 96658

**Section 610.15.** That existing Section 745.10 of Am. Sub. H.B. 96659  
483 of the 130th General Assembly is hereby repealed. 96660

**Section 610.17.** That Section 13 of Am. Sub. H.B. 487 of the 96661  
130th General Assembly be amended to read as follows: 96662

**Sec. 13.** Notwithstanding anything in the Revised Code to the 96663  
contrary, the board of education of a school district, the 96664  
governing authority of a community school established under 96665  
Chapter 3314. of the Revised Code, or the governing body of a STEM 96666  
school established under Chapter 3326. of the Revised Code that 96667  
has entered into a collective bargaining agreement with its 96668  
teachers under Chapter 4117. of the Revised Code may enter into a 96669  
separate memorandum of understanding with the exclusive 96670  
representative of its teachers stipulating that the value-added 96671  
progress dimension rating that is based on the results of the 96672  
assessments prescribed under sections 3301.0710 and 3301.0712 of 96673  
the Revised Code administered in the 2014-2015, 2015-2016, or 96674  
2016-2017 school ~~year~~ years and is used to assess student academic 96675  
growth for purposes of teacher evaluations under sections 3311.80, 96676  
3319.111, and 3319.112 of the Revised Code will not be used when 96677  
making decisions regarding the dismissal, retention, tenure, or 96678  
compensation of the district's or school's teachers. 96679

As used in this section, "value-added progress dimension" 96680  
means the value-added progress dimension prescribed by section 96681  
3302.021 of the Revised Code or an alternative student academic 96682  
progress measure if adopted under division (C)(1)(e) of section 96683  
3303.03 of the Revised Code. 96684

**Section 610.18.** That existing Section 13 of Am. Sub. H.B. 487 96685  
of the 130th General Assembly is hereby repealed. 96686

**Section 610.20.** That Sections 207.200, 221.20, 235.10, 96687  
245.10, and 259.10 of Am. H.B. 497 of the 130th General Assembly 96688  
be amended to read as follows: 96689

**Sec. 207.200.** NCC NORTH CENTRAL TECHNICAL COLLEGE 96690  
Higher Education Improvement Fund (Fund 7034) 96691  
C38010 Kehoe Center Infrastructure Renovation \$ 350,000 96692  
C38014 IT Data Infrastructure Upgrade Project \$ 1,400,000 96693  
C38015 Crawford County Higher Education Center \$ 850,000 96694  
C38016 MEDAL Talent Innovation Network \$ 500,000 96695  
~~C38017 Ashland University College of Nursing \$ 1,000,000 96696~~  
TOTAL Higher Education Improvement Fund \$ ~~4,100,000~~ 96697  
3,100,000  
TOTAL ALL FUNDS \$ ~~4,100,000~~ 96698  
3,100,000

**Sec. 221.20.** The Treasurer of State is hereby authorized to 96700  
issue and sell in accordance with Section 2i of Article VIII, Ohio 96701  
Constitution, and Chapter 154. of the Revised Code, particularly 96702  
section 154.20 of the Revised Code, original obligations in an 96703  
aggregate principal amount not to exceed ~~\$40,000,000~~ \$41,000,000 96704  
in addition to the original issuance of obligations heretofore 96705  
authorized by prior acts of the General Assembly. These authorized 96706  
obligations shall be issued, subject to applicable constitutional 96707  
and statutory limitations, as needed to provide sufficient moneys 96708  
to the credit of the Mental Health Facilities Improvement Fund 96709  
(Fund 7033) to pay costs of capital facilities as defined in 96710  
section 154.01 of the Revised Code for mental hygiene and 96711  
retardation. 96712

**Sec. 235.10.** DEV DEVELOPMENT SERVICES AGENCY 96713  
Coal Research and Development Fund (Fund 7046) 96714

C19505	Coal Research and Development	\$	3,000,000	96715
	TOTAL Coal Research and Development Fund	\$	3,000,000	96716
	<u>Service Station Cleanup Fund (Fund 7100)</u>			96717
C19507	<u>Service Station Cleanup</u>	\$	<u>20,000,000</u>	96718
	<u>TOTAL Service Station Cleanup Fund</u>	\$	<u>20,000,000</u>	96719
	TOTAL ALL FUNDS	\$	<del>3,000,000</del>	96720
			<u>23,000,000</u>	

SERVICE STATION CLEANUP FUND 96721

(A) For purposes of this section: 96722

(1) "Political subdivision" means a county, municipal corporation, township, or port authority. 96723  
96724

(2) "Class C release" has the same meaning as in section 3737.87 of the Revised Code. 96725  
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(3) "Property Assessment" means a property assessment conducted in accordance with section 3746.04 of the Revised Code or a corrective action process or source investigation process under section 1301:7-9-13 of the Ohio Administrative Code. 96727  
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(4) "Property owner" means a political subdivision as defined in this section. 96731  
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(5) "Cleanup or remediation" means any action at a Class C release site to contain, remove, or dispose of petroleum or other hazardous substances or remove underground storage tanks used to store petroleum or other hazardous substances. 96733  
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(B) The Abandoned Gas Station Cleanup Grant Program is established in the Development Services Agency for the purpose of cleanup and remediation of Class C release sites to provide for and enable the environmentally safe and productive reuse of publicly owned lands by the remediation or cleanup, or planning and assessment for that remediation or cleanup, of contamination or by addressing property conditions or circumstances that may be 96737  
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deleterious to public health and safety or the environment or that 96744  
preclude or inhibit environmentally sound or economic reuse of the 96745  
property as authorized by Section 2o of Article VIII of the Ohio 96746  
Constitution. Under this program, the Director of Development 96747  
Services may do either or both of the following: 96748

(1) Award a grant of up to \$500,000 to a political 96749  
subdivision for purposes of a property assessment on a Class C 96750  
release site; 96751

(2) Award a grant of up to \$2,000,000 to a political 96752  
subdivision for purposes of cleanup or remediation of a Class C 96753  
release site. 96754

Grants under divisions (B)(1) and (2) of this section shall 96755  
be used by a property owner to create a site that provides 96756  
opportunities for economic impact through redevelopment. The 96757  
Director of Development Services may consult with the 96758  
Environmental Protection Agency, the State Fire Marshal, the Ohio 96759  
Water Development Authority, and the Ohio Public Works Commission 96760  
in connection with this program and the awarding of these grants. 96761  
Sections 122.651 to 122.658 of the Revised Code do not apply to 96762  
this program. 96763

(C) A property owner applying for a grant under division 96764  
(B)(1) or (2) of this section shall submit an application for the 96765  
grant on a form prescribed by the Director of Development 96766  
Services. 96767

An authorized representative of the property owner shall sign 96768  
and submit an affidavit with the application certifying that the 96769  
property owner did not cause or contribute to any prior release of 96770  
petroleum or other hazardous substances on the site. 96771

Upon receipt of an application, the Director shall examine 96772  
the application and all accompanying information to determine if 96773  
the application is complete. If the Director determines that the 96774



application is not complete, the Director shall promptly notify 96775  
the property owner that the application is not complete, provide a 96776  
description of the information that is missing from the 96777  
application, and return the application and all accompanying 96778  
information to the property owner. The property owner may resubmit 96779  
the application. 96780

If the Director approves an application under this section, 96781  
the Director may enter into an agreement with the property owner 96782  
to award a grant to the property owner. The agreement shall be 96783  
executed prior to paying or disbursing any grant funds approved by 96784  
the Director under this section. 96785

(D) The Service Station Cleanup Fund (Fund 7100) is hereby 96786  
created in the state treasury. The fund shall consist of moneys 96787  
transferred to it pursuant to this section from the Clean Ohio 96788  
Revitalization Fund (Fund 7003) created in section 122.658 of the 96789  
Revised Code. Investment earnings of the fund shall be credited to 96790  
the fund. Moneys in the fund shall be used to award grants 96791  
pursuant to the Abandoned Gas Station Cleanup Grant Program 96792  
established in this section. 96793

(E) At the request of the Director of Development Services 96794  
the Director of Budget and Management may transfer up to 96795  
\$20,000,000 cash from the Clean Ohio Revitalization Fund (Fund 96796  
7003) to the Service Station Cleanup Fund (Fund 7100) as needed to 96797  
provide for grants awarded by the Director of Development Services 96798  
under this section. 96799

**Sec. 245.10. PWC PUBLIC WORKS COMMISSION** 96800

State Capital Improvements Fund (Fund 7038) 96801

C15000 Local Public Infrastructure/State CIP \$ 300,000,000 96802

TOTAL State Capital Improvements Fund \$ 300,000,000 96803

State Capital Improvements Revolving Loan Fund (Fund 7040) 96804

C15030	Revolving Loan	\$	69,000,000	96805
TOTAL	State Capital Improvements Revolving Loan	\$	69,000,000	96806
Fund				
Clean Ohio Conservation Fund (Fund 7056)				96807
C15060	Clean Ohio Conservation Program	\$	75,000,000	96808
TOTAL	Clean Ohio Conservation Fund	\$	75,000,000	96809
TOTAL ALL FUNDS		\$	444,000,000	96810

LOCAL PUBLIC INFRASTRUCTURE 96811

The foregoing appropriation item C15000, Local Public 96812  
Infrastructure/State CIP, shall be used in accordance with 96813  
sections 164.01 to 164.12 of the Revised Code. The Director of the 96814  
Public Works Commission may certify to the Director of Budget and 96815  
Management that a need exists to appropriate investment earnings 96816  
to be used in accordance with sections 164.01 to 164.12 of the 96817  
Revised Code. If the Director of Budget and Management determines 96818  
pursuant to division (D) of section 164.08 and section 164.12 of 96819  
the Revised Code that investment earnings are available to support 96820  
additional appropriations, such amounts are hereby appropriated. 96821

If the Public Works Commission receives refunds due to 96822  
project overpayments that are discovered during a post-project 96823  
audit, the Director of the Public Works Commission may certify to 96824  
the Director of Budget and Management that refunds have been 96825  
received. In certifying the refunds, the Director of the Public 96826  
Works Commission shall provide the Director of Budget and 96827  
Management information on the project refunds. The certification 96828  
shall detail by project the source and amount of project 96829  
overpayments received and include any supporting documentation 96830  
required or requested by the Director of Budget and Management. 96831  
Upon receipt of the certification, the Director of Budget and 96832  
Management shall determine if the project refunds are necessary to 96833  
support existing appropriations. If the project refunds are 96834  
available to support additional appropriations, these amounts are 96835

hereby appropriated to appropriation item C15030, Revolving Loan. 96836

REVOLVING LOAN 96837

The foregoing appropriation item C15030, Revolving Loan, 96838  
shall be used in accordance with sections 164.01 to 164.12 of the 96839  
Revised Code. 96840

If the Public Works Commission receives refunds due to 96841  
project overpayments that are discovered during a post-project 96842  
audit, the Director of the Public Works Commission may certify to 96843  
the Director of Budget and Management that refunds have been 96844  
received. In certifying the refunds, the Director of the Public 96845  
Works Commission shall provide the Director of Budget and 96846  
Management information on the project refunds. The certification 96847  
shall detail by project the source and amount of project 96848  
overpayments received and include any supporting documentation 96849  
required or requested by the Director of Budget and Management. 96850  
Upon receipt of the certification, the Director of Budget and 96851  
Management shall determine if the project refunds are necessary to 96852  
support existing appropriations. If the project refunds are 96853  
available to support additional appropriations, these amounts are 96854  
hereby appropriated to appropriation item C15030, Revolving Loan. 96855

STATE CAPITAL IMPROVEMENTS REVOLVING LOAN FUND 96856

Revenues to the State Capital Improvements Revolving Loan 96857  
Fund (Fund 7040) shall consist of all repayments of loans made to 96858  
local subdivisions for capital improvements, investment earnings 96859  
on moneys in the fund, and moneys obtained from federal or private 96860  
grants or from other sources for the purpose of making loans for 96861  
the purpose of financing or assisting in the financing of the cost 96862  
of capital improvement projects of local subdivisions. 96863

If the Public Works Commission receives refunds due to 96864  
project overpayments that are discovered during the post-project 96865  
audit, the Director of the Public Works Commission may certify to 96866

the Director of Budget and Management that refunds have been 96867  
received. If the Director of Budget and Management determines that 96868  
the project refunds are available to support additional 96869  
appropriations, such amounts are hereby appropriated. 96870

CLEAN OHIO CONSERVATION GRANT REPAYMENTS 96871

Any amount in grant repayments received by the Public Works 96872  
Commission and deposited into the Clean Ohio Conservation Fund 96873  
pursuant to section 164.261 of the Revised Code is hereby 96874  
appropriated through the foregoing appropriation item C15060, 96875  
Clean Ohio Conservation. 96876

Reappropriations

<b>Sec. 259.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES</b>			96877
Administrative Building Fund (Fund 7026)			96878
C10000 Governor's Residence	\$	376,384	96879
C10010 Office Services Building Renovation	\$	776,561	96880
C10011 Statewide Communications System	\$	199,723	96881
C10015 SOCC Renovations	\$	333,180	96882
C10016 Hamilton St/Local Government Center - Plan	\$	57,500	96883
C10019 25 S. Front Street Renovations	\$	367,932	96884
C10020 North High Building Complex Renovations	\$	10,685,993	96885
C10021 Office Space Planning	\$	4,796,323	96886
C10022 Governor's Residence Security Upgrade	\$	24,250	96887
C10023 eSecure Ohio	\$	160,043	96888
C10025 eGovernment Infrastructure	\$	82,675	96889
C10026 DAS Building Security	\$	11,067	96890
C10031 Operations Facilities Improvement	\$	191,978	96891
TOTAL Administrative Building Fund	\$	18,063,609	96892
General Revenue Fund (GRF)			96893
C10008 Urban Areas Community Improvement	\$	20,000	96894
TOTAL General Revenue Fund	\$	20,000	96895

TOTAL ALL FUNDS \$ 18,083,609 96896

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 96897

There is hereby continued a Multi-Agency Radio Communications 96898  
System (MARCS) Steering Committee consisting of the designees of 96899  
the Directors of Administrative Services, Public Safety, Natural 96900  
Resources, Transportation, Rehabilitation and Correction, and 96901  
Budget and Management, and the State Fire Marshal or the State 96902  
Fire Marshal's designee. The Director of Administrative Services 96903  
or the Director's designee shall chair the Committee. The 96904  
Committee shall provide assistance to the Director of 96905  
Administrative Services for effective and efficient implementation 96906  
of MARCS as well as develop policies for the ongoing management of 96907  
the system. Upon dates prescribed by the Directors of 96908  
Administrative Services and Budget and Management, the MARCS 96909  
Steering Committee shall report to the Directors on the progress 96910  
of MARCS implementation and the development of policies related to 96911  
the system. 96912

The Committee may establish a subcommittee to represent MARCS 96913  
users on the local government level. If the Committee establishes 96914  
such a subcommittee, the chairperson of the subcommittee also may 96915  
serve as a member of the MARCS Steering Committee. 96916

The foregoing appropriation item C10011, Statewide 96917  
Communications System, shall be used to purchase or construct the 96918  
components of MARCS that are not specific to any one agency. The 96919  
equipment may include, but is not limited to, multi-agency 96920  
equipment at the Emergency Operations Center/Joint Dispatch 96921  
Facility, computer and telecommunications equipment used for the 96922  
functioning and integration of the system, communications towers, 96923  
tower sites, tower equipment, and linkages among towers and 96924  
between towers and the State of Ohio Network for Integrated 96925  
Communication (SONIC) system. The Director of Administrative 96926  
Services shall, with the concurrence of the MARCS Steering 96927

Committee, determine the specific use of funds. 96928

The amount reappropriated for the foregoing appropriation 96929  
item C10011, Statewide Communications System, is the unencumbered 96930  
and unallotted balance as of June 30, 2014, in appropriation item 96931  
C10011, Statewide Communications System, plus \$66,092. Prior to 96932  
the expenditure of this reappropriation, the Director of 96933  
Administrative Services shall certify to the Director of Budget 96934  
and Management canceled encumbrances in the Administrative 96935  
Building Fund (Fund 7026) in the amount of at least \$66,092. 96936  
Spending from this appropriation item shall not be subject to 96937  
Chapters 123. and 153. of the Revised Code. 96938

SOCC RENOVATIONS 96939

The amount reappropriated for the foregoing appropriation 96940  
item C10015, SOCC Renovations, is the unencumbered and unallotted 96941  
balance as of June 30, 2014, in appropriation item C10015, SOCC 96942  
Renovations, plus \$36,166. Prior to the expenditure of this 96943  
reappropriation, the Director of Administrative Services shall 96944  
certify to the Director of Budget and Management canceled 96945  
encumbrances in the Administrative Building Fund (Fund 7026) in 96946  
the amount of at least \$36,166. 96947

NORTH HIGH BUILDING COMPLEX RENOVATIONS 96948

The amount reappropriated for the foregoing appropriation 96949  
item C10020, North High Building Complex Renovations, is the 96950  
unencumbered and unallotted balance as of June 30, 2014, in 96951  
appropriation item C10020, North High Building Complex 96952  
Renovations, plus \$845,454. Prior to the expenditure of this 96953  
reappropriation, the Director of Administrative Services shall 96954  
certify to the Director of Budget and Management canceled 96955  
encumbrances in the Administrative Building Fund (Fund 7026) in 96956  
the amount of at least \$845,454. 96957

OFFICE SPACE PLANNING 96958

The amount reappropriated for the foregoing appropriation 96959  
item C10021, Office Space Planning, is the unencumbered and 96960  
unallotted balance as of June 30, 2014, in appropriation item 96961  
C10021, Office Space Planning, plus \$60,126. Prior to the 96962  
expenditure of this reappropriation, the Director of 96963  
Administrative Services shall certify to the Director of Budget 96964  
and Management canceled encumbrances in the Administrative 96965  
Building Fund (Fund 7026) in the amount of at least \$60,126. 96966

ESECURE OHIO 96967

The amount reappropriated for the foregoing appropriation 96968  
item C10023, eSecure Ohio, is the unencumbered and unallotted 96969  
balance as of June 30, 2014, in appropriation item C10023, eSecure 96970  
Ohio, plus \$31,590. Prior to the expenditure of this 96971  
reappropriation, the Director of Administrative Services shall 96972  
certify to the Director of Budget and Management canceled 96973  
encumbrances in the Administrative Building Fund (Fund 7026) in 96974  
the amount of at least \$31,590. 96975

**Section 610.21.** That existing Sections 207.200, 221.20, 96976  
235.10, 245.10, and 259.10 of Am. H.B. 497 of the 130th General 96977  
Assembly are hereby repealed. 96978

**Section 610.30.** That Section 5 of Am. Sub. S.B. 314 of the 96979  
129th General Assembly be amended to read as follows: 96980

**Sec. 5.** (A) There is hereby established a five-year pilot 96981  
program to test a new funding mechanism for the state's travel and 96982  
tourism marketing. The funding mechanism shall begin operation in 96983  
fiscal year 2014 and be calculated as follows: 96984

(1)(a) Not later than the twentieth day of October of each 96985  
year, starting in 2013 and ending in 2017, the Tax Commissioner 96986  
shall calculate the growth in fiscal year sales tax revenue from 96987

certain defined categories that are related to tourism and certify 96988  
that amount to the Director of Budget and Management. 96989

(b) Not later than the twentieth day of October of each year, 96990  
starting in 2013 and ending in 2017, the Commissioner shall 96991  
calculate and certify to the Director the difference, if greater 96992  
than zero, between the revenue collected from the tax imposed 96993  
under section 5739.02 of the Revised Code during the twelve-month 96994  
period ending on the last day of the preceding June and the 96995  
revenue collected during the same twelve-month period one year 96996  
earlier, for all vendors classified under the industry codes 96997  
identified in division (A)(2) of this section. On or before the 96998  
last day of October of each year, starting in 2013 and ending in 96999  
2017, the Director of Budget and Management shall transfer from 97000  
the General Revenue Fund to the Tourism Fund created in section 97001  
122.072 of the Revised Code the amount certified by the 97002  
Commissioner under this division, except that the transfer shall 97003  
not exceed ten million dollars for any fiscal year. 97004

(c) Each fiscal year, beginning in fiscal year 2015, the Tax 97005  
Commissioner shall adjust the ten million annual dollar limit on 97006  
transfers to the Tourism Fund. The adjustment shall be made by 97007  
~~adding to the annual limit the product of~~ multiplying the limit 97008  
for the preceding fiscal year by the sum of one plus the 97009  
percentage ~~increase~~ change in the Consumer Price Index for all 97010  
urban consumers for the Midwest region, as determined by the 97011  
United States Bureau of Labor Statistics, for the twelve-month 97012  
period corresponding to the preceding fiscal year. The result 97013  
shall be rounded to the nearest one thousand dollars. The 97014  
calculation of the percentage increase in the Consumer Price Index 97015  
shall be done by taking the average index value over the twelve 97016  
months of the last completed fiscal year and comparing that to the 97017  
average index value over the twelve months of the immediately 97018  
preceding fiscal year. 97019



(2) The following industries included in the industrial classification system used by the Tax Commissioner shall be used in the computations under division (A)(1) of this section: air transportation; water transportation; interurban and rural bus transportation; taxi service; limousine service; other transit and ground passenger transportation; scenic and sightseeing transportation; support activities for air transportation; automotive equipment rental and leasing; travel arrangement and reservation services; performing arts companies; spectator sports; independent artists, writers, and performers; museums, historical sites, and similar institutions; amusement parks and arcades; gambling industries; hotels and motels; casino hotels; bed-and-breakfast inns; other travel accommodations; recreational vehicle parks and recreational camps; full-service restaurants; limited-service eating places; drinking places (alcoholic beverages).

(B) The pilot program shall terminate when the last transfer of funds made in accordance with division (A)(1)(b) of this section occurs in fiscal year 2018, specifically in October 2017. At that time, the Director of Development Services, the Director of Budget and Management, and the Tax Commissioner shall jointly review the pilot program and make recommendations to the Governor and the General Assembly on whether to make the funding mechanism permanent and, if so, whether any changes should be made to it. If the recommendation is to make the funding mechanism permanent, the Director of Development Services, the Director of Budget and Management, and the Tax Commissioner shall also study and make recommendations to the Governor and the General Assembly as to whether the Office of TourismOhio and its functions should be removed from the Development Services Agency and established as a private nonprofit corporation or a subsidiary corporation of JobsOhio.

**Section 610.31.** That existing Section 5 of Am. Sub. S.B. 314 97052  
of the 129th General Assembly is hereby repealed. 97053

**Section 610.40.** That Section 20.15 of H.B. 215 of the 122nd 97054  
General Assembly be amended to read as follows: 97055

**Sec. 20.15. Departmental MIS** 97056

The foregoing appropriation item 100-603, Departmental MIS 97057  
Services, may be used to pay operating expenses of Management 97058  
Information Systems activities in the Department of Administrative 97059  
Services. 97060

Notwithstanding any other language to the contrary, the 97061  
Director of Budget and Management may transfer in total up to 97062  
\$683,000 cash from any fund administered by the Department of 97063  
Administrative Services in the General Services Fund Group or 97064  
Intragovernmental Service Fund Group to the Departmental MIS 97065  
Services Fund (Fund 4P3) to pay operating costs of the 97066  
Departmental MIS program. 97067

After final payments are made from fiscal year 1997 97068  
encumbrances in the Computer Services Fund, the Department of 97069  
Administrative Services shall reconcile fiscal year 1997 financial 97070  
activity in the Computer Services Fund and determine the amount of 97071  
the fund cash balance due to Management Information System program 97072  
operations. 97073

Not later than June 30, 1998, the Director of Administrative 97074  
Services shall make a determination of any cash transfer which is 97075  
required to finalize the transfer of Management Information 97076  
Systems program operations from the Computer Services Fund to the 97077  
Departmental MIS Services Fund. Upon concurrence with this 97078  
determination, the Director of Budget and Management may transfer 97079  
this amount between the Computer Services Fund and the 97080

Departmental MIS Fund. 97081

Notwithstanding any other language to the contrary, the 97082  
Director of Budget and Management may transfer up to \$1,530,643 of 97083  
fiscal year 1998 appropriations and up to \$1,837,860 of fiscal 97084  
year 1999 appropriations from appropriation item 100-603 to any 97085  
Department of Administrative Services appropriation item in the 97086  
General Services or Intragovernmental Service Fund Groups. The 97087  
appropriations transferred shall be used to make payments for 97088  
Management Information Systems services. 97089

Notwithstanding any other language to the contrary, the 97090  
Director of Budget and Management may transfer up to \$696,104 of 97091  
fiscal year 1998 appropriations and up to \$715,287 of fiscal year 97092  
1999 appropriations from appropriation item 100-409, Departmental 97093  
Information Services, to any Department of Administrative Services 97094  
appropriation item in the General Revenue Fund. The appropriations 97095  
transferred shall be used to make payments for Management 97096  
Information Systems services. The Department of Administrative 97097  
Services shall establish charges for recovering the costs of 97098  
Management Information Systems activities. These charges shall be 97099  
deposited to the credit of the ~~Departmental MIS Information~~ 97100  
Technology Fund (Fund ~~4P3 1330~~), ~~which is hereby~~ created in 97101  
section 125.15 of the Revised Code. 97102

**Section 610.41.** That existing Section 20.15 of H.B. 215 of 97103  
the 122nd General Assembly is hereby repealed. 97104

**Section 610.50.** That Sections 221.10, 223.10, and 223.40 of 97105  
Am. H.B. 497 of the 130th General Assembly, as amended by Am. Sub. 97106  
H.B. 483 of the 130th General Assembly, be amended to read as 97107  
follows: 97108

**Sec. 221.10.** MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 97109  
SERVICES 97110

Mental Health Facilities Improvement Fund (Fund 7033)			97111
C58001	Community Assistance Projects	\$ 15,000,000	97112
C58007	Infrastructure Renovations	\$ 2,000,000	97113
C58021	Providence House	\$ 191,640	97114
C58022	Talbert House	\$ 300,000	97115
C58023	Cornerstone of Hope Butterfly Treehouse	\$ 40,000	97116
C58024	Bellefaire Jewish Children's Home	\$ 1,500,000	97117
C58025	Nancy's Place Replacement	\$ 500,000	97118
C58026	Cocoon Shelter	\$ 47,500	97119
<u>C58027</u>	<u>Ashland University College of Nursing</u>	<u>\$ 1,000,000</u>	97120
TOTAL Mental Health Facilities Improvement Fund		\$ <del>19,579,140</del>	97121
		<u>20,579,140</u>	
TOTAL ALL FUNDS		\$ <del>19,579,140</del>	97122
		<u>20,579,140</u>	

COMMUNITY ASSISTANCE PROJECTS 97123

The foregoing appropriation for the Department of Mental Health and Addiction Services, C58001, Community Assistance Projects, may be used for facilities constructed or to be constructed pursuant to Chapter 340., 3793., 5119., 5123., or 5126. of the Revised Code or the authority granted by section 154.20 of the Revised Code and the rules issued pursuant to those chapters and shall be distributed by the Department of Mental Health and Addiction Services subject to Controlling Board approval. Of the forgoing appropriation item C58001, Community Assistance Projects, \$5,000,000 shall be used to expand access to recovery housing in accordance with the guidelines contained in Section 327.83 of Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 483 of the 130th General Assembly.

**Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES** 97137

Wildlife Fund (Fund 7015)			97138
C725K9	Wildlife Area Building	\$ 6,400,000	97139

Development/Renovations			
TOTAL Wildlife Fund		\$ 6,400,000	97140
Administrative Building Fund (Fund 7026)			97141
C725D5	Fountain Square Telephone Improvements	\$ 2,250,000	97142
C725D7	MARCS Equipment	\$ 2,490,150	97143
C725E0	DNR Fairgrounds Areas Upgrading	\$ 485,000	97144
C725N7	District Office Renovations	\$ 2,000,000	97145
TOTAL Administrative Building Fund		\$ 7,225,150	97146
Ohio Parks and Natural Resources Fund (Fund 7031)			97147
C72549	Facilities Development	\$ 1,250,000	97148
C725C2	Canals Hydraulics Work and Support Facilities	\$ 200,000	97149
C725E1	Local Parks Projects Statewide	\$ 7,945,485	97150
C725E5	Project Planning	\$ 2,749,000	97151
C725J0	Natural Areas/Preserves Maintenance/Facilities	\$ 1,000,000	97152
C725K0	State Park Renovations/Upgrading	\$ 1,027,940	97153
C725N5	Wastewater/Water Systems Upgrades	\$ 12,055,000	97154
C725N8	Operations Facilities Development	\$ 2,500,000	97155
C72501	The Wilds	\$ 500,000	97156
C725T3	Healthy Lake Erie Initiative	\$ 10,000,000	97157
C725U0	Cleveland Zoological Society Savannah Ridge Project	\$ 500,000	97158
TOTAL Ohio Parks and Natural Resources Fund		\$ 39,727,425	97159
Parks and Recreation Improvement Fund (Fund 7035)			97160
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$ 44,650,000	97161
C725B2	State Park Maintenance Facility Development	\$ 3,000,000	97162
C725B5	Buckeye Lake Dam Rehabilitation	\$ <del>4,000,000</del> <u>14,000,000</u>	97163
C725E2	Local Parks Projects	\$ 47,006,120	97164
C725E6	Project Planning	\$ 5,901,000	97165

C725M5	Lake Erie Island State Park/Middle Bass Island State Park	\$ 6,000,000	97166
C725R3	State Park Renovations Upgrades	\$ 12,000,000	97167
C725R4	Dam Rehabilitation - Parks	\$ 41,100,000	97168
TOTAL Parks and Recreation Improvement Fund		\$ <del>163,657,120</del> <u>173,657,120</u>	97169
Clean Ohio Trail Fund (Fund 7061)			97170
C72514	Clean Ohio Trail Fund	\$ 12,500,000	97171
TOTAL Clean Ohio Trail Fund		\$ 12,500,000	97172
Waterways Safety Fund (Fund 7086)			97173
C725A7	Cooperative Funding for Boating Facilities	\$ 9,200,000	97174
C725N9	Operations Facilities Development	\$ 820,000	97175
C725Q6	Facilities Development	\$ 5,363,274	97176
TOTAL Waterways Safety Fund		\$ 15,383,274	97177
TOTAL ALL FUNDS		\$ <del>244,892,969</del> <u>254,892,969</u>	97178

FEDERAL REIMBURSEMENT 97179

All reimbursements received from the federal government for 97180  
any expenditures made pursuant to this section shall be deposited 97181  
in the state treasury to the credit of the fund from which the 97182  
expenditure originated. 97183

Of the foregoing appropriation item C725B5, Buckeye Lake Dam 97184  
Rehabilitation, \$10,000,000 shall be used by the Director of 97185  
Natural Resources for dam construction projects at Buckeye Lake. 97186  
The Director may enter into contracts with qualified construction 97187  
companies to complete dam construction projects. Any such contract 97188  
shall include incentives for the early completion of construction 97189  
projects. 97190

LOCAL PARKS PROJECTS 97191

Of the foregoing appropriation item C725E2, Local Parks 97192

Projects, an amount equal to two per cent of the projects listed 97193  
may be used by the Department of Natural Resources for the 97194  
administration of local projects, \$15,000,000 shall be used for 97195  
the Veterans Memorial, \$5,000,000 shall be used for the City of 97196  
Cleveland - Lakefront Access Project, \$4,000,000 shall be used for 97197  
the Banks Project - Phase IIIA, \$1,500,000 shall be used for the 97198  
Fifth Third Field Sports Plaza, \$1,500,000 shall be used for the 97199  
Lima Stadium Park, \$1,000,000 shall be used for the Little Miami 97200  
Scenic Trail- Bridge Construction, \$500,000 shall be used for the 97201  
Shaker Heights Van Aken District, \$500,000 shall be used for the 97202  
Cascade Plaza Renovation, \$500,000 shall be used for the Olentangy 97203  
Greenway Trail Highbanks Connector, \$500,000 shall be used for 97204  
Hilliard Station Park, \$500,000 shall be used for the MidPointe 97205  
Crossing - Swift Park, \$500,000 shall be used for the Smale 97206  
Riverfront Park, \$500,000 shall be used for the Green Township 97207  
Harrison Avenue Hike/Bike Fitness Trail, \$300,000 shall be used 97208  
for the Historic Loveland Bike Trail Parking Spur, \$400,000 shall 97209  
be used for the City of Sylvania River Trail, \$285,545 shall be 97210  
used for the Celina Westview Park Quad, \$250,000 shall be used for 97211  
the New Bremen Lions Park Development, \$250,000 shall be used for 97212  
the Montgomery County Agricultural Facility Improvements, \$250,000 97213  
shall be used for Northam Park, \$250,000 shall be used for the 97214  
Urban Youth Academy - Roselawn Park, \$250,000 shall be used for 97215  
the Miamisburg Riverfront Park, \$218,000 shall be used for Laurel 97216  
Park, Winesburg, \$165,000 shall be used for the Fredericktown Bike 97217  
Path, \$150,000 shall be used for the Logan County Agricultural 97218  
Facility Improvements, \$150,000 shall be used for the Help All 97219  
Kids Play Hilliard Fields Sports Complex, \$150,000 shall be used 97220  
for York Township Park, \$150,000 shall be used for Eastview Park, 97221  
\$120,000 shall be used for the Shelby County Agricultural Facility 97222  
Improvements, \$100,000 shall be used for the Ohio to Erie Trail, 97223  
\$100,000 shall be used for Mt. Vernon Foundation Park, \$100,000 97224  
shall be used for the Shanes Park Expansion, \$92,000 shall be used 97225

for the Defiance County Agricultural Facility Improvements, 97226  
\$50,000 shall be used for the Moonville Rail Trail Bridges and 97227  
Construction, \$50,000 shall be used for the All-Pro Freight 97228  
Stadium Improvements, \$50,000 shall be used for the Bowling Green 97229  
Nature Center, \$49,000 shall be used for the Lynchburg Old School 97230  
Park, \$45,000 shall be used for the Bruce L. Chapin Bridge - 97231  
Northcoast Inland Trail, \$40,000 shall be used for Pyramid Hill 97232  
Sculpture Park, \$35,000 shall be used for Coldwater Memorial Park, 97233  
\$32,300 shall be used for the Norwalk Soccer Shelter, \$30,000 97234  
shall be used for the Round Town Bike Trail, and \$27,750 shall be 97235  
used for the Shalersville Park Walking Trail, \$3,500,000 shall be 97236  
used for the Flats East Gateway and Riverfront Park, \$1,000,000 97237  
shall be used for the City of Celina Boardwalk, \$1,000,000 shall 97238  
be used for the Middletown River Center, \$1,000,000 shall be used 97239  
for the Voice of America Multi-Purpose Field and Athletic Complex, 97240  
\$1,000,000 shall be used for the Euclid Waterfront Improvements 97241  
Plan - Phase II Implementation, \$875,000 shall be used for the 97242  
Preble County Agricultural Facility Improvements, \$500,000 shall 97243  
be used for the New Economy Neighborhood - Phase II, \$500,000 97244  
shall be used for the Nimisila Spillway Replacement Project, 97245  
\$350,000 shall be used for the Perry Township Park Lakeshore 97246  
Stabilization, \$300,000 shall be used for the Fairfield Sports 97247  
Complex Entrance, \$250,000 shall be used for the Riverfront 97248  
Enhancement, \$250,000 shall be used for the Earl Thomas Conley 97249  
Riverside Park ~~Campground~~ Waterpark, \$150,000 shall be used for 97250  
the Treasure Island River Corridor Improvement, \$150,000 shall be 97251  
used for the Russ Nature Reserve, \$100,000 shall be used for the 97252  
Hillsboro North High Trail and Pedestrian Bridge, \$100,000 shall 97253  
be used for the PASA Field Lighting, \$100,000 shall be used for 97254  
the Gallipolis Riverfront Project - Phase I, \$80,000 shall be used 97255  
for the Black River Landing Pavilion, \$50,000 shall be used for 97256  
the Loudonville Public Swimming Pool, \$35,000 shall be used for 97257  
the A.S.K. Playground, \$30,000 shall be used for the Medina 97258



Community Recreation Center, \$25,000 shall be used for the Newbury 97259  
Veterans' Memorial Park, and \$21,525 shall be used for the Black 97260  
Swamp Education Center Parking Lot. 97261

**Sec. 223.40.** The Treasurer of State is hereby authorized to 97262  
issue and sell, in accordance with Section 2i of Article VIII, 97263  
Ohio Constitution, and Chapter 154. of the Revised Code, 97264  
particularly section 154.22 of the Revised Code, original 97265  
obligations in an aggregate principal amount not to exceed 97266  
~~\$165,000,000~~ \$175,000,000, in addition to the original issuance of 97267  
obligations heretofore authorized by prior acts of the General 97268  
Assembly. These authorized obligations shall be issued, subject to 97269  
applicable constitutional and statutory limitations, as needed to 97270  
provide sufficient moneys to the credit of the Parks and 97271  
Recreation Improvement Fund (Fund 7035) to pay the costs of 97272  
capital facilities for parks and recreation as defined in section 97273  
154.01 of the Revised Code. 97274

**Section 610.51.** That existing Sections 221.10, 223.10, and 97275  
223.40 of Am. H.B. 497 of the 130th General Assembly, as amended 97276  
by Am. Sub. H.B. 483 of the 130th General Assembly, are hereby 97277  
repealed. 97278

**Section 610.53.** That Section 239.10 of Am. H.B. 497 of the 97279  
130th General Assembly, as most recently amended by Am. Sub. S.B. 97280  
243 of the 130th General Assembly, be amended to read as follows: 97281

**Sec. 239.10.** FCC FACILITIES CONSTRUCTION COMMISSION 97282  
Lottery Profits Education Fund (Fund 7017) 97283  
C23014 Classroom Facilities Assistance Program \$ 100,000,000 97284  
- Lottery Profits  
TOTAL Lottery Profits Education Fund \$ 100,000,000 97285  
Public School Building Fund (Fund 7021) 97286

C230V9	School Security Grants	\$	17,345,000	97287
TOTAL Public School Building Fund		\$	17,345,000	97288
Administrative Building Fund (Fund 7026)				97289
C23016	Energy Conservation Projects	\$	3,000,000	97290
C230E5	State Agency Planning/Assessment	\$	500,000	97291
TOTAL Administrative Building Fund		\$	3,500,000	97292
Cultural and Sports Facilities Building Fund (Fund 7030)				97293
C23022	Woodward Opera House Redevelopment	\$	100,000	97294
C23023	OHS - Ohio History Center Exhibit Replacement	\$	840,750	97295
C23024	OHS - Statewide Site Exhibit Renovation	\$	420,000	97296
C23025	OHS - Statewide Site Repairs	\$	1,152,700	97297
C23027	OHS - Zoar Village Building Restoration	\$	502,500	97298
C23028	OHS - Basic Renovations and Emergency Repairs	\$	850,000	97299
C23030	OHS - Rankin House State Memorial	\$	653,000	97300
C23031	OHS - Harding Home State Memorial	\$	250,000	97301
C23032	OHS - Ohio Historical Center Rehabilitation	\$	985,000	97302
C23033	OHS - Stowe House State Memorial	\$	300,000	97303
C23038	OHS - Fort Amanda State Memorial	\$	395,000	97304
C23042	Tecumseh - Sugarloaf Mountain Amphitheatre	\$	33,500	97305
C23044	OHS - Ohio River Museum	\$	52,200	97306
C23045	OHS - Lockington Locks Stabilization	\$	358,900	97307
C23057	OHS - Online Portal to Ohio's Heritage	\$	1,246,000	97308
C23059	Lake Erie Nature and Science Center	\$	300,000	97309
C23068	Huntington House	\$	75,000	97310
C23077	Columbus Museum of Art: Expansion and Renovation Phase 3	\$	1,101,000	97311
C23083	Stan Hywet Hall & Gardens Restoration	\$	1,560,522	97312
C23091	Ohio Theatre - Toledo	\$	201,000	97313

C23098	Twin City Opera House	\$	400,000	97314
C230A1	Preble County Historical Society	\$	50,000	97315
C230A6	Secrest Auditorium Renovation	\$	125,000	97316
C230B1	Karamu House	\$	1,060,522	97317
C230C5	OHS - Collections Storage Facility Object Evaluation	\$	212,000	97318
C230C6	OHS - Historic Site Signage	\$	300,000	97319
C230C8	OHS - Serpent Mound	\$	397,900	97320
C230D1	OHS - Great Circle Earthworks	\$	75,000	97321
C230D4	OHS - Fort Laurens	\$	45,000	97322
C230E6	OHS - Exhibits for Native American Sites	\$	500,000	97323
C230E7	OHS - Hayes Presidential Center	\$	50,000	97324
C230E8	OHS - Armstrong Air and Space Museum	\$	<del>45,000</del> <u>295,000</u>	97325
C230E9	OHS - Museum of Ceramics	\$	223,850	97326
C230F1	OHS - Campus Martius Museum	\$	145,200	97327
C230F2	Second Century Project	\$	200,000	97328
C230F3	Stuart's Opera House	\$	500,000	97329
<del>C230F4</del>	<del>The Gordon, Hauss, Folk Company Mill</del>	<del>\$</del>	<del>250,000</del>	97330
C230F5	Thatcher Temple Art Building	\$	37,500	97331
C230F6	Fitton Center for Creative Arts	\$	100,000	97332
C230F7	Oxford Community Arts Center	\$	450,000	97333
C230F8	Gammon House Improvements	\$	75,000	97334
C230F9	Clark State Community College Performing Arts Center	\$	275,000	97335
C230G1	Murphy Theatre	\$	150,000	97336
C230G2	Johnson-Humrick House Museum	\$	57,960	97337
C230G3	Public artPARK	\$	200,000	97338
C230G4	Schines Art Park	\$	357,500	97339
C230G5	Bedford Historical Society	\$	100,000	97340
C230G6	Rainey Institute - Safe Parking	\$	125,000	97341
C230G7	Ukrainian Museum - Archives	\$	125,000	97342
C230G8	Cleveland African American Museum Restoration and Expansion	\$	150,000	97343

C230G9	Great Lakes Science Center Omnimax Theatre	\$	500,000	97344
C230H1	Cleveland Music School Settlement - Burke Mansion Performing Arts Center	\$	255,000	97345
C230H2	Cozad Bates House	\$	365,131	97346
C230H3	Beck Center	\$	402,349	97347
C230H7	Western Reserve Historical Society	\$	750,000	97348
C230H9	Gordon Square Arts District	\$	1,000,000	97349
C230J4	Cleveland Museum of Natural History	\$	2,500,000	97350
C230J5	Phillis Wheatley - Hunter's Cove House	\$	350,000	97351
C230J6	West Side Market Renovation	\$	500,000	97352
C230J7	Cardinal Center	\$	75,000	97353
C230J8	War of 1812 Bicentennial Native American Bowery Education Center	\$	24,913	97354
C230J9	St. Clair Memorial Hall	\$	500,000	97355
C230K1	Historic Strand Theatre Renovation	\$	150,000	97356
C230K2	Delaware Veterans Memorial Plaza	\$	320,000	97357
C230K3	African-American Legacy Project	\$	75,000	97358
C230K4	Ohio Glass Museum Furnace System	\$	10,000	97359
C230K5	Saylor House and Reese-Peters House Preservation	\$	20,000	97360
C230K6	Victoria Opera House Restoration Phase 2	\$	30,000	97361
C230K7	Georgian Museum Storage Facility	\$	30,000	97362
C230K8	Sherman House Museum	\$	35,000	97363
C230K9	Washington Court House Auditorium Project	\$	100,000	97364
C230L1	McCoy Community Center of the Arts - Video Projection System	\$	50,000	97365
C230L2	Glass Axis Relocation	\$	150,000	97366
C230L3	Harmony Project	\$	300,000	97367
C230L4	CCAD Cinematic Arts and Motion Capture Studio and Auditorium	\$	750,000	97368
C230L5	Columbus Theater-Based Community	\$	1,000,000	97369

	Development Project			
C230L6	Franklin Park Conservatory Joint Recreation District	\$	1,000,000	97370
C230L7	Sauder Village - 1920 Homestead	\$	300,000	97371
C230L8	Fulton County Visitor and Heritage Center	\$	1,000,000	97372
C230L9	Ariel-Ann Carson Dater Performing Arts Centre	\$	100,000	97373
C230M1	French Art Colony/Riverby Theatre Guild	\$	100,000	97374
C230M2	Geauga County Historical Society	\$	56,000	97375
C230M3	Chardon Lyric Theatre	\$	50,000	97376
C230M4	Chardon Heritage House	\$	200,000	97377
C230M5	Incline Theater Project	\$	550,000	97378
C230M6	Cincinnati Art Museum - Make Room for Art	\$	825,000	97379
C230M7	Hamilton County Memorial Hall	\$	2,000,000	97380
C230M8	Cincinnati Zoo	\$	2,000,000	97381
C230M9	Union Terminal Restoration	\$	5,000,000	97382
C230N1	Cincinnati Music Hall Revitalization	\$	5,000,000	97383
C230N2	Kan Du Community Arts Center	\$	520,000	97384
C230N3	Findlay Central Auditorium	\$	1,000,000	97385
C230N4	Appalachian Forest Museum	\$	100,000	97386
C230N5	Logan Theater	\$	25,000	97387
C230N6	Willard Train Viewing Platform	\$	50,000	97388
C230N7	Markay Theatre Renovation	\$	150,000	97389
C230N8	Grand Theater Restoration Project	\$	140,000	97390
C230N9	South Leroy Historic Meeting House Restoration	\$	15,000	97391
C230P1	Willoughby Fine Arts Association - Facility Expansion	\$	500,000	97392
C230P2	Ironton Cultural Arts Operations Facility	\$	100,000	97393
C230P3	Sterling Theater Revitalization Project	\$	200,000	97394

C230P4	Logan County Veterans' Memorial Hall	\$	250,000	97395
C230P5	Columbia Station 1812 Block House Project	\$	28,000	97396
C230P6	Avon Isle Renovation Phase 2	\$	82,775	97397
C230P7	Oberlin Gasholder Building/Underground Railroad Center	\$	200,000	97398
C230P8	Carnegie Building Renovation	\$	500,000	97399
C230P9	Toledo Zoo	\$	750,000	97400
C230Q1	Imagination Station Improvements	\$	695,000	97401
C230Q2	War of 1812 Exhibit	\$	35,000	97402
C230Q3	Columbus Zoo and Aquarium	\$	1,000,000	97403
C230Q4	Toledo Repertoire Theatre	\$	150,000	97404
C230Q5	Valentine Theatre Initiative	\$	136,000	97405
C230Q6	Southern Park Historic District	\$	250,000	97406
C230Q7	Butler Institute of Art	\$	279,717	97407
C230Q8	Stambaugh Auditorium	\$	500,000	97408
C230Q9	Marion Palace Theatre	\$	731,000	97409
C230R1	Bradford Rail Museum	\$	275,000	97410
C230R2	K12 and TEJAS Building Project	\$	50,000	97411
C230R3	River Run Murals Project	\$	82,500	97412
C230R4	Dayton Contemporary Dance Company Studio Renovations	\$	125,000	97413
C230R5	Wright Company Factory Project	\$	250,000	97414
C230R6	Victoria Theatre and Metropolitan Arts Center	\$	825,000	97415
C230R7	Preserving & Updating the Historic Dayton Art Institute	\$	2,198,500	97416
C230R8	National Ceramic Museum and Heritage Center Renovation	\$	100,000	97417
C230R9	Opera House Project	\$	100,000	97418
C230S1	Tecumseh Theater - Opera House Restoration	\$	140,000	97419
C230S2	Perry County Historical and Cultural	\$	341,600	97420

	Arts Center			
C230S3	Hayden Auditorium - Hiram	\$	260,854	97421
C230S4	Majestic Theater Renovation	\$	36,000	97422
C230S5	Lucy Webb Hayes Heritage Center Exterior	\$	100,000	97423
	Replacement and Restoration			
C230S6	Pumphouse Center for the Arts	\$	130,000	97424
C230S7	Historic Sidney Theatre	\$	500,000	97425
C230S8	Pro Football Hall of Fame	\$	10,000,000	97426
C230S9	Park Theater Renovation	\$	159,078	97427
C230T1	Akron Civic Theater	\$	530,261	97428
C230T2	John Brown House and Grounds	\$	50,000	97429
C230T3	Hale Farm	\$	500,000	97430
C230T4	Urichsville Clay Museum	\$	150,000	97431
C230T5	Mason Historical Society	\$	350,000	97432
C230T6	Cincinnati Zoo - Big Cat Facility	\$	1,000,000	97433
C230T7	Historic Theatre Restoration	\$	500,000	97434
C230T8	County Line Historical Society	\$	46,000	97435
C230T9	Pemberville Opera House Elevator Project	\$	220,000	97436
C230U1	Wood County Historical Center & Museum	\$	600,000	97437
	Accessibility Project			
C230U2	Avon Lake - Folger House	\$	150,000	97438
C230U3	DeYor Performing Arts Center	\$	100,000	97439
TOTAL	Cultural and Sports Facilities Building Fund	\$	74,840,182	97440
	School Building Program Assistance Fund (Fund 7032)			97441
C23002	School Building Program Assistance	\$	575,000,000	97442
TOTAL	School Building Program Assistance Fund	\$	575,000,000	97443
TOTAL ALL FUNDS		\$	770,685,182	97444
	SCHOOL SECURITY GRANTS			97445
	The foregoing appropriation item C230V9, School Security			97446
	Grants, shall be used by the School Facilities Commission to			97447
	provide funding to all public and chartered nonpublic schools for			97448
	the purchase and installation of one Multi-Agency Radio			97449

Communications System (MARCS) unit per school building and a 97450  
security door system, consisting of a security camera, an 97451  
intercom, and remote access, at one main entrance per school 97452  
building. If law enforcement agencies with jurisdiction over all 97453  
or a portion of the geographical area of a public or chartered 97454  
nonpublic school do not use MARCS, a public or chartered nonpublic 97455  
school may purchase one emergency communications system compatible 97456  
with the system or systems in use by law enforcement agencies with 97457  
jurisdiction over the school territory. A public or chartered 97458  
nonpublic school may apply to the School Facilities Commission for 97459  
reimbursement up to \$2,000 for one MARCS unit or other emergency 97460  
communications system per school building and up to \$5,000 for 97461  
costs incurred with the purchase of a security door system 97462  
installed on or after January 1, 2013. A public or chartered 97463  
nonpublic school may receive reimbursement for either a MARCS unit 97464  
or another emergency communications system, but not both. A school 97465  
previously awarded funds for one of the grant items under this 97466  
program may not receive a second award for that same grant item. 97467

STATE AGENCY PLANNING/ASSESSMENT 97468

The foregoing appropriation item C230E5, State Agency 97469  
Planning/Assessment, shall be used by the Facilities Construction 97470  
Commission to provide assistance to any state agency for 97471  
assessment, capital planning, and maintenance management. 97472

GEAUGA COUNTY HISTORICAL SOCIETY 97473

Of the foregoing appropriation item C230M2, Geauga County 97474  
Historical Society, \$12,000 shall be used for Geauga Historical 97475  
Society - White Barn Restoration, \$18,000 shall be used for Geauga 97476  
Historical Society - Maple Museum, and \$26,000 shall be used for 97477  
Gauga Historical Society - Lennah Bond Center. 97478

SCHOOL BUILDING PROGRAM ASSISTANCE 97479

The foregoing appropriation item C23002, School Building 97480



Program Assistance, shall be used by the School Facilities 97481  
Commission to provide funding to school districts that receive 97482  
conditional approval from the Commission pursuant to Chapter 3318. 97483  
of the Revised Code. 97484

**Section 610.54.** That existing Section 239.10 of Am. H.B. 497 97485  
of the 130th General Assembly, as most recently amended by Am. 97486  
Sub. S.B. 243 of the 130th General Assembly, is hereby repealed. 97487

**Section 690.10.** That Sections 701.10 and 701.61 of Am. Sub. 97488  
H.B. 59 of the 130th General Assembly and Sections 551.10 and 97489  
733.20 of Am. Sub. H.B. 483 of the 130th General Assembly are 97490  
hereby repealed. 97491

**Section 701.20. CLASSIFICATION PLAN RULE RESCISSION** 97492

The following Ohio Administrative Code rules in effect on 97493  
June 30, 2015, are hereby permanently rescinded upon the effective 97494  
date of the amendments to sections 124.14 and 124.15 of the 97495  
Revised Code: 97496

Ohio Administrative Code rule 123:1-7-15 (State managerial 97497  
and supervisory classifications); 97498

Ohio Administrative Code rule 123:1-7-21 (Classifications for 97499  
the office of the Attorney General); 97500

Ohio Administrative Code rule 123:1-7-24 (Classifications for 97501  
the office of the Secretary of State); 97502

Ohio Administrative Code rule 123:1-7-25 (Classifications for 97503  
the Auditor of State); 97504

Ohio Administrative Code rule 123:1-7-26 (Classifications for 97505  
the office of the Treasurer of State). 97506

**Section 701.30. TORT LIABILITY SELF-INSURANCE STUDY** 97507

The Department of Administrative Services shall conduct a study of the state's current liability insurance program to determine, generally, whether its statutory framework is protecting and maintaining the financial integrity of the state's assets compared to similar programs in other states. The study shall examine the possibility of expanding the state's self-insurance program to include non-vehicle tort liability claims, including those for which private insurance is either unavailable or is cost-prohibitive, in addition to identifying which types of claims should be covered by a self-insured tort liability program. The study may include an analysis of the current practice by which state agencies pay for unplanned losses from operating funds. Additionally, the study shall include an actuarial analysis of the Risk Management Reserve Fund to determine required reserves should additional tort liability claims be investigated, settled, and paid through the fund. The analysis shall include estimated premium allocations to be paid by state agencies based on each agency's history of paid losses. The study may recommend changes to the current statutory framework to allow the Office of Risk Management to settle or compromise non-vehicle tort liability claims.

**Section 701.40.** The Ohio Geographically Referenced Information Program Council, as revised by the amendments of this act to section 125.901 of the Revised Code, constitutes a continuation of the Ohio Geographically Referenced Information Program Council established by section 125.901 of the Revised Code as that section existed prior to the effective date of those amendments.

**Section 701.60.** There is the Ohio Expenditure Committee, a joint committee of the General Assembly, to review all expenditures of the state government for fiscal year 2015. The

committee shall:	97539
(A) Identify opportunities for increased efficiency and reduced costs achievable by executive action or legislation;	97540 97541
(B) Determine areas where managerial accountability can be enhanced and administrative controls improved;	97542 97543
(C) Suggest short-term and long-term managerial operating improvements; and	97544 97545
(D) Specify areas where further study can be justified by potential savings.	97546 97547
The committee shall present its findings not later than eight months after the effective date of this section, in a written report to the General Assembly and to the Governor.	97548 97549 97550
(E) The committee shall consist of three members of the Senate and three members of the House of Representatives. The President of the Senate shall appoint the Senate members, two from the majority party and one from the minority party. The Speaker of the House of Representatives shall appoint the members from the House of Representatives, two from the majority party and one from the minority party. The Speaker of the House of Representatives shall select a chairperson.	97551 97552 97553 97554 97555 97556 97557 97558
Members shall be appointed not later than one month after the effective date of this section.	97559 97560
The committee shall convene as summoned by the chairperson. The first meeting of the committee shall occur within two months after the effective date of this section. Thereafter, the task force shall meet not less often than once per month.	97561 97562 97563 97564
The House of Representatives shall provide the committee with meeting space and clerical staff support.	97565 97566
<b>Section 701.70.</b> The Speaker of the House of Representatives	97567

and the President of the Senate shall make the initial 97568  
appointments to the Joint Education Oversight Committee not later 97569  
than thirty days after the effective date of section 103.50 of the 97570  
Revised Code. 97571

**Section 717.10.** (A) The Agricultural Society Facilities Grant 97572  
Program is hereby created for fiscal years 2016 and 2017 to 97573  
provide grants to county agricultural societies established under 97574  
section 1711.01 of the Revised Code and independent agricultural 97575  
societies established under section 1711.02 of the Revised Code to 97576  
support capital projects that enhance the use and enjoyment of 97577  
agricultural society facilities by individuals. Agricultural 97578  
societies may apply to the Director of Agriculture for monetary 97579  
assistance for the acquisition, construction, reconstruction, 97580  
expansion, improvement, planning, and equipping of such 97581  
facilities. 97582

(B) Not later than ninety days after the effective date of 97583  
this section and subject to division (C) of this section, the 97584  
Director of Agriculture or the Director's designee shall establish 97585  
requirements and procedures for the administration of the 97586  
Agricultural Society Facilities Grant Program, including 97587  
establishing a grant application form, procedures for reviewing an 97588  
application, procedures for awarding grant money, and any other 97589  
requirements and procedures the Director or the Director's 97590  
designee determines to be necessary to administer this section. 97591

(C) An agricultural society that applies for a grant under 97592  
the Program established in division (A) of this section shall only 97593  
be awarded an amount that is not more than twice the amount the 97594  
agricultural society obtains as a matching grant from an 97595  
individual or other entity. The matching grant may be any 97596  
combination of funding, materials, and donated labor. 97597  
Documentation of the matching grant shall be submitted with the 97598

grant application. 97599

(D) An agricultural society that applies for a grant under 97600  
the Program established in division (A) of this section shall 97601  
submit the grant application and matching grant documentation to 97602  
the Director or the Director's designee not later than July 1, 97603  
2016, in accordance with the requirements and procedures 97604  
established by the Director or the Director's designee. 97605

(E) After reviewing a grant application and matching grant 97606  
documentation, the Director or the Director's designee shall 97607  
approve or disapprove the application. The Director or the 97608  
Director's designee shall award all grants not later than August 97609  
1, 2016, and shall so notify each grant recipient. 97610

**Section 733.10.** Not later than six months after the effective 97611  
date of this section, the Department of Higher Education and the 97612  
Ohio Department of Health shall develop a model policy regarding 97613  
the use of tobacco at state institutions of higher education as 97614  
defined in section 3345.011 of the Revised Code. Not later than 97615  
twelve months after the model policy is developed, each state 97616  
institution of higher education shall adopt policies that are not 97617  
less stringent than the model policy. 97618

**Section 733.20.** (A) The STEM Public-Private Partnership Pilot 97619  
Program is hereby created. The program shall operate for fiscal 97620  
years 2016 and 2017 to encourage public-private partnerships 97621  
between high schools, colleges, and the community to provide high 97622  
school students the opportunity to receive education and training 97623  
in a targeted industry, as defined by JobsOhio established under 97624  
section 187.01 of the Revised Code, while simultaneously earning 97625  
high school and college credit for the course. The Director of 97626  
Higher Education shall administer the program and select five 97627  
partnerships, one from each quadrant of the state and one from the 97628

central part of the state, each to receive a grant of \$200,000 per 97629  
fiscal year. 97630

(B) The Director shall adopt rules for the implementation of 97631  
the STEM Public-Private Partnership Pilot Program, including the 97632  
requirements for applying for program approval. The rules also 97633  
shall include, but not be limited to, all of the following 97634  
operational requirements for the program: 97635

(1) Partnerships shall consist of one community college or 97636  
state community college, one or more private companies, and one or 97637  
more high schools, either public or private. 97638

(2) For purposes of the program, the partnering community 97639  
college or state community college shall pursue one targeted 97640  
industry during the pilot period. However, the college may partner 97641  
with multiple private companies within that industry. 97642

(3) Students that take courses offered under the program 97643  
shall earn college credit for that class from the community or 97644  
state community college. 97645

(4) Students, high schools, and colleges that participate in 97646  
this program shall do so under the College Credit Plus Program 97647  
established under Chapter 3365. of the Revised Code. 97648

(5) The curriculum offered by the program shall be developed 97649  
by and agreed upon by all members of the partnership. 97650

(6) The private company or companies that are part of the 97651  
partnership shall provide full- or part-time facilities to be used 97652  
as classroom space. 97653

(C) The Director shall develop an application and review 97654  
process to select the five partnerships to receive grants under 97655  
the program. The community college or state community college 97656  
shall be responsible for submitting the application for the 97657  
partnership to the Director. The application shall include a 97658

proposed budget for the program.	97659
(D) The Director shall select the five partnerships for the program based on the following considerations:	97660
(1) Whether the partnership existed before the application was submitted;	97661
(2) Whether the program is oriented toward a targeted industry;	97662
(3) The likelihood of a student gaining employment upon graduating from high school or upon completing a two-year degree in the industry to which the program is oriented in relation to its geographic region;	97663
(4) The number of students projected to be served;	97664
(5) The program's cost-per-student;	97665
(6) The sustainability of the program beyond the duration of the two-year pilot program;	97666
(7) The level of investment made by the private company partner or partners in the program, including use of facilities, equipment, and staff and financially.	97667
(E) The partnerships selected may use the grants awarded under this section for only the following:	97674
(1) Transportation;	97675
(2) Classroom supplies, including, but not limited to, textbooks, furniture, and technology;	97676
(3) Primary instructors for a course offered under the program, including, but not limited to, faculty from participating high schools and community colleges or state community colleges, including adjunct faculty.	97677
<b>Section 733.30.</b> (A) The Competency-Based Education Pilot	97678
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Program is hereby established. Under the Program, the Department 97687  
of Education shall provide grants to city, local, and exempted 97688  
village school districts, including municipal school districts as 97689  
defined in section 3311.71 of the Revised Code, joint vocational 97690  
school districts, community schools established under Chapter 97691  
3314. of the Revised Code, and STEM schools established under 97692  
Chapter 3326. of the Revised Code, and consortia of one or more 97693  
school districts, community schools, and STEM schools led by one 97694  
or more educational service centers for designing and implementing 97695  
competency-based models of education for their students during the 97696  
2016-2017, 2017-2018, and 2018-2019 school years. 97697

(B)(1) A district, community school, STEM school, or 97698  
consortium shall submit an application to participate in the 97699  
Competency-Based Education Pilot Program to the Department not 97700  
later than November 1, 2015. The application shall be submitted in 97701  
a form and manner prescribed by the Department. 97702

(2) Not later than March 1, 2016, the Department shall select 97703  
not more than ten districts, schools, or consortia to participate 97704  
in the Program. The Department shall require a district, school, 97705  
or consortium to agree to an annual performance review conducted 97706  
by the Department as a condition of participating in the Program. 97707

(C) The competency-based education offered by a district, 97708  
school, or consortium selected to participate in the Program under 97709  
division (B) of this section shall satisfy all of the following 97710  
requirements: 97711

(1) Students shall advance upon mastery. 97712

(2) Competencies shall include clear, measurable, 97713  
transferable learning objectives that empower students. 97714

(3) Assessments shall be meaningful and a positive learning 97715  
experience for students. 97716

(4) Students shall receive timely, differentiated support 97717



based on their individual learning needs. 97718

(5) Learning outcomes shall emphasize competencies that 97719  
include application and creation of knowledge, along with the 97720  
development of work-ready skills. 97721

(6) It shall incorporate partnerships with post-secondary 97722  
institutions and members of industry. 97723

(D) A district, school, or consortium selected to participate 97724  
in the Program under division (B) of this section shall remain 97725  
subject to all accountability requirements in state and federal 97726  
law that are applicable to that district, school, or consortium. 97727

(E)(1) If a district is selected to participate in the 97728  
Program or is selected to participate in the Program as part of a 97729  
consortium under division (B) of this section, each student 97730  
enrolled in the district who is participating in competency-based 97731  
education shall be considered to be a full-time equivalent student 97732  
while participating in competency-based education for purposes of 97733  
funding under Chapter 3317. of the Revised Code, as determined by 97734  
the Department. 97735

(2) If a community school is selected to participate in the 97736  
Program or is selected to participate in the Program as part of a 97737  
consortium under division (B) of this section, each student 97738  
enrolled in the school who is participating in competency-based 97739  
education shall be considered to be a full-time equivalent student 97740  
while participating in competency-based education for purposes of 97741  
funding under Chapter 3314. of the Revised Code, as determined by 97742  
the Department. 97743

(3) If a STEM school is selected to participate in the 97744  
Program or is selected to participate in the Program as part of a 97745  
consortium under division (B) of this section, each student 97746  
enrolled in the school who is participating in competency-based 97747  
education shall be considered to be a full-time equivalent student 97748

while participating in competency-based education for purposes of 97749  
funding under Chapter 3326. of the Revised Code, as determined by 97750  
the Department. 97751

(F)(1) Not later than January 31, 2017, the Department shall 97752  
post on its web site a preliminary report that examines the 97753  
planning and implementation of competency-based education in the 97754  
districts, schools, and consortia selected to participate in the 97755  
Program under division (B) of this section. 97756

(2) Not later than December 31, 2018, the Department shall 97757  
post on its web site a report that includes all of the following: 97758

(a) A review of the competency-based education offered by the 97759  
districts, schools, and consortia selected to participate in the 97760  
Program under division (B) of this section; 97761

(b) An evaluation of the implementation of competency-based 97762  
education by the districts, schools, and consortia selected to 97763  
participate in the Program and student outcomes resulting from 97764  
that competency-based education; 97765

(c) A determination of the feasibility of a funding model 97766  
that reflects student achievement outcomes as demonstrated through 97767  
competency-based education. 97768

**Section 747.10.** The intent of the General Assembly, when 97769  
enacting Am. Sub. H.B. 394 of the 130th General Assembly, was to 97770  
amend section 4731.22 of the Revised Code. The inclusion of the 97771  
section in H.B. 394's first repeal clause (Section 2) as an 97772  
outright repeal was a typographical error. The General Assembly's 97773  
intent that section 4731.22 of the Revised Code be amended, rather 97774  
than repealed outright, is demonstrated in H.B. 394's title, the 97775  
first amending clause (Section 1), and the portion of the first 97776  
repeal clause (Section 2) that listed the section among other 97777  
Revised Code sections that were being repealed only to the extent 97778

that their existing versions were being replaced by amended 97779  
versions. This intent is further demonstrated by H.B. 394's 97780  
amendment of a future version of section 4731.22 of the Revised 97781  
Code, effective April 1, 2015 (Sections 3 and 4). 97782

**Section 749.10.** (A) Not later than ninety days after the 97783  
effective date of this section, the Public Utilities Commission 97784  
shall establish a collaborative process with all of the following, 97785  
to address the internet-protocol-network transition: 97786

(1) Incumbent local exchange carriers; 97787

(2) Any competitive local exchange carriers that are affected 97788  
by the transition; 97789

(3) The Office of the Ohio Consumers' Counsel; 97790

(4) Cable operators, as defined in section 1332.21 of the 97791  
Revised Code; 97792

(5) At the invitation of the Commission, other interested 97793  
parties and members of the General Assembly. 97794

(B) The collaborative process shall focus on the 97795  
internet-protocol-network transition processes underway at the 97796  
Federal Communications Commission and the issues of universal 97797  
connectivity, consumer protection, public safety, reliability, 97798  
expanded availability of advanced services, affordability, and 97799  
competition, including wholesale competition. The collaborative 97800  
process shall ensure that public education concerning the 97801  
transition is thorough. 97802

(C) The collaborative process shall include a review of the 97803  
number and characteristics of basic-local-exchange-service 97804  
customers in Ohio, an evaluation of what alternatives are 97805  
available to them, including both wireline and wireless 97806  
alternatives, and the prospect for the availability of 97807  
alternatives where none currently exist. The collaborative process 97808

shall embark on an education campaign plan for those customers' 97809  
eventual transition to advanced services. If the collaborative 97810  
process identifies residential basic-local-exchange-service 97811  
customers who will be unable to obtain voice service upon the 97812  
withdrawal or abandonment of basic local exchange service, the 97813  
Public Utilities Commission may find those customers to be 97814  
eligible for the process under division (B) of section 4927.10 of 97815  
the Revised Code, regardless of whether they have filed petitions 97816  
under that division. 97817

(D) The collaborative process shall, pursuant to the rules of 97818  
the Public Utilities Commission, respect the confidentiality of 97819  
any data shared with those involved in the process. 97820

(E) All officers, boards, or commissions of this state and 97821  
any political subdivision of this state shall furnish to the 97822  
Public Utilities Commission, upon request, any data or information 97823  
that will assist the commission in carrying out this section. 97824

**Section 751.10. INDEPENDENT PROVIDER STUDY** 97825

(A) As used in this section, "independent provider" means a 97826  
provider who provides any of the following services on a 97827  
self-employed basis and does not employ, directly or through 97828  
contract, another person to provide those services: 97829

(1) Aide services, as defined in section 5164.77 of the 97830  
Revised Code; 97831

(2) Nursing services, as defined in section 5164.77 of the 97832  
Revised Code; 97833

(3) Services covered by a home and community-based services 97834  
Medicaid waiver component, as defined in section 5166.01 of the 97835  
Revised Code; 97836

(4) Services covered by the Helping Ohioans Move, Expanding 97837  
(HOME) Choice demonstration component, as authorized by section 97838

5164.90 of the Revised Code. 97839

(B) It is the intent of the General Assembly to study the 97840  
issue of Medicaid provider agreements with independent providers 97841  
and to resolve the issue not later than December 31, 2015. 97842

**Section 751.20.** Not later than January 1, 2017, the Ohio 97843  
Department of Medicaid shall submit to the General Assembly, in 97844  
accordance with section 101.68 of the Revised Code, a report 97845  
evaluating the Medicaid program's effect on clinical care and 97846  
outcomes for the group described in section 97847  
1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 97848  
1396a(a)(10)(A)(i)(VIII), including the effects on physical and 97849  
mental health, health care utilization and access, and financial 97850  
hardship. 97851

**Section 757.10.** For the purpose of division (A)(18)(d) of 97852  
section 5709.93 of the Revised Code as enacted by this act, the 97853  
county auditor of each county shall certify to the Tax 97854  
Commissioner not later than July 31, 2015, the amount distributed 97855  
from the county library fund in 2014 to each public library that 97856  
received a distribution under section 5727.86 or 5751.21 of the 97857  
Revised Code in 2014. 97858

**Section 757.20.** For the purpose of sections 5709.92 and 97859  
5709.93 of the Revised Code as enacted by this act, a school 97860  
district, joint vocational school district, public library, or 97861  
local taxing unit may appeal a levy classification or any amount 97862  
used in the calculation of total resources as defined under those 97863  
sections. Such an appeal shall be filed in writing, including via 97864  
electronic mail, with the Tax Commissioner. Upon receiving such an 97865  
appeal, the Tax Commissioner shall make a determination of the 97866  
merits of the appeal and, if the appeal is upheld, make necessary 97867  
changes within the classifications or calculations. The 97868

determination of the Tax Commissioner is final and not subject to 97869  
appeal. After June 30, 2016, no changes shall be made in the 97870  
classifications or calculations. 97871

**Section 757.40.** The Tax Commissioner shall evaluate the 97872  
effectiveness of any measures the Commissioner uses to reduce 97873  
fraud with respect to the tax levied under section 5747.02 of the 97874  
Revised Code by requiring a taxpayer to verify information about 97875  
the taxpayer for the purpose of verifying the taxpayer's identity. 97876  
On or before August 30, 2016, the Commissioner shall submit a 97877  
report of that evaluation and recommended improvements to such 97878  
measures to the Speaker of the House of Representatives, the 97879  
President of the Senate, and each member of the House of 97880  
Representatives and Senate standing committees dealing primarily 97881  
with issues related to taxation. 97882

**Section 757.50.** (A) There is hereby created the Ohio 2020 Tax 97883  
Policy Study Commission to review the state's tax structure and 97884  
policies and make recommendations to the General Assembly on how 97885  
to maximize Ohio's competitiveness by the year 2020. The 97886  
Commission shall consist of the following members: 97887

(1) Three members of the House of Representatives appointed 97888  
by the Speaker of the House of Representatives who meet the 97889  
following requirements: 97890

(a) Two shall be members of the majority party, one of whom 97891  
shall be the Chairperson of the House Ways and Means Committee; 97892

(b) One shall be a member of the minority party. 97893

(2) Three members of the Senate appointed by the President of 97894  
the Senate who meet the following requirements: 97895

(a) Two shall be members of the majority party, one of whom 97896  
shall be the Chairperson of the Senate Ways and Means Committee; 97897

(b) One shall be a member of the minority party.	97898
(B)(1) The Speaker of the House of Representatives shall designate the Chairperson of the House Ways and Means Committee to serve as Chairperson of the Commission.	97899 97900 97901
(2) Members of the Commission shall serve without compensation or reimbursement.	97902 97903
(3) Vacancies on the Commission shall be filled in the same manner as original appointments.	97904 97905
(C) The Legislative Service Commission shall provide necessary services to the Commission.	97906 97907
(D) To aid in its review, the Commission shall utilize dynamic analytical tools. Not later than October 1, 2017, the Commission shall publish its findings and recommendations and submit its report to the members of the General Assembly. Upon submission of the report, the Commission shall cease to exist.	97908 97909 97910 97911 97912
<b>Section 757.60.</b> The Director of Transportation, in collaboration with the aviation industry and other interested parties, shall prepare draft legislation to require that all revenue from the sales and use tax on sales of aviation fuel be used exclusively for the purposes described in Section 399.15 of this act. The Director shall submit the draft legislation to the Ohio Aerospace and Aviation Technology Committee not later than June 30, 2016.	97913 97914 97915 97916 97917 97918 97919 97920
<b>Section 757.70.</b> (A) As used in this section:	97921
(1) "Certificate owner" and "qualified rehabilitation expenditures" have the same meanings as in section 149.311 of the Revised Code.	97922 97923 97924
(2) "Taxpayer," "tax period," "excluded person," "combined taxpayer," and "consolidated elected taxpayer," have the same	97925 97926

meanings as in section 5751.01 of the Revised Code. 97927

(3) "Pass-through entity" has the same meaning as in section 97928  
5733.04 of the Revised Code. 97929

(B) A taxpayer that is the certificate owner of a 97930  
rehabilitation tax credit certificate issued under section 149.311 97931  
of the Revised Code may claim a credit against the tax levied by 97932  
section 5751.02 of the Revised Code for tax periods ending on or 97933  
before June 30, 2017, provided that the taxpayer is unable to 97934  
claim the credit under section 5725.151, 5725.34, 5726.52, 97935  
5729.17, 5733.47, or 5747.76 of the Revised Code. 97936

The credit shall equal the lesser of twenty-five per cent of 97937  
the dollar amount of the qualified rehabilitation expenditures 97938  
indicated on the certificate or five million dollars. The credit 97939  
shall be claimed for the calendar year specified in the 97940  
certificate and after the credits authorized in divisions (A)(1) 97941  
to (4) of section 5751.98 of the Revised Code, but before the 97942  
credits authorized in divisions (A)(5) to (7) of that section. 97943

If the credit allowed for any calendar year exceeds the tax 97944  
otherwise due under section 5751.02 of the Revised Code, after 97945  
allowing for any other credits preceding the credit in the order 97946  
prescribed by this section, the excess shall be refunded to the 97947  
taxpayer. However, if any amount of the credit is refunded, the 97948  
sum of the amount refunded and the amount applied to reduce the 97949  
tax otherwise due for that year shall not exceed three million 97950  
dollars. The taxpayer may carry forward any balance of the credit 97951  
in excess of the amount claimed for that year for not more than 97952  
five calendar years after the calendar year specified in the 97953  
certificate, and shall deduct any amount claimed in any such year 97954  
from the amount claimed in an ensuing year. 97955

A person that is an excluded person may file a return under 97956  
section 5751.051 of the Revised Code for the purpose of claiming 97957



the credit authorized in this section. 97958

If the certificate owner is a pass-through entity, the credit 97959  
may not be allocated among the entity's owners in proportions or 97960  
amounts as the owners mutually agree unless either the owners are 97961  
part of the same combined or consolidated elected taxpayer as the 97962  
pass-through entity or the director of development services issued 97963  
the certificate in the name of the pass-through entity's owners in 97964  
the agreed-upon proportions or amounts. If the credit is allocated 97965  
among those owners, an owner may claim the credit authorized in 97966  
this section only if that owner is a corporation or an association 97967  
taxed as a corporation for federal income tax purposes and is not 97968  
a corporation that has made an election under Subchapter S of 97969  
Chapter 1 of Subtitle A of the Internal Revenue Code. 97970

The credit authorized in this section may be claimed only on 97971  
the basis of a rehabilitation tax credit certificate with an 97972  
effective date after December 31, 2013, but before June 30, 2017. 97973

A person claiming a credit under this section shall retain 97974  
the rehabilitation tax credit certificate for four years following 97975  
the end of the latest calendar year in which the credit was 97976  
applied, and shall make the certificate available for inspection 97977  
by the tax commissioner upon request. 97978

**Section 757.80.** The amendment by this act of section 5709.17 97979  
of the Revised Code applies to applications for exemption that are 97980  
pending on, or are filed on or after, the effective date of this 97981  
section. 97982

**Section 757.90.** The amendment by this act of sections 97983  
5727.031 and 5727.80 of the Revised Code are intended to clarify 97984  
and be declaratory of the law as it existed before such 97985  
amendments. 97986

**Section 759.10.** (A) The Director of Veterans Services shall 97987  
adopt rules as required by section 5101.98 (5902.05) of the 97988  
Revised Code as amended by this act. Upon the taking effect of 97989  
those rules, rules 5101:10-2-01 and 5101:10-2-02 of the 97990  
Administrative Code are void. 97991

(B) Pending the taking effect of rules adopted by the 97992  
Director of Veterans Services under division (A) of this section, 97993  
rules 5101:10-2-01 and 5101:10-2-02 of the Administrative Code 97994  
remain in effect, but the Director and Department of Veterans 97995  
Services, rather than the Director and Department of Job and 97996  
Family Services, shall administer the rules, and references in the 97997  
rules to the Director of Job and Family Services shall be read as 97998  
if they referred to the Director or Department of Veterans 97999  
Services. In applying the rules, the Director of Veterans Services 98000  
shall read the eligibility of an individual for a grant from the 98001  
Military Injury Relief Fund as if it had been expanded to include 98002  
individuals who served after October 7, 2001. 98003

**Section 767.10.** (A) There is hereby established the Local 98004  
Government Safety Capital Grant Program to be administered by the 98005  
Local Government Innovation Council created in section 189.03 of 98006  
the Revised Code. Under the program, the Council may award grants 98007  
to political subdivisions to be used for the purchase of vehicles, 98008  
equipment, facilities, or systems needed to enhance public safety. 98009  
Applications shall be submitted to the Development Services Agency 98010  
on a form specified by the Director of Development Services. The 98011  
Agency shall provide the application to the Council for evaluation 98012  
and selection. The Council shall award not more than one hundred 98013  
thousand dollars in total grants to an individual political 98014  
subdivision. 98015

(B) Grants awarded under this section shall be made from the 98016  
Local Government Safety Capital Fund, which is hereby created in 98017

the state treasury. The fund shall consist of money appropriated 98018  
to it. 98019

**Section 803.01.** The amendment by this act of section 718.01 98020  
of the Revised Code applies to municipal taxable years beginning 98021  
on or after January 1, 2016. 98022

**Section 803.03.** The amendment by this act of section 718.05 98023  
of the Revised Code applies to municipal taxable years beginning 98024  
on or after January 1, 2016. 98025

**Section 803.05.** The amendment of section 5124.67 of the 98026  
Revised Code is not intended to supersede the earlier repeal, with 98027  
delayed effective date, of that section. 98028

**Section 803.07.** The amendment by this act of section 5725.22 98029  
of the Revised Code applies to taxable years ending in and after 98030  
2016. 98031

**Section 803.70.** The amendment by this act of sections 98032  
5747.01, 5747.05, 5747.055, 5747.08, 5747.71, and 5747.98 of the 98033  
Revised Code applies to taxable years beginning on or after 98034  
January 1, 2015. 98035

**Section 803.130.** The repeal by this act of section 5747.29 of 98036  
the Revised Code applies to taxable years beginning on or after 98037  
January 1, 2015. 98038

**Section 803.140.** The amendment by this act of section 5713.30 98039  
of the Revised Code applies to tax year 2015 and every tax year 98040  
thereafter. 98041

**Section 803.160.** The amendment by this act of section 718.05 98042  
of the Revised Code is not intended to accelerate the application 98043

of the amendment of that section by H.B. 5 of the 130th General 98044  
Assembly as provided by Section 3 of that act. 98045

**Section 803.170.** The repeal by this act of section 5739.212 98046  
of the Revised Code applies to any tax or rate increase imposed 98047  
under section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or 98048  
5741.023 of the Revised Code on or after July 1, 2015. 98049

**Section 803.180.** The amendment or enactment by this act of 98050  
sections 5703.057, 5703.36, and 5703.361 of the Revised Code apply 98051  
on and after January 1, 2016. 98052

**Section 803.190.** The enactment by this act of section 5736.51 98053  
of the Revised Code applies to tax periods beginning on or after 98054  
July 1, 2015. 98055

**Section 803.200.** The amendment by this act adding division 98056  
(A)(32) to section 5747.01 of the Revised Code applies to taxable 98057  
years beginning on or after January 1, 2015. 98058

**Section 806.10.** The items of law contained in this act, and 98059  
their applications, are severable. If any item of law contained in 98060  
this act, or if any application of any item of law contained in 98061  
this act, is held invalid, the invalidity does not affect other 98062  
items of law contained in this act and their applications that can 98063  
be given effect without the invalid item of law or application. 98064

**Section 809.10.** An item of law, other than an amending, 98065  
enacting, or repealing clause, that composes the whole or part of 98066  
an uncodified section contained in this act has no effect after 98067  
June 30, 2017, unless its context clearly indicates otherwise. 98068

**Section 812.10.** Except as otherwise provided in this act, the 98069

amendment, enactment, or repeal by this act of a section is 98070  
subject to the referendum under Ohio Constitution, Article II, 98071  
section 1c and therefore takes effect on the ninety-first day 98072  
after this act if filed with the Secretary of State or, if a later 98073  
effective date is specified below, on that date. 98074

The amendment of sections 173.47, 5165.15, 5165.151, and 98075  
5165.23 of the Revised Code takes effect July 1, 2016. 98076

For multiple employer welfare arrangements that have a valid 98077  
certificate of authority from the superintendent of insurance on 98078  
the effective date of the amendments to section 1739.13 of the 98079  
Revised Code, the requirements imposed by that section as amended 98080  
by this act shall take effect two years from the effective date of 98081  
those amendments. 98082

The enactment of new section 5165.25 of the Revised Code 98083  
takes effect July 1, 2016. 98084

The repeal of sections 5165.25 and 5165.26 of the Revised 98085  
Code takes effect July 1, 2016. 98086

**Section 812.20.** The amendment, enactment, or repeal by this 98087  
act of the sections listed below is exempt from the referendum 98088  
under Ohio Constitution, Article II, section 1d and section 1.471 98089  
of the Revised Code and therefore takes effect immediately when 98090  
this act becomes law or, if a later effective date is specified 98091  
below, on that date. 98092

Sections 5709.92, 5709.93, 5727.84, 5727.85, 5727.86, 98093  
5751.20, 5751.21, and 5751.22 of the Revised Code and Sections 98094  
757.10 and 757.20 of this act take effect July 1, 2015. 98095

Sections of this act prefixed with section numbers in the 98096  
200s, 300s, 400s, 500s, and 600s. 98097

**Section 812.40.** Section 340.034 of the Revised Code takes 98098

effect September 15, 2016. 98099

**Section 815.10.** The General Assembly, applying the principle 98100  
stated in division (B) of section 1.52 of the Revised Code that 98101  
amendments are to be harmonized if reasonably capable of 98102  
simultaneous operation, finds that the following sections, 98103  
presented in this act as composites of the sections as amended by 98104  
the acts indicated, are the resulting versions of the sections in 98105  
effect prior to the effective date of the sections as presented in 98106  
this act: 98107

Section 109.572 of the Revised Code as amended by both Am. 98108  
Sub. H.B. 483 and Am. Sub. S.B. 143 of the 130th General Assembly. 98109

Section 122.85 of the Revised Code as amended by both Am. 98110  
Sub. H.B. 508 and Am. Sub. H.B. 510 of the 129th General Assembly. 98111

Section 124.181 of the Revised Code as amended by both Am. 98112  
Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly. 98113

Section 124.392 of the Revised Code as amended by both Am. 98114  
Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly. 98115

Section 125.48 of the Revised Code as amended by both Am. 98116  
Sub. H.B. 649 and Am. Sub. S.B. 144 of the 122nd General Assembly. 98117

Section 2151.421 of the Revised Code as amended by both Am. 98118  
Sub. H.B. 213 and Am. Sub. H.B. 483 of the 130th General Assembly. 98119

Section 3301.57 of the Revised Code as amended by both Am. 98120  
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. 98121

Section 3314.03 of the Revised Code as amended by Sub. H.B. 98122  
264, Sub. H.B. 362, Sub. H.B. 393, and Am. Sub. H.B. 487, all of 98123  
the 130th General Assembly. 98124

Section 3314.08 of the Revised Code as amended by both Am. 98125  
Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General Assembly. 98126

Section 3319.22 of the Revised Code as amended by both Am. 98127

Sub. H.B. 487 and Am. Sub. S.B. 3 of the 130th General Assembly.	98128
Section 3326.11 of the Revised Code as amended by Sub. H.B.	98129
264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th	98130
General Assembly.	98131
Section 3328.24 of the Revised Code as amended by Sub. H.B.	98132
264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th	98133
General Assembly.	98134
Section 3333.048 of the Revised Code as amended by both Sub.	98135
H.B. 484 and Am. Sub. S.B. 3 of the 130th General Assembly.	98136
Section 3333.0411 of the Revised Code as amended by both Am.	98137
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	98138
Section 4301.102 of the Revised Code as amended by both Am.	98139
Sub. S.B. 162 and Am. Sub. S.B. 188 of the 121st General Assembly.	98140
Section 5104.09 of the Revised Code as amended by both Am.	98141
Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	98142
Section 5104.38 of the Revised Code as amended by both Am.	98143
Sub. S.B. 316 of the 129th General Assembly and Am. Sub. H.B. 483	98144
of the 130th General Assembly.	98145
Section 5739.99 of the Revised Code as amended by both Am.	98146
Sub. H.B. 143 and Sub. S.B. 200 of the 124th General Assembly.	98147
Section 5747.113 of the Revised Code as amended by both Am.	98148
Sub. H.B. 59 and Am. H.B. 112 of the 130th General Assembly.	98149